

Global Peace Needs an Updated UN Charter

11. September 2018 · Michael von der Schulenburg

The worldwide increase in armed intra-state conflicts will make it necessary to expand the mandate of the UN Charter. Although this would be the first substantive revision of the UN Charter since its adoption almost 75 years ago, this may be less utopian than it seems. In fact, Germany is well placed to take the lead revitalizing the UN as the core collective security instrument for maintaining global peace.

On 1 January 2019 Germany will join the UN Security Council at a time of heightened international tensions, an upsurge of great power rivalries and a challenge to what is considered the US-led liberal rules-based international order. In the coming years, however, it may not be great-power rivalries but increasingly intra-state and intercommunal conflicts that will preoccupy the Security Council. And the questions that define future peace and security may not be challenges to a liberal rules-based international order but rather those about the relevance and survival of the UN Charter and its collective security system itself. Germany may hence find itself at the frontline of decisions that could not be more fundamental and consequential for our global future.

Today's main security threats: Intra-state armed conflicts

Hypnotized by traditional thought patterns of great-power rivalries, one tends to overlook that the main threats to peace and security are no longer inter-state wars but internationalized intra-state armed conflicts. Since the end of the Cold War, the two Gulf wars (1990 and 2003) were the only major wars among regular armed forces over control of territory and power. All other conflicts since 1989 were intra-state armed conflicts; 49 of them are on-going. In some cases, they were the result of unsolved issues during violent breakups of countries (e.g. ex-Yugoslavian republics, Eritrea-Ethiopia, Sudan-South

Sudan, etc.), but mostly, they are long drawn-out armed conflicts between a government and one or several belligerent non-state actors. Today, intra-state armed conflicts are responsible for virtually all [battle-related deaths](#) as well as for most conflict-induced [internal displacements](#), [refugee flows](#), and deliberate destruction of habitat and infrastructure.

Except for minor border clashes, all of today's military operations are targeting internal and no longer external enemies. National armies rebuilt in Afghanistan, Iraq, Mali or the Sahel with Western help are equipped and trained for the sole purpose of fighting belligerent non-state actors. Such non-state actors are manifold and range from Islamist extremists and other ideologically or ethnically-driven associations, to secessionist movements, rebel groups, youth gangs, militia forces, paramilitary units, warlords and a whole range of criminal syndicates. They – and not hostile armies from across borders – have become the major threat to state authority, national sovereignty and, by extension, to the international order.

Preserving peace within nation-states will become increasingly crucial for preserving global peace.

A serious problem is the increased internationalization of intra-state armed over the last ten years through direct foreign military interventions or by supporting conflict parties with weapons, funding and logistics. Practically all weapons used in these conflicts today come from abroad. According to the [Peace Research Institute Oslo](#) (PRIO), this has made intra-state conflicts much bloodier, last longer, and solutions more difficult to find. For 2015, 2016 and 2017 respectively, [UCDP calculated](#) that 93%, 91% and 89% of all battle-related deaths occurred in internationalized intra-state conflicts. Also, Syria should serve as a warning that foreign military interventions in intra-state conflicts carry the risk of turning into great power confrontations.

Intra-state armed conflicts are likely to intensify. All of today's main global problems such as prevalent poverty, rising inequalities, limited resources, scarcity of water and land, lack of jobs and opportunities, and a general atmosphere of despair and hopelessness, especially among youth, risk triggering intra-state armed conflicts rather than inter-state wars. Global warming, rising sea levels, droughts, expanding deserts, the erosion of agricultural land and general environmental degradation will heighten inter-communal divisions and competition over scarce resources. Bad governance, pervasive corruption, social disintegration and pressures from increasing populations will accelerate state collapse and further empower belligerent non-state actors.

The resulting intra-state wars will have a global impact through increased terrorism, transnational crime, the spread of diseases and an increasing number of people trying to flee such conflicts. Most of the refugees/migrants that [crossed into Europe](#) in 2015/16 were from Syria, Afghanistan, Iraq or the Balkans, mostly from Kosovo. All these countries have gone through foreign military interventions that despite claiming otherwise, have contributed to

insecurity and instability. It was the resulting 1.5 million refugees that threw the European Union into turmoil and not any disputes with Russia or China. Preserving peace within nation-states will hence become increasingly crucial for preserving global peace.

Military interventions bring no solutions

For lack of any better solutions, post-Cold War interventions have largely relied on policies, which had been successful in Germany and Japan in the wake of WWII: seeking military victories and introducing Western democracy. However, unlike most international peace operations that are deployed with the consent of the conflict parties, foreign military interventions – most of them illegal by international law – have made bad situations worse. Despite all the suffering they caused, they never resulted in stable democratic governments. After 17 years of massive military engagements in Afghanistan, the Taliban are [gaining ground](#) and despite having bombed virtually all Sunni Arab cities in Iraq into rubble, it is doubtful whether we have defeated the forces that made up the Islamic State. In Kabul and Baghdad, governments, though now elected, only exist behind high protection walls. Somalia, South Sudan, Libya and Yemen have descended into anarchy. And after seven years of terrible bloodletting, Syria remains under the control of its dictator. Sadly, other countries such as Russia, Saudi Arabia, Iran and Turkey have now followed the example of unilateral Western military interventions in intra-state conflicts.

Foreign military interventions have made bad situations worse. Despite all the suffering, they never resulted in stable democratic governments.

Peace in these conflicts will not be achieved by any superior military might. Instead, we may have to rely more on political solutions through greater international cooperation. As a first step to peace, the UN Charter's core principle that Members refrain from the threat or use of force unless otherwise authorized by the Security Council (UN Charter, [Art.2/4](#)) must also be applied to intra-state armed conflicts.

The UN Charter has no answers

The UN Charter only regulates the use of military force in inter-state conflicts. At the time of its creation in 1945, intra-state armed conflicts were not considered matters of international concern. Consequently, its Charter was designed to prevent or end wars among member states but not within member

states. The Charter's core principle that its members "refrain from the threat or use of force applies only to military attacks against the territorial integrity or political independence of any state" (Art.2/4). A following article makes this even clearer: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state (...)" (Art.2/7).

Most foreign military interventions argue that they act at the invitation of a national government and are hence justified under [Article 51](#) of the Charter that speaks of "(...) the inherent right of individual or collective self-defense if an armed attack occurs (...)." However, this Article refers only to outside armed attacks; it says nothing about the right of a government to invite foreign forces to help it defeat an internal armed opposition. The lack of clear rules for the use of force in intra-state armed conflicts has created a vacuum that has contributed to situations such as in Syria. Humanitarian law cannot fill this vacuum. It only regulates the rights of combatants and civilians caught in wars and armed conflicts. The use of military force as such can only be defined in the UN Charter.

Extending the UN Charter to Intra-state Conflicts

With intra-state armed conflicts having become the dominant threats to global peace and security, it is time that the use of force be placed under similar restrictions as those applying to inter-state conflicts. This would require amending the UN Charter.

Intra-state armed conflicts have become the dominant threats to global peace and security.

Like for conflicts among states, the UN Charter should prohibit all use of military force in intra-state armed conflicts, including unilateral military interventions and/or the provision of arms and funding to conflict parties. Exceptions to this must be decided by the UN Security Council. An expanded UN Charter would have to reiterate the application of human rights and humanitarian law to all conflict parties including non-state actors, the responsibility of national authorities to protect civilians and the responsibility of the international community to support civilians caught in armed conflicts. And it would have to provide a framework for dealing with armed non-state actors.

In the same spirit, UN peacekeeping must be adjusted to intra-state armed conflicts. Its operating principles of mutual consent, impartiality and minimum use of force had been taken over from a time the UN intervened to end inter-state wars; they make no sense in intra-state armed conflicts. UN peacekeeping operations need different operating principles, based on the

premise that they solely follow the authority of the Security Council and are independent of any conflict party. All this would not prevent or end intra-state armed conflicts; they are often rooted deeply in national grievances and non-state actors are unlikely not recognize them. However, it would make such conflicts less violent, help contain them and avoid them from turning into regional or even global conflicts.

Countries with decades of armed conflicts such as Afghanistan and the Congo have never produced a single bullet or gun. The same applies to many other conflict-ridden countries such as Sierra Leone, Liberia, Somalia, South Sudan, Mali or the Central African Republic, to name only a few. Without direct military support or the supply of arms, funding or logistic support to conflict parties, most of these conflicts would simply lack the fuel to burn out of control. This would help creating more space for local solutions and compromise, and it would provide a framework for greater international cooperation in backing up political solutions.

Why it might work: the fear of global anarchy

With the recent escalation in great-power confrontations and general doubts about the effectiveness of the UN, a proposal to expand the UN Charter might sound terribly unrealistic. Some member states like the US may object as this might give unfriendly states too much influence. Others like China may argue that this would only further undermine national sovereignty. However, we are at times time of great geopolitical changes. The West may no longer have the political will to continue intervening in intra-state conflicts: they are politically too costly, have become too expensive, are too long and, above all, did not lead to the desired results. The European Union is too preoccupied with itself to become a major player. Russia, with its Syria adventure, may have reached its limits. And China, the only other power able to be a global player, appears to have no desire intervening in intra-state conflicts.

As a result, we may see more intra-state conflicts with more nation-states collapsing and more belligerent non-state actors expanding their control over people and territories. Local and regional players may increasingly take advantage of the geopolitical vacuum to pursue their limited interests. The world could descend into anarchy and global chaos. We hence need a collective security solution. It was fears of a third World War that brought member states together to agree on the UN Charter in 1945, it might be fears of a global chaos that could be the motivation for revising the Charter today.

Germany can open a new chapter for the UN

It is unlikely that any of the Permanent Five could take the initiative to suggest a substantive reform of the UN Charter; there is too much mistrust. But Germany as a non-permanent member and as one of the most influential countries might have a much better chance to drive a reform process. Germany could build on the fact that it objected to military solutions in the SC in the past when it refused to support the invasion of Iraq and the overthrow of the Qaddafi regime in Libya. The 75th anniversary of the UN in two years may be a perfect occasion for introducing changes to its Charter.

The 75th anniversary of the UN in two years may be a perfect occasion for introducing changes to its Charter.

In 1945, the UN Charter was largely a response to German atrocities in WWII; today, Germany has the opportunity – hopefully in cooperation with its European partners – of taking the lead to open a new chapter for the UN and save it as a core instrument for maintaining global peace and security.

[Vereinte Nationen](#)[Friedenseinsätze](#)[Friedensförderung](#)[English](#)[Frieden & Sicherheit](#)[UN-Sicherheitsrat](#)

Michael von der Schulenburg

Michael von der Schulenburg worked 34 years in various positions for the United Nations, and shortly the OSCE, including as UN Assistant Secretary-General in many of the world's trouble spots. He is author of the book "On Building Peace: Rescuing the Nation-state and Saving the United Nations".