ASPECTS RELATED TO THE UNITED NATIONS' ROLE IN POLITICAL AND MILITARY CRISIS MANAGEMENT

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ABSTRACT

The last century, especially in its last years, was marked by a series of changes that occurred in the international security environment. Crisis and conflicts in this period had to be managed somehow, in order for the human and infrastructure losses to be minimized. Thus, the United Nations Organisation is being increasingly active in conflict management and peace preservation and consolidation. So, the Organisation's vital responsibilities have expanded from state security to human security, from development to durable development and from human rights to environment rights.

KEYWORDS: *Conflict, durable development, crisis management, international organisations, peace, security.*

Until now, on the international stage, a consensus regarding the definition of crisis was not reached. However, in a broader sense a crisis can be defined as "*a national or international situation that generates a threat towards values, interests or priority objectives of all the involved parties*"[1]. In the Romanian explanatory dictionary, the notion of crisis is defined as "*a manifestation of disparities or contradictions (economical, political, social etc.); a period of tension, turmoil and trials (usually decisive) which acutely manifests disparities and contradictions*"[2]. In accord with our article's title, we will refer to the political-military crisis, this representing a "critical moment which interferes with the evolution of the international life, the rapports between states, a system, regime or government. These moments, either related to the internal affairs of a country or the international affairs, are characterised by sharpening contradictions, the appearance of tension and changes in force ratios"[3].

In regards of crisis situations, we think they appear mostly due to events that surpass the internal capacity of self-adjustment of any social system, and in order to return to normality it is required a large spectrum of heterogeneous measures.

To this end, an essential role is attributed to crisis management, an ample process which implies organisation, plans and measures which have the goal of straightening the situation and stopping its negative evolution. The responsibility of crisis

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[1] Tudor Cearapin, Gestionarea situaţiilor de criză de natură să provoace tulburări ale ordinii publice, in „Gândirea Militară Românească" magazine, nr. 6/2002, Bucureşti, pag. 139.
[2] *** *Dicţionarul explicativ al limbii române*, Editura Academiei Române, Bucureşti, 1975, pag. 211.
[3] *** *Dicţionarul diplomatic, Editura Politică, Bucureşti, 1979, pp 315-316.*

management is assigned to the armed forces of states that, under a United Nations[1] or the Organisation for Security and Co-operation in Europe[2] mandate, can intervene to restore peace. Due to the role of the above mentioned forums, it has become a tradition that peace operations be conducted under their aegis. Except UN and OSCE, an essential role in crisis management and peacekeeping efforts is attributed to the European Union[3] and the North Atlantic Treaty Organisation[4].

Over time, each of the above mentioned organisations have developed a structural and procedural mechanism for crisis management, which can be seen in numerous crisis situations that necessitated the forums' intervention. On the other hand, the methods and approaches used in conflict management and peacekeeping can be divided in several categories: negotiation, good offices, the investigation and information collecting mission, mediation and conciliation, arbitrage, judicial regulation. Although there are more methods of peacekeeping, these do not rule out each other, but usually are complementary to one another.

Formed on the structure of the old League of Nations, whose goal was to "develop co-operation between nations and guarantee their peace and security"[5], the UN is founded at the end of the Second World War with the clear objectives of maintaining peace and security, developing friendly relations among nations based on respect of equal rights and self-determination of peoples, achieving international co-operation in solving international problems of an economic, cultural and humanitarian character and to be a centre for harmonising the actions of nations in the attainment of these common ends. UN's structure is different than the one of the previous organisation, its main bodies (according to article 7 in the United Nations Charter) being the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, the United Nations Secretariat.

Being an organisation with international coverage, UN's decisions are taken in a democratic way, according to the equality between sovereign countries (one country – one vote), the only particularity being that decision making requires a majority (2/3 or simple) and not unanimity (the Security Council is an exception, where the only votes

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[1] UN was founded in 1945, the organisation has today 200 member states and its main objective is peacekeeping and national security in addition to promoting economical, social, cultural and humanitarian cooperation.

[2] OSCE was created in the beginning of the 70's under the name of the Conference for Security and Co-operation in Europe; today, the organisation has 55 countries – the ex – USSR countries, all the European staes, USA and Canada – and fights for strengthening the common values and giving assistance to member states in order for them to build a democratic society ruled by law.

[3] The European Union was created in 1958 on the backbone of the old European Coal and Steel Community (ECSC), originally created in 1951 (John McCormick, *Să înţelegem Uniunea Europeană – o introducere concisă*, Editura CODECS, Bucureşti, 2006, pag.22) by Germany, France, Italy and Benelux (Belgium, Netherlands andi Luxembourg) based on a plan presented in 1950, by France's Minister of Foreign Affairs, Robert Schuman (Loukas Tsoukalis, *Ce fel de Europă?*, Editura BIC ALL, Bucureşti, 2005, pag. 22). Today it has 27 members and represents a developed political, social and economical entity in Europe.

[4] NATO is a political-military alliance founded in 1949 as a result of the military treaty signed on April 4th at Washington. Over time NATO has acquired a unique experience in regards of conflict prevention and crisis management (*** *Arta prevenirii conflictelor*, Institutul Român de Studii Internaţionale. Centrul de Informare asupra NATO, R.A. Monitorul Oficial, Bucureşti, 1996, p. 139).

[5] L. le Fur, G. Chklaver, *Recueil de text, de droit international public*, Paris, 1928, p. 129.

that count are the ones of the present and voting members, not taking into consideration abstentions)[1].

Although UN's goals are still in the pipeline, the question that arises now, 60 years later, is *in what ways does the extremely complex and delicate mechanism, put into place in the years following the Second World War, answer the necessities of today*? In order to answer this question we must first review the main UN's achievements from its establishment until now.

The road taken by the organisation along its history was winding, sometimes paved with difficulties, and put to numerous tests by the international community. In spite of the difficulties, UN survived and is unanimously recognised for its role in conflict settlement (at a regional level) and in accelerating the international cooperation process. Although there were multiple accomplishments, there have also been failures which will be taken into account in the organisation's reform process.

According to the UN Charter, the main area of activity is represented by *maintaining peace and security*. In order to achieve this objective, after 1945 the UN managed to create favourable conditions for negotiations and, thus, avoid triggering conflicts with catastrophic results. The first peacekeeping operation was organised in Palestine in 1948, while other renowned cases are: Bosnia-Herzegovina, Cyprus, Congo, Kashmir, Kosovo, the Dominican Republic, Somalia, Yemen, etc. At the beginning of the 3rd millennia, the UN had 20 peacekeeping operations in effect. The UN has intensely militated in order to facilitate the peaceful resolution of international conflicts. During its activity, the UN contributed to the negotiation of over 180 peace treaties, thus ending the real dangers of war or open conflicts. Among the events in which the UN had a hand in drafting a resolution there are: Iraq's aggression towards Kuwait, the Cuban missile crisis, the Kosovo crisis, the war in Bosnia- Herzegovina, the Iran-Iraq war, the civil war in Salvador, the withdrawal of soviet troops from Afghanistan.

Another area in which the organisation has laid down considerable efforts for achieving the proposed objectives was *disarmament*.

In parallel with the fight for peacekeeping and disarmament, the UN lays sustained efforts for aiding the victims of different conflicts and the refugees with food, medicine and clothes.

Notable achievements were also obtained in the area of *self–determination and gaining independence*. Thus, from the moment the declaration regarding the guaranteed independence of peoples and colonial states was adopted, in 1960, more than 80 nations created independent countries, which, subsequently became UN members

Economic and social progress also represents an important activity of the UN, by supporting the idea of freedom of trade as a means to increase economic development opportunities.

The fight for progress and peacekeeping could not be unfurled without taking into account the *defence of human* rights, as well as the fight for *control of production, commerce and drug use*.

Not only the nations and peoples were on UN's list of priorities, but *environment protection* or *strengthening international law* as well.

Huge changes have taken place at the international level since the UN was established, and each one has profoundly left its mark on the organisation's activity. The

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[1] Alexandru Bolintineanu, Mircea Maliţa, *Carta ONU, document al erei noastre*, Editura Politică, Bucureşti, 1970, p. 190.

end of the Cold War[1] and the bipolarity that had marked the post-war world generated important changes – the world had become more diverse and more interdependent and the effect of this transformation will also be visible in the future. In this context, the UN's evolution was rather jumpy and the opinions regarding its efficiency are spread and contradictory. Thus, while some analysts are saying that the UN has become useless there are also more numerous voices who demand the increase of the organisation's role and equipping it with the means necessary for achieving the objectives set by the Charter.

At the same time with society's evolution the human community understood the necessity to unite their efforts and preoccupations for quenching the states of conflict, and has attempted to find new ways and institutions that will fight for achieving this goal.

It is thus required to find a solution for crisis management and the UN, due to its experience accumulated during the 6 decades of activity, seems like the perfect international institution to manage such conflicts. UN's orientation from peacekeeping to multinational operations that support peace is increasingly visible. Such operations have known three evolutionary stages: from 1945 until the end of the Cold War (1988), from 1988 until 1992, and from 1992 until present[2]. In the first evolutionary stage (1945-1988) the peacekeeping operations are considered part of the first generation and concern essentially interstate conflicts. These operations required the deployment of unarmed observers and their success resided in achieving three fundamental principles[3]: parties consent, impartiality, no use of force (except in case of self defence). During the Cold War period stability operations had a military character due to the international or internal internationalised character of conflicts. At the end of the war, the hope that the UN could assume a more active and responsible role reignited, and measures were taken for surpassing the reminiscent problems from the war and for ensuring co-operation between former rivals. The operations carried on in this period had as objectives: conflict prevention, peaceful conflict settlement, minimising a conflict's consequences and building a durable peace. The operations in the third evolutionary stage have begun with the UN intervention in Somalia and ex-Yugoslavia and had both a civil and military character.

Currently, the UN is facing a series of problems, the worst being: the financial crisis of the United Nations, the peace crisis, problems with coordinating UN actions and their efficiency. Because of the large number of member states, a series of reforms is necessary[4]:

➢ The reform of the Security Council – it is necessary because such a reform would produce changes in the original concept of the UN Charter. Such a reform is more than necessary now, with the current configuration of the Council, established in the UN Charter (with the amendments brought in 1965 to articles 23 and 27) while the number of member countries increased on an yearly basis;

➢ The reform of the UN system of peacekeeping and anti-terrorist operations;

➢ The reform of the assistance for development.

As a result of the reorganisation of the political and geographical world map (especially after 1990), a reform and update are increasingly necessary, especially now

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[1] The Cold War (1947-1991) was an open confrontation, non-military and limited, that developed after the Second World War between two groups of states (USSR and its allies on one side, USA and their allies on the other) with two ideologies and political systems poles apart.

[2] Nicolae Uşcoi, Gabriel Oprea, *Studii de drept internaţional umanitar*, Editura Facultăţii de Drept, Bucureşti, 2001, p. 20.

[3] Nicolae Uşcoi, Gabriel Oprea, *op. cit.*, p. 20.

[4] Ana Bal (coordinator), *Economie Mondială,* Editura ASE, Bucureşti, 2006, pp. 317-321.

that besides the continuing struggle for international co-operation and security, the UN and its different agencies must also fight for defending the human rights. An eloquent example to this end is represented by the support the organisation is giving to countries in transition towards democracy: technical assistance for organising free and fair elections, bettering the judicial structures, revising constitutions, training human rights officials and transforming armed movements in political parties. All these aids have contributed to spreading democratisation. On the other hand, updating and reforming UN structures is necessary as a natural consequence of the fact that the UN is the organisation with the greatest experience in the peacekeeping field[1] having at its disposal the resources, which have significantly grown in the last period (especially after the 1980s), to prevent conflicts[2]. Only by adapting to the transformations that took place after the communism's disappearance and the disintegration of the Soviet Union (in 1989), on the one hand, and spreading democracy on approximately 70% of the world's surface, on the other hand, can the United Nations maintain its status as the largest international governmental organisation.

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14. *** *Arta prevenirii conflictelor*, loc. cit., p. 42.