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DYNAMICS OF PEACE MANAGEMENT: FROM INTERSTATE TO INTER-HUMANITY DIALOGUE

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Abstract: *Traditionally the term "peace" has been defined as the absence of war. Yet, "peace" is closely associated to the term "security" and although "peace" and "security" are both generally referred to in interstate affairs, "peace" is more deeply attached to civil society, since it ultimately suffers in the absence of peace. Peace cannot be confined by territorial limits; a breach of peace in one territory may have consequence in neighbouring lands and may give rise to regional tensions. This work investigates peace management through the available international legal tools. In this respect the work shows how peace has links to the expansive human community where inter-territorial, inter-cultural, inter-regional, inter-ethnic, and other inter-community issues are involved. Subsequently the work suggests that a durable and sustainable peace requires adequately addressing human to human relations in a more sophisticated way and through a softer approach with long-term visions where dialogues from various levels play important roles.*

Keywords: Peace, Human Community, Security, International Law, Dialogue

Introduction

"Peace" is often treated as "security" with the word implying an enjoyment of a secure environment. Since peace is deeply connected to security, and since security implies a lack of conflict, it is easy to regard peace simply as the absence of war. When taken to the international level, peace as a state of affairs between recognised national entities is crucial and produces explicit differences between the domestic and exogenous areas of state activities. Obviously, the domestic area (of jurisdiction) is the physical place where state institutions, civil society and individuals conduct their interactions and it is from within this space that sovereignty – the key ingredient in statehood – is derived from. And being sovereign provides state

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institutions – whether under the stewardship of elected officials or through inheritance – with legal authority over a defined territory free (in theory) from external interference. The maintenance of peace within a defined territory rests on sovereign authority, its legislative capabilities and implementation tools to uphold law and order within its jurisdiction. Sovereign authorities find its own way to maintain peace within its own national frontiers.

Alternatively, in reference to the exogenous area of state activity, sovereignty draws a clear line between internal and external affairs. It is the guarantee that other states will not interfere in its domestic political arena and the promise not to interfere in theirs. This dimension to sovereignty may be self-limited however, since access to international or regional organisations, and bi- and multi-lateral treaties may relinquishment some authority to a certain extent, in certain matters. This applies, at the present time, to transnational movements where civil societies interact with each other beyond the exclusive domain of national state sovereignty, re: in cyberspace.

The relevance of sovereignty is often questioned by scholars who examine its enduring pragmatism, which provides a functional perspective of sovereignty, such as the maintenance of peace, the failure of which may produce unwanted international attention and tensions.[1] Consequently, it has become very difficult to draw a precise line between the domestic and external affairs of states, especially when peace is at stake.

Consequently, understandings of peace have broadened to include both interstate and intrastate aspects: ranging from the absence of war (between states or within them), poverty, human rights, and natural disasters. Since there is a growing consciousness regarding civil society and inalienable rights, and considering that whenever peace is undermined, victims tend to come from that civil society, the role of sovereignty must be understood in a more limited manner, and against the 'unlimited opportunities for oppression at home.'[2] This is precisely what this work sets out to achieve; to reveal the shortcomings of traditional approaches to sovereignty as they apply to an international environment defined by political nuances. To do so, this work, firstly, evaluates the role of the UN in upholding – simultaneously – the contradictory trends of (traditional) sovereignty and positive peace. This is followed by a section which

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reviews some steps towards peace management. Finally, this work details approaches that may be taken so that the appreciation of peace as determined in the second section is made to be sustainable over the long-term.

The UN: Between Sovereignty and Peace

The more traditional approach to sovereignty as underlined in Article 2(7) of the UN Charter has (gradually) become obsolete. The scope of the Article can no longer be limited to 'essentially within the domestic jurisdiction.' Internal state matters, with the broadened scope of peace, are internationalised and embrace the exception found in the second part of the Article. A threat to, or a breach of, the peace is *always* a criteria to level a situation no longer fully embedded in a domestic jurisdiction, implying the labelling of a situation as international to facilitate an international response. This, technically, allows the UN to intervene when peace in general is threatened or breached regardless of whether or not it occurs within a domestic jurisdiction. Civil wars, the wide-scale violation of human rights, famine, oppression of minorities, terrorism, all generate international concerns. The UN deploys the provisions of the Charter to intervene and safeguard the peace to deal with such concerns.

Despite the centricity of the UN in determining the legitimacy of operations deemed to be of an international character that target the domestic sphere of sovereign states, and considering that the UN is meant to be a universal organisation representing the interests, rights and responsibilities of the community of states, it is best placed to positively affect the transformation of interpretation required of understandings of peace. However, the UN is severely constrained since questions related to international peace and security fall within the mandate of the 15-member Security Council, which is deeply political. Well, not all members are. Instead, only five, the permanent members (P5) enjoy veto power over all substantive resolutions passed under Chapter 7 of the Charter. Vetoes are used when the national interests of one (or more) UNSC member, or its allies, are challenged by a particular resolution. This poses a significant problem for the UN system since it empowers only five states – and prioritises their interests – at the expense of the inter-

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national community.

Indeed, most UNSC decisions are motivated by narrowly defined self-interests. As a result, the UNSC is often criticised because of inaction or hypocrisy. Consequently, the tools deployed by the UNSC are sometimes, but not always, effective. Even when effective actions are decided on, they are frequently time-delayed owing to diplomatic hurdles related to consensus building, the size of the UN's bureaucracy, striking a balance of interests, and convincing allies of the legitimacy of such actions. Such time-lapses may lead to untold miseries until an action is undertaken.

If, as alluded to above, peace is applicable to some form of international civil society, existing international legal mechanisms must be more reflective. The following section delves into the existing structure of peace management mechanisms, so that an adequate context is derived to encourage additional approaches for the development of human-to-human relationships and, ultimately, aims to contribute to sustainable peace.

The Existing Structure of Peace Management

The maintenance of international peace and security is among the primary goals of the UN as embodied in Article 1(1) of the Charter.[3] As previously noted, the UNSC is entrusted with the task upholding Article 1(1), a point underlined in Article 24(1). Originally, the task of the UNSC was geared towards the prevention of inter-state war.[4] The non-interference with territorial integrity and the political independence of each of state has been guaranteed in Article 2(4), which seemingly goes together with UN's role embodied in Article 2(7). The UNSC, however, bears responsibility to take effective and collective measures to repeal any threat to or breach of the peace for which, the Council simply is allowed to derogate the principle of territorial integrity and political independence; re: sovereignty. This exception is found in the second clause of Article 2(7), which presents the suspension of sovereignty, enforced by international law. Consensus based decision-making is crucial for the UNSC to act, and this process, as presented above, is replete with dilemmas.

The provisions of the Charter are divided into soft and hard cri-

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teria for the management of peace, reflected in Chapters 6 and 7 of the Charter respectively. Chapter 6 deals with the peaceful settlement of disputes; where the role of the UNSC is recommend, to disputants, ways to settle their disputes peacefully (via negotiations, mediation, conciliation or by judicial settlement). The UNSC delivers its recommendations when, in its opinion, the dispute likely to endanger international peace and security. This is more of a theoretical, rather than practical arrangement since the members of the UNSC have to reach consensus. On failure to reach agreement, the issue remains listed under Chapter 6. If, on the other hand, a majority in the UNSC – with unanimous consensus among the P5 – take up the issue, it shifts from Chapter 6 to Chapter 7, which authorises the UNSC to deploy harder tools to enforce peace.

Chapter 7 commences on Article 39, which reads that:

> *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.*

The language is ambiguous enough to provide the UNSC an array of powers to act in accordance with the subsequent Articles (i.e., Articles 41 and 42) which call for mandatory sanctions including non-military and military measures. The resulting consequence of a Chapter 7 determination of a 'threat to the peace,' grants the UNSC virtually 'unlimited power'[5] to take 'all necessary measures' for the accomplishment of its mandate. Interestingly, the UNSC is not bound by any formula regarding what may constitute a threat to or breach of the peace or an act of aggression when it acts under Chapter 7.[6] The UNSC may determine that situations relating to internal disturbances, human rights violations, apartheid, civil conflicts or even (conceivably) the acquisition of nuclear or other weapons of mass destruction, as threats to the peace. Even the refusal of a government or opposition group to accept the results of an election may constitute such a threat; at least if it involves the outbreak of hostilities between contending factions or causes some aggravation of tensions such as refugee flows or other (potential) cross-border

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effects.[7] The idea has been supported by the *travaux préparatoires* of Article 39 of the Charter, which reflects the drafters' intention to allow the UNSC to take enforcement actions on a broad range of cases and not to subject it to restrictions in its decision when to act.[8] Therefore, for the "international nature of a threat to the peace formulation" under the exception clause of Article 2(7), it is enough to gain Article 39 determination which would render a threat international, meaning that it no longer falls 'essentially within the domestic jurisdiction' of a state. Such a flexible use of power was not typically used – besides during the Korean War, owing to the famous 'empty chair incident' – in the formative years of the UN due to the spill-over of East-West tensions. Indeed, the UNSC was deadlocked until the end of the Cold War, when it began operating as it was originally intended.

During, and in the immediate aftermath of the Cold War the UNSC only occasionally invoked Chapter 7 mechanisms concerning the enforcement of peace. Interestingly, in all but a few cases, such resolutions were of an intrastate nature.[9] The majority of cases, disturbance to the peace was due to internal issues such as: civil war, repression, the violation of human rights and humanitarian obligations, the suppression of democratic processes, and policies of apartheid (etc).[10] Territorial limitations were not respected when the maintenance of peace was concerned. The approach the UNSC adopted was, perhaps, pragmatic, but the effectiveness of its actions remains questionable. This view is supported by several interstate and localised civil disturbances.

Examples of a Stagnated Council

The problems associated to the UNSC indicated above have consequences far beyond the political relationship of the members themselves. Actions and inactions reverberate on the ground. It is thus important to draw attention to some of the instances of UNSC lethargy in a bid to fully appreciate the Council's shortcomings.

The Arab-Israeli Conflict—The Arab-Israeli conflicts during the second half of the 20th century serve as good examples of UNSC decision-making over interstate conflicts. In the first war 1948, the newfound UNSC invoked Chapter 7 determination of the 'threat to

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the peace' without taking effective measures under Articles 41 or 42, with the exception of calling for a ceasefire.[11] Even when full scale wars erupted (1956, 1967 and 1973), the UNSC proved unwilling – or, given the Cold War, unable – to take action. Similarly, during the Iran-Iraq war (1980-1988) a consensus-based resolution was only adopted in 1987, after seven years of violent conflict.[12] Examples abound if instances of UNSC P5 members' military operations are considered; the Council could not dream of passing effective resolutions to end the US-Vietnam, China-India, UK-Argentina, France-Algeria or the USSR-Afghanistan conflicts (to name a few).

Iraq—And, seldom, does the UNSC initiate effective measures to restore the peace. However, one case stands out as an exception, the unprecedented Chapter 7 actions adopted to facilitate Operations Desert Shield and Storm (1990-1991) to repeal Iraq's invasion and occupation of Kuwait. In this case, the UNSC adopted resolution 660, and 12 additional resolutions over a four-month period; until the full liberation of Kuwait and full compliance of Iraq with UNSC directives aimed at curtailing its WMD programme. These directives, essentially, burdened Iraq with a severe sanctions regime, and caused widespread suffering in Iraq while only marginally affecting Hussein's grip on power.[13]

Rhodesia and South Africa—The unilateral declaration of independence (1965) by the white minority in Southern Rhodesia was termed a threat to international peace, only a year after the actual disturbance to peace occurred.[14] The UNSC however, expanded its authority further and, acting under Article 41 of the Charter, imposed detailed trade, transport, and fiscal sanctions on Southern Rhodesia. The resolution focused on 'the inalienable rights of the people of Southern Rhodesia to freedom and independence.'

In South Africa, the policy of apartheid was consistently condemned by the UNSC from 1963, but an effective Chapter 7 mechanism was only adopted 14 years later (1977), with an embargo on arms to South Africa.[15] The UNSC called for the elimination of apartheid and all kinds of racial discrimination within the country.[16]

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Bosnia-Herzegovina—In Bosnia-Herzegovina in 1992–1993, in response to atrocities and the violation of humanitarian law, the UNSC adopted a series of resolutions. Although divided on how to reach consensus on effective peace enforcement measures, the UNSC was at least successful in declaring Sarajevo and five other towns and their surroundings as 'safe areas.'[17] The resolution, by condemning all violations of international humanitarian law, ethnic cleansing in particular, as well as the denial or obstruction of access of civilians to humanitarian aid, medical assistance and basic utilities, has further extended the mandate of UNPROFOR – the peace keeping forces employed in the region – to include, *inter alia*, the use of force to deter attacks against the safe areas.[18] Still, some 200000 civilians lost their lives and the UNSC's division has been criticised for an ill-conceived understanding of civil war and 'matters within the domestic jurisdiction.'[19]

The UNSC's behaviour is repetitive. In many occasions it has used enforcement mechanism in various manner, which some found innovative, such as, use of its power to establish judicial and other bodies with binding settlement authority under Chapter VII. The fiercely debated question – whether international law has binding enforcement authority – has been answered in the affirmative in some cases with the multifaceted application of the Security Council's authority under Chapter VII. Whether all such applications of its authority were in accordance with international law and/or in accordance with the Charter principles have been a fiercely debated issue. Many scholars argue that a pure legal role by a purely political body may become a threat for the international community at large. This assertion while deserves further discussions, for this paper it is irrelevant. Suffice is to mention that Chapter VII authority of the Security Council has been used to include almost everything that its members agree on. Yet, as mentioned earlier, as a political body, the Security Council cannot act effectively in many occasions due to the fact that its members, especially of the permanent ones, have to counter balance their political interests. Secondly, actions in the Security Council take a lengthy process of negotiations, information exchanges, and investigations and so on. All these cause lapse of time – the time in which civil populations suffer at their most. Only in Rwanda in 1994, for example, genocidal slaughter of

800,000 Rwandan Tutsis had occurred in 100 day before the Security Council intervened. The mass-murder of over 8,000 Bosnians by an ethnic Serbian militia in 1995 has "laid bare the horror of inaction"[20] by the Security Council. These facts encourage the perpetrators to let the killing continue, and thereby, let the "peace" continue to be threatened or breached, and let the people suffer as long as the elite Security Council members decide something for the fate of the concerned human community.

The frustration led some to argue for alternative arrangements regarding peace management by-passing the Security Council's authority. In 1999 the NATO bombardment of former Yugoslavia by the US led NATO force has been widely characterised as a "humanitarian intervention" designed to stop "ethnic cleansing" by the Serbs. From a strictly legal perspective the action was criticised as being illegal,[21] although others argue for an implied "legal" authority in the Security Council's previous determination of a threat to the peace. Again, this caused another tension among the legal scholars. Some see it as "legitimate" even though not perhaps "legal" in the sense that there was no explicit Security Council authorisation. A need for a bridge between legality and legitimacy has been high on this debate.[22] The debate culminated to the emergence of a new peremptory norm widely known as "responsibility to protect." The idea suggests that in the event of large scale ethnic cleansing or genocide or human sufferings both from violation of gross human rights and (conceivably) from natural disaster where humanitarian support is an urgent issue being obstructed by the concerned regime, the international community should act promptly and effectively to ensure protecting the population at risk. And it is the responsibility of the international community as a whole to protect the human community. The approach is idealistic, but suffers from concrete contents and precise methods as to how to act in a concerted manner. Moreover, what many fear is that, the norm can be applied in broader and politically motivated cases. Such fear is not implausible though. Therefore, as some see, tyranny of Security Council under Chapter VII is much better in the sense that there are some checks at least. The political use of "responsibility to protect" without the Security Council's authorisation would be extremely dangerous.

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Consequently, a discussion on an alternative way concerning the management of peace has been at its crucial stage. In the beginning of last decade, international security structure has started being approached differently with yet another invention by the then US President George W. Bush – the so called "pre-emptive self-defence," also known as the "Bush Doctrine." The principal idea is that a state cannot just wait to receive an armed attack to attack back to defend itself. The approach altered the existing concept of self-defence. The existing notion of self-defence can be found in Article 51 of the UN Charter, which talks about an 'inherent right of individual or collective self-defence' and which continues only until the Security Council has taken necessary measures. As a result, such invention cannot be found justified within the structure of the UN system. It is criticised as "unilateralism" against collective security approach embodied in the Charter of the UN. Pre-emptive self-defence is a matter that bypasses the unanimous decision-making power of the Security Council putting a question mark on its authority. The recent test of pre-emption was exercised in the war against Iraq in 2003. The US administration, on failure to achieve a consensus based Security Council resolution authorising use of force against Iraq, decided to act on the basis of "pre-emptive self defence," which, many argued, was merely a unilateral action. The Bush administration however, invited its allies to join in its effort to regime change in Iraq on the basis of President Bush's famous statement 'either you are with us or you are against us' leaving no room to argue for an alternative view on "peace."[23] The rationale behind the US action was that the (possible) possession of weapons of mass-destruction at the hand of Saddam Hussein would cause a greatest threat to "peace" for which a regime change was necessary. The US has taken up the stewardship to free the people of Iraq from Saddam Hussein's ruling, and to secure the region at large from any further threat to "peace", although from legal point of view the action was found to be "illegal" under international law. At the end of the war, the regime collapsed though, no weapons of mass-destruction were found. Yet a durable peace apparently is not in place in Iraq even today. In any case the pre-emptive self-defence creates yet another danger which may set up an evidence of arbitrary action by a state capable of doing so.

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Way Forward to Sustainable Peace

A realistic achievement of "peace" is a puzzle. Multilateralism as discussed above failed to play an effective role for an endurable peace, mainly because of global power politics. The structure of peace management is targeted to states generally. The sufferings of human community are often neglected either because of technical difficulties or because of lack of proper tools as to how to address the issue. From "multilateralism" point of view, human suffering can be seen from both action and non-action by the UNSC. Action of the UNSC leaves sanctions on the regime causing ultimately huge distress to civilians, and non-action leaves the conflict to continue, and again, causing distress to civilians. Unilateralism, on the other hand, may cause even more chaos as its authority suffers from either legality or legitimacy. Initiatives such as uniting for peace, responsibility to protect and pre-emptive self-defence are, therefore, not pragmatic solution despite the idealistic view attached to these principles. International community might fear that the principles, once adopted into practice, can be politically abused. Overall, it is hard to choose any of the alternatives at its entirety. However, the United Nations in general, and the UNSC in particular, still play an important role at least at some point in time in a conflict, which opens up further chances to keep the peace with other soft mechanisms as discussed below.

Today's infringement of peace is not because of the occupation or annexation of land territory, and is not limited to only cross border matters. Inequality, injustice, discrimination, unfair distribution of earth's resources, and denying one from his legitimate rights etcetera are the main issues for a fragile "peace." Inter-state relations are not exclusively crucial; human relations has become more important, which include inter-regional, inter-cultural, inter-ethnic, and other inter-community concerns. Human peace accepts a broader concept in terms of promoting quality of human lives including protecting and respecting humans' and peoples' rights, maintaining equality and non-discrimination, establishing social justice, expanding fundamental human values, practicing forgiveness, and enlightening human minds with love and compassion. Human peace, thus, has to be addressed from different angles.

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There is no other way than addressing such a broader and non-military concept of security in the management of peace.[24] A holistic approach is, therefore, required involving collective participation of stakeholders including states, non-state and supra-state actors.

Despite this subjectivity it is crucial to create an environment for interaction where dialogues play an important role in order to contribute to a greater "peace." Perhaps the role of the UNSC is significant in creating such an environment in the post-conflict situation where community dialogue becomes effective, and contributes to a long lasting and durable peace. Mechanisms such as building of confidence, knowledge and capacity, and sharing of good practices in terms of governance including distribution of wealth and resource are fundamental. Peace is not only safeguarding inter-state security, but also about building a culture – universal and common to all the human community at large. Dialogue among the cultures and civilisations would best contribute to such a culture of peace in both pre-conflict and post-conflict societies. Some of the examples discussed below could better explain such endeavours of building a culture of peace.

In 2005, the Bureau for Crisis Prevention and Recovery of the UN Development Programme published a report showing how three Commonwealth countries – Ghana, Guyana and Kenya – were able to mitigate there contentious issues by means of dialogues.[25] The report was the result of systematic support provided by the UN system to build national capacities and to agree on constructive negotiations in one's own society with a view to establishing durable peace in the society at large. In Ghana, for example, between September and December 2004, the UN supported a number of initiatives to promote capacity building measures, including soccer matches, media campaigns, and high level dialogues among the major political parties causing national actors to prevent the expected violence.[26] The capacity building measures such as these are not quite unfamiliar in international diplomacy. In Indian sub-continent "cricket diplomacy" has had a good standing for quite some time now to create a friendly environment to initiate peace dialogue.[27]

Dialogue process in the post-election mistrusts amongst the rival political parties in Guyana initiated in 2002 has led to a "national conversation" to undertake reforms in the political culture in the country. Eventually, in 2006 as part of a wider strategy an initiative

was launched to prevent any violence during the election later in that year. The initiative involved training for a network of local government officials, civic leaders and police officials which contributed to a peaceful management of disputes during national elections later in the year.[28] In Kenya, the approach adopted was designed as "social cohesion programme" in response to tension regarding claims from ethnic groups over the scarce resources and lands located in its northern region. The idea of social cohesion programme is about forming "peace and development committees" consisting of local leaders who by way of having friendly dialogue assist the provincial administration in the management of conflicts.[29] The endeavours undertaken in the above mentioned three African examples have been found effective, and as a result, they provide a basis for securing peace where dialogue play a very important role, and through which a sustainable and durable peace can be achieved where the involvement of national actors and institutions can be ensured.

Other accepted practice mostly, again in African countries, is amnesty through truth and reconciliation. In many cases an amnesty may create a nonviolent transition to peace. South African example pioneers in this context. Transition from apartheid era to peaceful democracy in 1990s was facilitated through reconciliation which would have been otherwise a civil war if perpetrators were fully separated from victims.[30] From the justice and human rights point of view, however, amnesty has been widely criticised as providing amnesty in other words indicates putting perpetrators above the law. Moreover, amnesty undermines international law as far as international law rejects impunity for serious crimes, such as genocide, war crimes and crimes against humanity. Critics suggest that it is not amnesty but securing justice, is a valuable investment for sustainable peace. In the absence of justice to be done, further possibility of conflict and violation of human rights is possible to erupt. It is, however, important to closely look at the reality with a wider view. A vulnerable post-conflict state would not have much strength or resources to provide justice. In many cases an initiative to provide justice would even create chaos and further instability. Amnesty is indeed a cheapest solution, perhaps not a comfortable one. Yet, amnesty provides a safe transition where room for mistrust is blocked. An approach of uniting rather than separating the

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people would arguably create a common ground for a dialogue to effective peace. Subject to controls and limitations, amnesty can be effective alongside justice and sustainable peace. Amnesty can be just if it brings the cessation of conflict and ends human rights abuses. South African transition to democracy and peace has just been a remarkable example in this regard.

Conclusion

A stable peace requires security as well as respect for justice and human rights. Humanity stands at a decisive turning point. A durable peace, therefore, calls for establishing a culture of peace taking humanity at its core. Enforcement of peace is indeed desirable through the available multilateral means as discussed in this paper, especially where there exists a threat to or breach of the peace. However, for a culture of peace, an anticipatory approach is much demanded since enforcement only comes after peace has already breached, and offers only a short term solution, whereas anticipatory measures promote confidence for sustainable peace. The enforcement of peace, nonetheless, creates an environment for wider dialogue in a post-conflict situation, which is a pre-requisite for sustainable peace. A culture of peace, thus, need to be built on dialogue and co-existence among inter-state, inter-cultural, inter-ethnic, inter-faith communities putting humanity on top. The narrow examples of few African countries shown in this article suggest that the transition to peace and the sustaining of peace require softer approach including continuous dialogue and cooperation, consultation, forgiveness and inclusiveness, rather than hard enforcement measures in order to give the "peace" a chance to sustain.

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Notes to Pages

1 See Koskenniemi Martti (2011), 'What Use for Sovereignty Today?' *Asian Journal of International Law,* pp. 61-70.

2 Ibid, p. 61.

3 See Article 1(1), the UN Charter.

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4 Inger Österdahl (1998), *Threat to the Peace: The Interpretation by the Security Council of Article 39 of the UN Charter*, Almquiest & Wiksell International, p. 18 and Frowein and Krisch (2002) in Bruno Simma (ed) (2002), *The Charter of the United Nations A* Commentary, Oxford UP, pp. 717-729. In the latter work, the authors note that the competence of the Council under Chapter VII is not self-evident and point out that initially 'threat to the peace' in Article 39 of the Charter was thought to cover primarily the preparatory phase of inter-state war.

5 Österdahl (1998), pp. 31 and 26. See also Judith G. Gardam (1996), 'Legal Restraints on Security Council Military Action,' number 17, Michigan Journal of International Law, p. 298 and Tomas Franck (1995), *Fairness in International* Law, Oxford UP, p. 218.

6 See T. D. Gill (1995), 'Legal and Some Political Limitations on the Power of the UN Security Council to Exercise Its Enforcement Powers under Chapter VII of the Charter,' number , Netherlands Journal of International Law, p. 40.

7 Ibid, pp. 42-43.

8 See Frowein and Krisch (2002), p. 718.

9 For instance: for the Arab-Israel conflict (1948) see UNSC resolution 5; for the Korean conflict (1950) UNSC resolution 82; for the War on the Falkland Islands (1982) see UNSC resolution 502.

10 For example, the civil war in Congo (1960); Unilateral Declaration of Independence of Southern Rhodesia; the Apartheid regime in South Africa; Repression in Northern Iraq; Genocide Bosnia-Herzegovina; Starvation and Famine in Somalia.

11 SC Res. 54, (1948).

12 See UNSC resolution 598 (1987).

13 David Cortwright and Thomas G. Weiss (et al) (1997), *Political Gain and Civilian Pain: Humanitarian Impacts of Economic Sanctions*, Rowmon and Littlefield.

14 UNSC resolution 232 (1966).

15 See UNSC resolution 418 (1977).

16 See Ibid.

17 This was adopted on 6 May 1993.

18 UNSC resolution 836 (1993).

19 See Daniel L. Bethlehem and Marc Weller (1997), *The "Yugoslav" Crisis in International Law: General* Issues, Cambridge UP, p. 440.

20 Max W. Matthews (2008), 'Tracking the Emergence of a New International Norm: The Responsibility to Protect and the Crisis in Darfur,' 31, *British Colombia International and Comparative Law Review*, p. 139.

21 Russian diplomat Lavrov expressed that the NATO bombing transformed a humanitarian crisis into a "humanitarian catastrophe" as there

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were civilian casualty amounting to death of 500 to 1800 populations and thousands of wounded. See Marjorie Cohn (2002), 'NATO Bombing of Kosovo: Humanitarian Intervention or Crime against Humanity?' *International Journal for the Semiotics of Law*, number 1, pp. 79-106.

22 Jerzy Zajadlo (2005), 'Legality and Legitimisation of Humanitarian Intervention: New Challenges in the Age of the War on Terrorism,' *American Behavioural Scientist,* 48, pp. 655, 653-670.

23 George W. Bush (2001), 'Bush Speaks to United Nations,' available at: <www.whitehouse.gov/news/releases/2001/11/20011110-3.html> (accessed 22 March 2011).

24 See **Edy Korthals Altes (2005),** 'Reflections on Peace and Security in the 21st Century,' available at: <www.paricenter.com/library/papers/altes05.php> (accessed 21 December 2011).

25 See Kathleen Cravero and Chetan Kumar (2005), 'Sustainable Development Through Sustainable Peace: Conflict Management in Developing Societies,' *Globalisation and Good Governance* in *The Commonwealth Ministers Reference Book*, available at: <www.undp.org/cpr/documents/prevention/build_national/article_peacebuilding_Commonwealth.pdf> (accessed 10 April 2011).

26 Ibid.

27 In March 2011, during a world cup cricket match, the Indian Prime Minister invited his counterpart from Pakistan to watch the cricket match between the two countries, which the latter accepted and eventually joined. Some fruitful discussions between the two leaders were recorded. Such an initiative encouraged actors and peoples in both countries to come forward to join in friendly dialogue for a sustainable peace. See 'India, Pakistan in talks ahead of 'cricket diplomacy' summit,' *CNN World*, available at: <articles.cnn.com/2011-03-28/world/india.cricket.diplomacy_1_mumbai-terror-attacks-india-and-pakistan-world-cup-cricket?_s=PM:WORLD> (accessed 09 April 2011).

28 See Cravero and Kumar (2005).

29 Ibid.

30 The South African Truth and Reconciliation Commission, which was established to grant impunity in exchange for full disclosure of past wrongs, serves as an example of the peaceful transition to democracy and viable peace. See Adam Penman (2007), 'The Peace-Justice Dilemma and Amnesty in Peace Agreements,' *Conflict Trends*, number 3, pp. 8-9, available at: <www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=101969> (accessed 12 April 2011).