

## **The United Nations' Advantages Against Its Disadvantages During A Conflict Situation**

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### **ABSTRACT**

Despite having participated in more than 70 programs in improving lives,strengthening peace and security across the globe,fighting climate change and protecting human rights; the United Nations is still a centre for criticism because of some serious failures based on its structure which disables it to compromise on one particular issue or failing because of conflict of interest that has always been a problem to the whole system. The veto power in addition has been a selective and selfish weapon to overcome the world, this fact has created a way of doubting UN credibility throughtout the rest of world excluding The United Nations Security Council permanent five ofcourse.

**Key words:** The United Nations,The veto power,The UN Security council,Human rights,Conflicts

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### **INTRODUCTION**

On April 18, 1946, the League Assembly prorogated after initiating the necessary steps to conclude the end of the League of Nations and alienate its properties and assets to the United Nations. On August 1 of the same year in Geneva this transfer was concluded.

The United Nations has four purposes: to maintain international peace and security; to develop friendly relations among nations; to cooperate in solving international problems and in promoting respect for human rights; and to be a Centre for harmonizing the actions of nations. All these purposes are served in more than 30 affiliated organizations and this is known as the UN systems.

The League of Nations as created after the world war one in 1920 was aiming to deal with disputes among nations, to prevent war, to protect the independence of countries and safeguard their borders; to encourage each country to reduce its armaments. The aim has not been attained after having failed to stop the Second World War and this is the real reason it has been appeared weak and replaced by the UN; the problem here is: Has the UN been better than the League of Nations?

Some reasons of the failure of the League of Nations in comparison with the so-called success of the UN are that: Many important countries including USA did not join the League of Nations and some other countries like Italy, Japan, Germany withdrew from the League plus the USSR which was expelled in 1939 whereas in the UN almost every country in the world is there, at the League of Nations a number of nations walked out when they did not agree which is contrary to the UN system where there is no such provision under the UN charter even if a member State maybe expelled, the third reason is that the League of Nations had no army to stop war whereas under the UN system members provide army force for a special task.

The UN since its creation did not meet easy work since it had to face cold war where communist countries in the system were against non-

communist ones. And the UN was nothing but a battleground of this kind of war. The UN was limited by this cold war to the level that UN peacekeeping efforts were focused only where the national interest of superpowers was not in conflict.<sup>1</sup> With the end of the Cold War era, it was expected that both interstate and intrastate conflicts would decline. The end of the Cold War reduced the typical East-West ideological competitions that often instigated both intrastate and interstate disputes. Surprisingly though, these crises and conflicts are not disappearing as much as multiplying, and evolving in different forms. Immediately after the end of the Cold War, in the 1990s, there was an upsurge in United Nations (UN) involvement in peacekeeping, peace building, peacemaking, and even reconstruction of war-ravaged states. These activities placed constraints on the UN budget and resources. The UN burden of trying to contain conflicts is made heavier by global financial crises, a sense of international fatigue and the massive cost of activities around the aftermath of conflicts.<sup>2</sup>

Despite much efforts that UN does not cease to show; the truth is, the side effects are growing further and further. In this article we will analyze UN's involvement in international conflicts.

## **I. The United Nations' contribution to international peace and security**

Over the past six decades, the UN has sent 69 peacekeeping and observer missions to the most troubled area around the world, this fact enabled the UN to restore calm and helped countries to recover from conflict. In this part we will analyze the role of UN in restoring peace.

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<sup>1</sup> Cold war and the UN found at <http://www.crf-usa.org/america-responds-to-terrorism/united-nations-fifty-years> accessed on 12 July 2017

<sup>2</sup> J. Ododa Opiyo, **The challenges of preventive diplomacy: The United Nations' post-Cold War experiences in Africa, Mogadisho,**

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### **1 Making Peace**

Since the 1990s, there has been an end of many conflicts brought to an end either through UN mediation or the action of third parties acting with UN support. Some examples include Sierra Leone, Liberia, Burundi, the north-south conflict in the Sudan and Nepal. Research credits UN peacemaking, peacekeeping and conflict prevention activities as a major factor behind a 40-per cent decline in conflict around the world since the 1990s. UN preventive diplomacy and other forms of preventive action have defused many potential conflicts.<sup>3</sup>

#### **1.1 Sierra Leone**

In 1999, UN peacekeepers were sent to Sierra Leone to oversee a feeble peace process which included monitoring a shaky ceasefire and supporting a transition to democratic governance. Since then, the UN has helped the war-ravaged country to make impressive gains towards peace, demonstrating how the world body can respond to the needs and demands of countries emerging from conflict in a rapidly changing global environment.<sup>4</sup>

UNAMSIL (The UN Mission in Sierra Leone) monitored and trained dozens of Sierra Leoneans in human rights and was instrumental in setting up the Special Court for Sierra Leone to try those most responsible for war crimes. The mission also assisted the government in setting up a Truth and Reconciliation Commission, tasked with healing the wounds of war by bringing together perpetrators and victims of atrocities.<sup>5</sup>

Sierra Leone is widely regarded as a peacekeeping success story. At the request of the government of Burundi, the UN plans to replicate the UNIOSIL model for peace consolidation in Burundi, and both countries have been chosen as the first “clients” of the newly established Peace building Commission. At its first-ever country-

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<sup>3</sup> <http://www.un.org/un70/en/content/70ways>

<sup>4</sup> Major peacekeeping operations, year in review 2005, p1.

<sup>5</sup> id

specific meeting on 13 October 2006, the government of Sierra Leone presented its proposals to the commission, where it was decided to recommend support to the country from the newly established peace building fund.<sup>6</sup>

### **1.2 Liberia**

The UN Mission in Liberia (UNMIL), with a 15,000 strong peacekeeping force, played a critical role in all facets of the elections. It provided the National Elections Commission (NEC), which conducted the elections, with technical advice and gave extensive logistical assistance, which enabled the NEC to cover all parts of the country in the face of a destroyed infrastructure and virtually no means of communication.<sup>7</sup>

UNMIL provided security throughout the elections process. Despite security concerns as well as lack of accommodation and office space in areas where electoral staff were deployed, UNMIL gradually overcame these difficulties, setting up electoral offices throughout the country.<sup>8</sup>

### **1.3 Burundi**

The UN's work in Burundi in 2005 may be considered a success in peacekeeping and a vital demonstration of the importance of strong and sustained international support for a nascent post-conflict democracy. Established in June 2004 to support a political transition to an era of democracy and national reconciliation, the UN Operation in Burundi (ONUB) in 2005 conducted intense electoral assistance activities culminating in the presidential election of 19 August.

The success of the peace process led to an influx of some 55,000 Burundian refugees in 2005 mainly from Tanzania, and thousands of internally displaced persons also returned to their communities of

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<sup>6</sup> UN Integrated Office in Sierra Leone (UNIOSIL), Sierra Leone mission note, p.286

<sup>7</sup> Ibid, p.4

<sup>8</sup> id

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origin. UN agencies made significant contributions to help the country address this new challenge. The UN refugee agency, UNHCR, supported the returns and rehabilitated and built schools, houses and health centres.<sup>9</sup>

Despite all this UN's contribution, the situation in Burundi turned down to worse since Burundian refugees are estimated at 430,029<sup>10</sup> after President Nkurunziza retook the power since 2015.

### **1.4 The north-south conflict in the Sudan**

By 2005, the International Commission of Inquiry on Darfur, set up by UN Security Council Resolution 1564, found that war crimes were being committed in Darfur. Khartoum and the SLM/A signed the Abuja Peace Agreement in 2006, and the African Union deployed a peacekeeping mission (later replaced by the joint United Nations-African Union Mission in Darfur, UNAMID) but fighting continued.<sup>11</sup>

In January 2011, a referendum in the South, stipulated by the Comprehensive Peace Agreement, resulted in an overwhelming vote in favor of partition. International efforts led in June 2011 to the signing of an Agreement on Border Security and the Joint Political and Security Mechanism by the two parties and to the United Nations Security Council's adoption of Resolution 1900, which set up the United Nations Interim Security Force for Abyei (UNISFA). That force, which would be staffed by 4,200 Ethiopian Blue Helmets, was supposed to monitor and verify the redeployment of the northern and southern armies, the SAF and SPLA, outside the territory as called for

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<sup>9</sup> *Id.*,p.6

<sup>10</sup> Burundi situation found at <https://data2.unhcr.org/en/situations/burundi> accessed on 13 July 2017

<sup>11</sup> Marina Ottaway and Mai El-Sadany,sudan: from conflict to conflict, Carnegie Endowment for International Peace Publications Department,, Washington, D.C.,May 2015,p19

in the agreement; it was also supposed to help the Abyei Police Service.<sup>12</sup>

The United Nations Mission in South Sudan, which has a mandate until July 8, 2012, to support South Sudan's government in its state-building and economic development efforts, launched in December a significant humanitarian effort and deployed a battalion in Pibor to control the clashes.<sup>13</sup>

### **1.5 Nepal**

Nepal's human rights situation deteriorated sharply during its ten-year long internal armed conflict between 1996 and 2006, with thousands of extrajudicial executions, enforced disappearances, torture and rape. Maoist insurgents were also responsible for killings, abductions, torture and extortion. Thousands of children were used for military purposes by the Maoist insurgents. Those committing human rights abuses, whether security forces or Maoist fighters, have so far avoided any accountability.<sup>14</sup>

In the absence of effective accountability in the country and the Nepal government's failure to conduct effective vetting, national and international non-government organizations (NGOs) started looking at the international level to create pressure to bring an end to impunity. A concerted effort by INGOs and NGOs to make appeals to the UN Secretary-General and the UN Department of Peacekeeping Operations (DPKO) started around mid-March 2005, in the immediate aftermath of the royal coup.<sup>15</sup>

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<sup>12</sup> Ibid,p.12

<sup>13</sup> Ibid,p.17

<sup>14</sup> Advocacy Forum and Human Rights Watch-Nepal, "Waiting for Justice", September 2008, p. 9.

<sup>15</sup> Amnesty International, "Nepal: Military assistance contributing to grave human rights violations", June 2005, available at:

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The conflict took a turn after king Gyanendra took power in the February 2005 royal coup and the subsequent crackdown on the press, human rights activists and political party leaders. This was the time when leaders began to call publicly for international intervention, resulting in the establishment of the largest field office of the UN OHCHR in Nepal in April 2005. Unprecedented public protest led to the ultimate ousting of the king in April 2006.<sup>16</sup>

The Comprehensive Peace Agreement (CPA) of November 2006 provided for the establishment of a Constituent Assembly (to draw up a new Constitution). It also promised the establishment of a Truth and Reconciliation Commission and a Commission of Inquiry on Disappearances to address the concerns of the thousands of victims and their families.<sup>17</sup>

Despite a lot of claims against UN peacekeepers of rape and sexual violence, the UN contributed much more in the Nepal's conflict resolutions.

### **II.2 consolidating peace**

World War I and World War II brought the formation of two organizations: the League of Nations in 1920 and the United Nations in 1945 respectively. The United Nations Peace building Commission supports peace efforts in countries emerging from conflict. It brings together international donors, international financial institutions, governments and troop-contributing countries, helps marshal

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<http://www.amnesty.org/ar/library/asset/ASA31/047/2005/en/a6772182-d4e4-11dd-8a23-d58a49c0d652/asa310472005en.pdf>.

<sup>16</sup> OHCHR-Nepal, "Human Rights in Nepal. One Year after the Comprehensive Peace Agreement", December 2007, p. 23.

<sup>17</sup> Ms. Mandira Sharma, "Strengthening the rule of law through the United Nations Security Council: Transitional Justice and Vetting from the Perspective of TCC", Workshop held at the Australian National University on 8 & 9 December 2011 by the Australian Government's Australian Civil-Military Centre and the ANU Centre for International Governance and Justice



resources, and proposes actions for peace building and recovery. The United Nations Peace building Fund supports 222 projects in 22 countries by delivering fast and flexible funding.<sup>18</sup>

The most obvious of the UN's advantages is that it is the world's only global organization with unparalleled legitimacy. Though this legitimacy may be strained at times and be different in different parts of the world, there is still no substitute for the moral authority and convening power of the UN. A second advantage is the very breadth of the UN system. The UN system, though unwieldy and lacking any real command and control system, is still joined up in many ways, with the Secretariat and the various agencies, funds and programs involved in almost every conceivable issue. Only the UN can both mediate, start-up and manage a peacekeeping operation, raise funds and deliver humanitarian assistance, and lead a process for longer-term reconstruction and development. Seen in its best light, the UN is a one-stop shop offering at least the possibility that this will lead to a better coordinated international response.<sup>19</sup>

There are also other advantages that the UN Secretariat should have, but does not. The first is institutional memory. Despite being the world's pre-eminent international mediator for six decades, there is very little knowledge of past experience, let alone a good system for ensuring that lessons are well learned. What memory there is rests in individual people rather than in the organization itself and these people are few and far between. The UN should have a second advantage over others, in being able to draw from a pool of able mediators, able diplomats with a good understanding of the UN system as well. But whilst there are senior diplomats who have worked for the UN more than once, there are virtually no experienced

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<sup>18</sup> <http://www.un.org/un70/en/content/70ways>

<sup>19</sup> Thant Myint-U, *The UN as Conflict Mediator: First Amongst Equals or the Last Resort?* International Peace Academy (IPA) found at [www.ipacademy.org/pdf](http://www.ipacademy.org/pdf)

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in-house mediators, in particular at a middle-level, who can be called upon to lead or support negotiations.<sup>20</sup>

### **II.3 Preventing Nuclear Proliferation**

For over five decades, the International Atomic Energy Agency (IAEA) has served as the world's nuclear inspector. IAEA experts work to verify that safeguarded nuclear material is used only for peaceful purposes. To date, the Agency has safeguards agreements with more than 180 States.<sup>21</sup>

Several international bodies are linked to the UN framework as part of the implementation mechanism for disarmament – for example, the IAEA in Vienna and the Organization for the Prohibition of Chemical Weapons (OPCW) at The Hague.<sup>22</sup> In addition, there are the mechanisms established with specific mandates associated with Council decisions in the aftermath of the UN-authorized action in response to Iraq's invasion of Kuwait. In 1999, the Council created the UN Monitoring, Verification and Inspection Commission (UNMOVIC) to replace the UN Special Commission (UNSCOM). The Council mandated UNMOVIC with verifying the disarmament of the weapons of mass destruction in Iraq under Security Council resolutions 687, 1284, and 1441. Previously, UNSCOM had succeeded in determining the extent of the Iraqi WMD (weapon(s) of mass destruction) program and in disarming Iraq without the cooperation of the Iraqi government. It also oversaw the destruction of missiles and Iraq's chemical warfare agent arsenal.<sup>23</sup>

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<sup>20</sup> *ibidem*

<sup>21</sup> <http://www.un.org/un70/en/content/70ways>

<sup>22</sup> Jonathan Power, "Turning a Blind Eye to Nukes: The U.S. and Saudi Arabia?" *International Herald Tribune*, 4 August 2004.

<sup>23</sup> Ramesh Thakur and Waheguru Pal Singh Sidhu, eds, *The Iraq Crisis and World Order: Structural, Institutional and Normative Challenges* (Tokyo: United Nations University Press, 2006); Waheguru Pal Singh Sidhu and Ramesh Thakur, *Arms Control After Iraq* (Tokyo: United Nations University Press, 2006).

The international inspection record in Iraq prior to 2003 has important implications for the United Nations and future efforts to foster disarmament. UNSCOM did a very good job. Despite all the cat-and-mouse games, obfuscation, subversion, and evasion by Iraq, UNSCOM succeeded in mapping large parts of Iraq's WMD programs between 1991 and 1998.<sup>24</sup>

Although critics are more than appreciations the UN's contribution to the nuclear proliferation is still unescapable need.

## II.4 Clearing Landmines

According to the International Campaign to Ban Landmines (ICBL):<sup>25</sup>

*“Landmines are now a daily threat in Afghanistan, Angola, Bosnia, Cambodia, Chechnya, Croatia, Iraq, Mozambique, Nicaragua, Somalia, and dozens of other countries. Mines recognize no cease-fire and long after the fighting has stopped they continue to maim or kill. Mines also render large tracts of agricultural land unusable, wreaking environmental and economic devastation. Refugees returning to their war-ravaged countries face this life-threatening obstacle to rebuilding their lives*

*Those who survive the initial blast usually require amputations, long hospital stays, and extensive rehabilitative services. In Cambodia alone there are over 35,000 amputees injured by landmines--and they are the survivors. Many others die in the fields from loss of blood or lack of transport to get medical help. Mine deaths and injuries in the past few decades total in the hundreds of thousands.”*

According to International Mine Action Standards (IMAS)<sup>26</sup>, a (land) mine is a ‘munition designed to be placed under, on or near the ground

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<sup>24</sup> “Taipei Held Nuke Experiments as Late as Mid-1980s,” Japan Times, 14 October 2004, and “Concern over Taiwan Nuclear Ambitions,” Japan Times, 17 October 2004.

<sup>25</sup> A note on landmines found at <http://www.icbl.org/> accessed on 10 July 2017

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or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle’.

The United Nations helps to clear landmines in some 30 countries or territories, including Afghanistan, Colombia, the Democratic Republic of the Congo, Libya and the Sudan. Landmines kill or maim thousands of civilians every year. The UN also teaches people how to stay out of harm's way, helps victims to become self-sufficient, assists countries in destroying stockpiled landmines and advocates for full international participation in treaties related to landmines.<sup>27</sup>

The United Nations is mandated to have a role in mine action by votes in the UN Security Council. A number of UN agencies contribute to mine action through the provision of technical assistance<sup>28</sup> and assistance in fund-raising.

### **II.5 Supporting Disarmament**

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<sup>26</sup> The United Nations has a general responsibility for enabling and encouraging the effective management of mine action programmes, including the development and maintenance of standards. UNMAS is the office within the United Nations Secretariat responsible for the development and maintenance of international mine action standards (IMAS). The work of preparing, reviewing and revising these standards is conducted by technical committees, with the support of international, governmental and non-governmental organizations. The latest version of each standard,

together with information on the work of the technical committees, can be found at [www.mineactionstandards.org](http://www.mineactionstandards.org) (source: IMAS Glossary of Terms).

<sup>27</sup> See <http://www.un.org/un70/en/content/70ways>

<sup>28</sup> In many cases this technical assistance consists of provision of expatriate technical advisors – usually ex-military engineers or bomb disposal officers.

The history of UN start with disarmament mainly because it was a result of the aftermath of the world war one. Brief history goes this way:<sup>29</sup>

24 OCTOBER 1945. The United Nations Charter enters into force. The Charter contains two references to disarmament (Articles 11 and 47) and urges the “least diversion for armaments” of the world’s human and economic resources (Article 26).

24 JANUARY 1946. The first resolution adopted by the United Nations General Assembly creates a United Nations Atomic Energy Commission and sets forth the goal of eliminating all weapons “adaptable to mass destruction”.

14 DECEMBER 1946. The General Assembly adopts a resolution urging the Security Council to formulate practical measures “for the general regulation and reduction of armaments and armed forces”.

11 JANUARY 1952. General Assembly establishes the Disarmament Commission to draft treaties for: (a) the “regulation, limitation, and balanced reduction of all armed forces and all armaments”; (b) the elimination of all weapons adaptable to mass destruction; and (c) the peaceful uses of nuclear energy.

20 NOVEMBER 1959. General Assembly first identifies the goal of “general and complete disarmament under effective international control”.

The United Nations, since its creation, has sought two parallel and mutually reinforcing goals: the elimination of weapons of mass destruction (biological, chemical and nuclear) and the regulation of conventional arms (in particular, the illicit trade in small arms). It

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<sup>29</sup> Melissa Gillis, Disarmament: a basic guide, 3<sup>rd</sup>.edu., united nations, New york, 2012, p.99

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deals with these issues through its most important organs and their subsidiaries.<sup>30</sup>

The United Nations pursues global disarmament and arms limitation as central to peace and security. It works to reduce and eventually eliminate nuclear weapons, destroy chemical weapons, strengthen the prohibition against biological weapons, and halt the proliferation of landmines, small arms and light weapons. UN treaties are the legal backbone of disarmament efforts: the Chemical Weapons Convention has been ratified by 190 States, the Mine-Ban Convention by 162 and the Arms Trade Treaty by 69. At the local level, UN peacekeepers often work to implement disarmament agreements between warring parties. In El Salvador, Sierra Leone, Liberia and elsewhere, this has entailed demobilizing combat forces as well as collecting and destroying their weapons as part of an overall peace agreement.<sup>31</sup>

### **II.6 Combating Terrorism**

The Security Council adopted three necessary resolutions, 1368, 1373 and 1377 after the attacks on the World Trade Center and the Pentagon. These resolutions affirmed the right of self-defense, found terrorism to be a threat to international peace and security, and emphasized the accountability of the supporter as well as the perpetrator of terrorist acts. They obliged member states to limit the ability of terrorists and terrorist organizations to operate internationally by freezing assets of terrorist-affiliated persons and organizations and denying them safe haven, among other things.

The Security Council has established a Counter Terrorism Committee (CTC) to oversee implementation of Security Council Resolution 1373, and much more is involved than word and good intentions. Member states sent these reports to the CTC in December 2001 stating the steps

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<sup>30</sup> Melissa, p.100

<sup>31</sup> 70 ways UN make a difference found at <http://www.un.org/un70/en/content/70ways> accessed on 10 July 2017.

they are taking to fight terrorism. These reports included progress in seven critical areas: legislation, financial asset controls, customs, immigration, extradition, law enforcement and arms traffic.<sup>32</sup>

Governments coordinate their counter-terrorism efforts through the United Nations. In 2006, they adopted at the UN the first-ever global strategy to counter terrorism. UN agencies and programs have helped countries to put in practice the global strategy, providing legal assistance and promoting international cooperation against terrorism. The UN has also put in place a legal framework to combat terrorism. Fourteen global agreements have been negotiated under UN auspices, including treaties against hostage-taking, aircraft hijacking, terrorist bombings, terrorism financing and nuclear terrorism.<sup>33</sup>

## **II.7 Preventing Genocide**

The United Nations brought about the first-ever treaty to combat genocide acts committed with the intent to destroy a national, ethnical, racial or religious group. The 1948 Genocide Convention has been ratified by 146 States, which commit to prevent and punish actions of genocide in war and in peacetime. The UN tribunals for Yugoslavia and Rwanda, as well as UN-supported courts in Cambodia, have put would-be genocide perpetrators on notice that such crimes would no longer be tolerated. The Holocaust and the United Nations Outreach Programme seeks to remind the world of the lessons to be learnt from the Holocaust in order to help to prevent future acts of genocide. The Secretary-General's Special Adviser on the Prevention of Genocide monitors dangerous situations, brings them to the attention of the

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<sup>32</sup> Anthony H. Cordesman & Arleigh A. Burke , *The Role of the United Nations in Fighting Terrorism*, Center for Strategic and International Studies, Washington, June 18, 2002, pp 3-4.

<sup>33</sup> See more at: <http://www.un.org/un70/en/content/70ways>

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Secretary-General and the Security Council, and recommends action.<sup>34</sup>

In 1996, at Rwanda's request, the Council terminated UNAMIR's mandate. In 1999, an independent inquiry commissioned by the Secretary-General found that responsibility for the failure to stop the genocide was shared by the UN Secretariat, the Security Council and the member states. He expressed deep remorse over the United Nations failure to stop the genocide, and restated his commitment to make sure the Organization never again fails to stop mass slaughter.

Under Chapter VII, the Council has established international tribunals to prosecute persons accused of serious violations of international humanitarian and human rights law, including genocide. Many of the recently established peacekeeping operations have been authorized by the Council under Chapter VII, meaning the peacekeepers may use force if needed to implement their mandates.<sup>35</sup>

The United Nations has given impetus to an unprecedented codification of international law. Human rights pertaining to women, children, prisoners, detainees and mentally disabled persons, as well as to such violations as genocide, racial discrimination and torture, are now a major feature of international law, which once focused almost exclusively on inter-state relations.<sup>36</sup>

### **II.8 Combating Sexual Violence in Conflict**

Today, in more than 30 conflict situations worldwide, more than 250,000 young persons under 18 are ruthlessly exploited as soldiers; some as young as seven or eight, girls as well as boys. More than 2 million children have been killed in wars and civil strife, and 6 million

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<sup>34</sup> id

<sup>35</sup> The United Nations, The United Nations today, United Nations Department of Public Information, New York, 2008, p.74

<sup>36</sup> Ibidem, 250



have been maimed or permanently disabled. Thousands of girls are subject to rape and other forms of sexual violence and exploitation, while boys and girls are being abducted from their homes on an unprecedented scale. Still others have been orphaned by war or separated from their parents.<sup>37</sup>

According to UN Action Against Sexual Violence, “Conflict-Related Sexual Violence (CRSV) refers to incidents or (for SCR 1960 listing purposes) patterns of sexual violence, that is rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity<sup>38</sup>, against women, men, girls or boys”. Such incidents or patterns occur in conflict or post-conflict settings or other situations of concern<sup>39</sup> (e.g., political strife).

Rape has increasingly been used as a weapon of war. An estimated 60,000 women were raped during the civil war in Sierra Leone (1991-2002), up to 60,000 in the former Yugoslavia (1992-1995), up to 250,000 during the genocide in Rwanda (1994), more than 40,000 in Liberia (1989-2003) and at least 200,000 in the Democratic Republic of the Congo since 1998. Sexual violence has characterized conflicts from Afghanistan to Iraq and from Somalia to Syria. The Secretary-General’s Special Representative on Sexual Violence in Conflict has helped countries develop and implement laws that criminalize wartime rape and end impunity for perpetrators; helped countries devise

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<sup>37</sup> Ibidem,270

<sup>38</sup>E.g. sexual mutilation, emasculation and branding, forced marriage/abortion/incest, etc.

<sup>39</sup> Situations of political unrest, including pre and post-electoral violence as witnessed in Kenya, Guinea and Côte d’Ivoire., where reports suggest that sexual violence was used to serve political ends and to target opponents, are relevant even when they do not reach the threshold of armed conflict. These can be considered ‘other situations of concern’ in the sense of the UN Charter. Sexual violence as part of the repertoire of political repression also warrants analysis from the perspective of early-warning and prevention.

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programs that assist victims to rebuild their lives; provided training for police officers, prosecutors and judges so they are better equipped to address such crimes; and supported the development of specialized units of female police officers that investigate allegations of wartime rape.<sup>40</sup>

The UN Security Council has specifically mandated UN peacekeeping operations (e.g. MINUSCA, MINUSMA, MONUSCO, UNAMID, UNMISS and UNOCI) to address CRSV; linking protection of civilians (PoC) to also include all forms of sexual violence. These mandates<sup>41</sup> specifically highlight, for e.g.:

- a. Provision of specific protection for women and children affected by armed conflict including through the deployment of Child Protection Advisors and Women's Protection Advisors (WPA);
- b. Monitoring, help investigating, reporting and preventing on violations and abuses committed against children as well as violations committed against women, including all forms of sexual violence in armed conflict; and,
- c. Contribute to efforts to identify and prosecute perpetrators.

## **II. WEAKNESS AND FAILURE OF THE UNITED NATIONS**

As we started saying in the abstract UN has been important in different areas but its side effects did not cease to happen. In this section we will analyze its weakness and failures that have already happened and still happening.

The maintenance of international peace and security is the greatest challenge of the United Nations (UN). The judgment is only based on how well it fulfills this target. It is, however, important to remember that this organization was created to maintain peace not only by

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<sup>40</sup> <http://www.un.org/un70/en/content/70ways>

<sup>41</sup> DPKO/DFS Specialized Training Materials, Prevention and Response to Conflict-Related Sexual Violence, 2008, p.3

preventing and resolving armed conflicts, but also by promoting economic and social progress and development.<sup>42</sup>

## 1. TERRORISM

Several important themes emerged from the discussion of terrorism as a cause and consequence of human rights violations. The UN does face many critical problems in transforming its resolutions, and the efforts of its agencies, into effective actions. Far too often international reality is very different from international rhetoric and UN resolutions. The world is deeply divided over who is a terrorist and what actions are really terrorism. Some nations use their support of violent extremists as a political weapon; others legitimately support movements and causes that use terrorist methods in asymmetric warfare. Some states seek to use counterterrorism to win political leverage, and defeat their enemies by labeling them as “terrorists.”<sup>43</sup>

Many international experts agree that “modern” terrorism began with the 1968 hijacking of El Al Israel Flight 426 by a Palestinian terrorist organization. The United Nations condemned the action, but failed to take any further action. These terrorist acts continued throughout the remainder of the twentieth century, with no reaction from the UN; a simple condemnation was as far as they would go. With the 9/11 terrorist attacks, the UN finally took action, outlawing terrorism and punishing those responsible for the attacks. Unfortunately, this applied only to Al Qaeda and the Taliban. State-funded terrorist programs such as Hamas, Hezbollah, and Mossad were unaffected. Nations that support groups that are widely linked to terrorism, such as Iran, are not held accountable specifically for these actions. To this date, the

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<sup>42</sup> Roger A. Coate, *The Future of the United Nations, US Policy and the Future of the UN*, New York, The Twentieth Century Fund Press, 1994, p. 5.

<sup>43</sup> See Anthony H. Cordesman & Arleigh A. Burke, p.6

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UN still does not have a clear definition of terrorism, and they have no plans to pursue one.<sup>44</sup>

### **2. Non-proliferation**

What is the meaning of asking any question about nuclear proliferation to UN where all the permanent members of the UN Security council lead the list of atomic bombs owners?

It is nonsense to ask and unprofessional to hope that this same UN will step ahead to support nuclear non-proliferation.

At the creation of the UN in 1945, the United States was the only nation in the world to own and test nuclear weapons. In 1970, the nuclear non-proliferation treaty was signed by 190 nations, including five nations that admitted to owning nuclear weapons: France, England, Russia, China, and the US.

Despite this treaty, nuclear stockpiles remain high, and numerous nations continue to develop these devastating weapons, including North Korea, Israel, Pakistan, and India. The failure of the non-proliferation treaty details the ineffectiveness of the United Nations, and their inability to enforce crucial rules and regulations on offending nations.<sup>45</sup>

According to non-proliferation treaty nuclear arms production is intended to be stopped. The question is; what will the already existing one serve?

### **3. SRI LANKA**

Sri Lanka, an island nation situated in the Indian Ocean, is unfortunately not solely known for its beautiful landscapes, beaches, and the hospitality of its people. The country is sadly more known for

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<sup>44</sup> Ten failures of the UN at <http://listverse.com/2013/01/28/top-10-failures-of-the-united-nations-2/> accessed on 12 July 2017.

<sup>45</sup> Idem

the vicious civil war that cost more than 150,000 lives; less is known to the wider public of the violent clampdown of two inter-ethnic riots, two brutal abatements of Marxist uprisings, ethnically motivated pogroms, countless incidents of torture, extra-judicial killings, and enforced disappearances Sri Lanka has the second highest number of disappearances in the world, after Iraq.<sup>46</sup>

The small island nation of Sri Lanka experienced a bloody civil war lasting from 1983 to 2009, pitting the militant, separatist Tamil Tigers against government forces. In the final months of the war, the opposing sides were fighting in the heavily populated northeast coastline, a designated safe zone.

The fighting forced 196,000 people to flee, and trapped over 50,000 civilians. Independent experts urged the Human Rights Council of the UN to investigate claims of war crimes, and UN Secretary-General Ban Ki-Moon acknowledged being “appalled” by the situation, but the United Nations made no attempts to intervene on behalf of the civilian population. From January to April of 2009, over 6,500 civilians were killed in this so-called “safe-zone”.

#### **4. Child Sex Abuse Scandal**

*‘When peacekeepers exploit the vulnerability of the people they have been sent to protect, it is a*

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<sup>46</sup> Why Sri Lanka does not trust UN found at <http://thediplomat.com/2016/08/why-sri-lanka-doesnt-trust-the-un/> accessed on 11 July 2017.

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*Fundamental betrayal of trust. When the international community fails to care for the victims or to hold the perpetrators to account, that betrayal is compounded.’’<sup>47</sup>*

Many nations plead for support from the United Nations in times of desperation and war. To the oppressed, the blue helmets of UN peacekeepers represent stability and safety. Unfortunately, this was not the case in numerous countries in the 1990s. Reports from Bosnia, Kosovo, Cambodia, Haiti, Nepal and Mozambique revealed a shocking trend; areas with peacekeeping forces saw a rapid rise in child prostitution. Often, soldiers would reward the children with candy or small sums of money, so they could claim the sexual relationship was prostitution rather than rape. Senior officials in the United Nations refused to condemn the peacekeepers, as they feared this public shaming would discourage nations from joining peacekeeping forces.

When the UN receives a report of a human rights violation, it has a duty under the UN's human rights policy framework to investigate, report, and follow up on those violations. These are interrelated obligations which are ultimately aimed at ensuring that the UN not only monitors human rights violations, but also takes active steps to intervene to end abuses and to hold perpetrators accountable.

In Central African Republic, the UN failed to meet these obligations in a number of significant ways. For example, while UNICEF and the Human Rights and Justice Section (“HRJS”) of the UN mission in CAR (“MINUSCA”) took steps to interview some of the children who had reported abuses, HRJS failed to conduct a sufficiently in-depth

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<sup>47</sup> From the executive summary of the Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic by Marie Deschamps, Hassan B. Jallow and Yasmin Sooka of 17 December 2015.

investigation of the Allegations. Given that the information reported by the children indicated the possibility of a broader pattern of sexual violence by some international peacekeeping troops, further investigation was warranted. HRJS also failed to adequately report on the Allegations.<sup>48</sup>

## **5. Veto Power**

The United Nations Security Council consists of fifteen nations, five of which are permanent: France, Russia, China, the United States, and the United Kingdom. The other ten nations are elected to serve two-year terms. The five permanent members enjoy the luxury of veto power; when a permanent member vetoes a vote, the Council resolution cannot be adopted, regardless of international support or the will of majority, there is no such democracy under Security Council. Even if the other fourteen nations vote yes, a single veto will beat this overwhelming show of support.

The most recent use of the veto was by China and Russia, on July 19th, 2012. The Security Council attempted to evoke chapter VII sanctions from the United Nations Charter to intervene and prevent genocide in Syria. But the vetoes by China and Russia halted any international intervention. Since the Syrian Civil War began, an estimated 60,000 civilians have been killed, with thousands more displaced.<sup>49</sup>

On 1 January 2011, it was already clear that the Security Council faced a testing year. The main tests appeared to be the bloody post-electoral crisis in Côte d'Ivoire, which had gripped the Council

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<sup>48</sup> Marie Deschamps, Hassan B. Jallow and Yasmin Sooka, Taking Action on Sexual Exploitation and Abuse by Peacekeepers Trust :the Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic, 17 December 2015,p.5

<sup>49</sup> See ten failures of the UN

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through December, and the potential for a violent break-up between North and South Sudan. The Israeli-Palestinian conflict was also certain to impinge on the Council's agenda: the U.S. blocked a resolution censuring Israel for its settlement-building program in February, the first time it had used its veto.<sup>50</sup> What is the use of veto when human rights are being extremely abused with no follow up?

### **6. Srebrenica Massacre**

The fall of the town of Srebrenica and its environs to Bosnian Serb forces<sup>51</sup> in early July 1995 made a mockery of the international community's professed commitment to safeguard regions it declared to be "safe areas" and placed under United Nations protection in 1993<sup>52</sup>

This 1995 Bosnian War massacre was the single worst act of mass murder on European soil since World War II. After an ethnic cleansing campaign led by the Serbs targeted the Bosniaks, a largely Muslim community, the United Nations designated Srebrenica a safe-zone in 1993. Militarized units in the zone were forced to disarm, and a peacekeeping force was put in place, consisting of six hundred

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<sup>50</sup> RICHARD GOWAN ,The Security Council's Credibility Problem, The Friedrich-Ebert-Stiftung, New York ,December 2011

<sup>51</sup> Human Rights Watch/Helsinki uses the term "Bosnian Serbs" in this report to describe forces loyal to Ratko Mladic, the commander of military forces for the self-proclaimed "Republika Srpska." Scores of Serbs oppose the policies of Mladic and his troops, but unless otherwise indicated, the use of the term "Bosnian Serb" in this report does not refer to opponents of the so-called Republika Srpska regime.

<sup>52</sup> On April 16, 1993, the United Nations Security Council adopted Resolution 819, demanding that all parties to the conflict "treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act. "In the Fall of Srebrenica and the Failure of UN Peacekeeping Bosnia and Herzegovina by human rights watch, 1995.



Dutch soldiers. The Serbs then surrounded the safe-zone with tanks, soldiers, and artillery pieces.

The role of the U.N. in the “safe areas” has been mired in confusion since the areas’ inception. The Security Council resolutions establishing the six “safe areas” provided for the placement of U.N. troops within the areas but left unclear whether force could be used to protect the enclaves and their population from attack or whether U.N. troops could use force only for their own self-defense. A subsequent resolution<sup>53</sup> stated that UNPROFOR (United Nations Protection Force) was mandated to “deter attacks against the safe areas.” A May 1994 report by the U.N. Secretary-General<sup>54</sup> made clear that U.N. troops were authorized to use force to protect the “safe areas” but that, due to a lack of troops, the U.N. could not guarantee the defense of the “safe areas.” The U.N. estimated that it would need 34,000 troops, “to ensure full respect for the ‘safe areas,’” but it assumed that only an initial force of 7,600 would be available.<sup>55</sup>

According to U.N. officials in the field,<sup>56</sup> only 3,500 were eventually deployed and only a few hundred of those were deployed in Srebrenica. This made it nearly impossible to fend off any attacks, if only U.N. troops were used. U.N. commanders have generally interpreted their mandate narrowly, claiming that U.N. troops could use force only to protect themselves, not the civilian population, within the “safe areas.

## **7. Khmer Rouge**

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<sup>53</sup> U.N. Security Council Resolution 836, June 4, 1993.

<sup>54</sup> U.N. Security Council, “Report of the Secretary-General Pursuant to Resolution 844 (1993),” S/1994/555, May 9, 1994.

<sup>55</sup> *ibid*

<sup>56</sup> Human Rights Watch/Helsinki interview with U.N. officials, Bosnia and Herzegovina, August 2, 1995.

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Ruling Cambodia from 1975 to 1979, the Khmer Rouge practiced an extreme form of Communism, as dictated by their borderline-psychotic leader Pol Pot. Any suspected enemies were executed, including professionals and intellectuals. Ethnic Vietnamese, Ethnic Chinese, and Christians were executed en masse.

The United Nations' involvement in Cambodia witnessed important changes in the second half of the 1980s. Bilateral and regional talks were stepping up. The discussion between Vietnam and Indonesia, and the first private meeting between HRH Prince Sihanouk and Prime Minister Hun Sen in late 1987 in Paris contributed to the Jakarta Informal Meeting (JIM1, JIM2 and JIM3).<sup>57</sup>

After the dissolution of the Khmer Rouge regime in 1979, and the signing of the Paris Peace Accords at the end of the Cambodian-Vietnamese War in 1991, the United Nations Transitional Authority in Cambodia (UNTAC) assumed liability for governing the country until the 1993 elections. After this the elected government had to confront the tragedy that the country was experiencing. With nearly two million casualties and countless survivors burdened with psychological trauma and physiological injuries, the challenge was a formidable one.<sup>58</sup>

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<sup>57</sup> Indonesia on trying to end Cambodian-Vietnamese war found at <http://opendevelopmentcambodia.net/tag/jakarta-informal-meeting/> accessed on 16 July 2017.

<sup>58</sup> UNESCO, education about holocaust and preventing genocide, UNESCO publication, Paris, 2017, p.51.

Until 1994, the United Nations recognized the Khmer Rouge as the true government of Cambodia, despite the fact that they had killed 2.5 million Cambodians, amounting to 33% of their total population.<sup>59</sup>

## 8. The Cold War

The Cold War exemplifies the failure behind the United Nations Charter. With the atrocities of World War II still fresh in their minds, the original founders aimed to foster human rights for all citizens of the world. In 1948, the Universal Declaration of Human Rights (UDHR) was established, which was binding to all nations, along with the Convention against Genocide.<sup>60</sup>

Almost immediately, the USSR disregarded these.<sup>61</sup> Civic rights were virtually non-existent. Stalin continued to rule with an iron fist, silencing all opponents. In numerous Soviet Bloc nations, uprisings demanding the rights established in the UDHR were crushed with force. With the United Nations unwilling to act upon such atrocities, the words in the charter were rendered meaningless for those who needed them the most.

During the first stage of UN (all the UN members (especially the superpowers (tried to use the organization to further their national interests. The USA was the most successful (because of its dominance in international society. The UN was controlled politically and financially by the US and its allies more strictly in the first stage compared to UN's whole history. The superpower rivalry prevented the creation of the intended security machinery and reminded that the

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<sup>59</sup> May, Someth: Cambodian witness, pp.91-99; Criddle, Joan: To destroy you is no loss, pp.3-12.

<sup>60</sup> See ten failures of the UN

<sup>61</sup> USSR during cold war found at <http://gulaghistory.org/nps/onlineexhibit/stalin/crimes/php> accessed on 12 July 2017.

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UN depended on the attitude of its members and the international climate.<sup>62</sup>

### **9. DARFUR**

In 2003, the unstable nation of Sudan erupted in conflict, as various militia groups criticized and attacked the government for oppressing non-Arabs. Early in the war, rebel forces defeated the Sudanese military in more than thirty battles. Seeing that defeat was imminent, the government funded the Janjaweed, a group of Arab militants.

The United Nations and member states responded to the Sudanese conflict with a flurry of missions, humanitarian assistance, and call for negotiations, demands for action by the government of Sudan, veiled threats of sanctions, support for African Union (A.U.) peacekeepers, and a commission of inquiry. By year's end, however, the pallid steps taken by the U.N. Security Council at a special session on Sudan held in Nairobi, Kenya, had called into question the commitment of Security Council members to follow through on their earlier resolutions—and no end to the catastrophic suffering of the people of Darfur was in sight.<sup>63</sup>

By 2005, the Janjaweed were carrying out attacks on populated villages using artillery and helicopters, prompting condemnation by UN Secretary General Kofi Annan. Despite this condemnation, the UN did not enter Sudan<sup>64</sup>, instead urging members of the African Union to intervene.

As the African Union attempted an intervention, it became apparent that the Sudanese military was destroying civilian populations.

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<sup>62</sup> David Amsrtrons, Lorna Lloyd and John Redmond, from Versaille to Maastricht,London: Mc Millan Press,1996.

<sup>63</sup> Michael Clough, Darfur: Whose Responsibility to Protect?, Human rights watch,p.1

<sup>64</sup> UN did not enter Sudan found at [www.hrw.org/news/2004/09/17/un-darfur-resolution-historic-failure](http://www.hrw.org/news/2004/09/17/un-darfur-resolution-historic-failure)

Reports emerged revealing that Sudanese military planes were painted white, to resemble UN humanitarian aircraft, only to drop bombs on villages. It was not until 2006 that 200 UN soldiers were dispatched to the area. Despite their limited presence, fighting continued until 2010. In seven years, an estimated 300,000 Sudanese civilians were killed.<sup>65</sup>

## 10. RWANDA

The Rwandan genocide of 1994 details the gross inability of the United Nations to carry out its sworn duty to maintain peace and security.<sup>66</sup> Following the Rwandan Civil War in the early 1990s, tensions between two ethnic groups, the Hutu and the Tutsis, were at a dangerous high. In 1993, UN peacekeeping forces entered the nation, attempted to secure the capital and enable humanitarian aid and execute 1993 Arusha Peace Accord. The peacekeeping forces were not authorized to use military maneuvers to achieve these goals.

In January of 1994, a cable was sent from the Canadian Force Commander, General Roger Dailaire to the UN headquarters detailing the imminent threat of genocide by Hutu mobs on Tutsi minorities. The Security Council never received the cable, and the notice was largely ignored. Following the loss of eighteen American servicemen in the Battle of Mogadishu, the United States was largely unwilling to help in any intervention and opposed any call to intervene.

Most shocking in this series of events is the abandonment of a school by Belgian peacekeepers after ten soldiers were murdered. Thousands had flocked to the school for UN protection, and roaming gangs of Hutu supporters killed nearly all of them. More than one million Tutsi

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<sup>65</sup> See ten failures of the UN

<sup>66</sup> Genocide in Rwanda found at

<http://www.independent.co.uk/news/world/africa/un-pilloried-for-failure-over-rwandan-genocide-739072> accessed on 9 July 2017.

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and Hutu moderates were killed in the genocide, amounting to twenty percent of the population.

### **CONCLUSION**

In this article we have analyzed the contributions of the United Nations in different areas where international peace is a subject however too many weaknesses are still found resulting from how UN system is structured in the Charter. The question is to know whether this international organization can continue with a charter of 1945 where the winners of the World War II are still enjoying the victory by exercising its power over the rest of the world.

To try predicting the good future of the UN seems very awful if the big fish are still eating the small one, for a promising future veto power must be rectified and replaced by the will of the majority of the UN States members because it is assumed that it works for the people of the United Nations otherwise this unity is a myth.

The UN has negative sides but its advantages are far better than its disadvantages. In this article we tried to analyze some UN's contributions to the world and some weaknesses where it totally or partially failed to fulfil its duties. UN does not need to be replaced like the League of Nations it only needs to be restructured and return to its first place aim.

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