

Session 3. Institutionalization of Peace

Limitations of International Law Surfaced by the Current International Affairs

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International peace and security have been longstanding goals of humanity, essential for preserving human life and safety. These two principles of world peace and security have been pursued by various religions, leading to the signing of treaties to end wars and establish peace. They hold a significant place in the Charter of the United Nations (UN), an organization founded for the stability and development of human life. In this discussion, we will examine the approach to global peace and security through the UN Charter. The UN Charter primarily addresses international peace and security, discussing the obstacles to achieving these principles and proposing strategies to realize them.

First and foremost, the UN Charter emphasizes world peace as a primary objective and means. Virtually all provisions of the Charter focus on this goal. Rules for maintaining world peace are established, and acts that threaten peace are considered crimes. Furthermore, restoring world peace is closely linked to restoring international security. Both world peace and security are core elements of human growth and development.

As mentioned earlier, the UN Charter, or the Charter of the United Nations, mainly emphasizes international peace and security, urging nations to uphold them. These regulations are provided as general goals and principles with strong legal and ethical authority. They are considered peremptory norms (*Jus cogens*) in international law, meaning they must be strictly adhered to, and failure to do so results in severe consequences and liabilities. The UN Charter respects the sovereignty of all nations equally and refrains from interfering in the internal affairs of other countries. It also protects the right of peoples who have not yet formed their nation to self-determination. In cases where these principles are violated, it recognizes the right to self-defense, including preventive, individual, or collective self-defense. However, it sets conditions to prevent the abuse of the right to self-defense, ensuring that such aggressive actions cease after achieving their initial defensive purpose. These provisions emphasize international peace and security and encourage cooperation among nations.

Nevertheless, the principle of non-interference in the internal affairs of member states can be an exception in the context of enforcement measures specified in Chapter VII of the UN Charter. These measures are applied when a state violates international law or commits human rights abuses. The concept of "humanitarian intervention" or "responsibility to protect," established in the 1980s, justifies international intervention when serious human rights issues arise within a country.

Secondly, the difficulties in achieving international peace and security, or the challenges faced by the UN in achieving these goals, are related to national practices and the functioning of the UN.

1. National Practices:

The UN Charter, including the Charter of the United Nations, was drafted by the victorious nations of World War II. It includes agreements from post-World War I and serves the interests of the victorious nations. Consequently, while the UN Charter contains rules to promote world peace, these rules were established to serve the interests of powerful nations.

As a result, the concept of "justice" in the international community transformed into preserving these interests. This led to violations of national sovereignty, self-determination, and human rights abuses, as powerful nations exploited weaker ones and interfered in the internal affairs of other countries. The terms "humanitarian intervention" and "responsibility to protect" were often abused for economic, military, and political gains. Such nations fostered corruption, stirred up chaos and conflicts, and caused discord between internal stakeholders and those who rejected external intervention, leading to inequality where rights were granted to some regions while denied to others. Additionally, post-World War II saw the division of nations and border changes.

These double standards in international policy have resulted in widespread terrorism and corruption worldwide, along with various difficult global crises and challenges. The United States benefited from the collapse of the Soviet Union and imposed sanctions on other countries based on its internal laws, ignoring international law.

2. The UN and the UN Charter:

The UN Charter delegates the task of maintaining international peace and security to the Security Council. However, the Security Council does not make decisions based on the principle of sovereign equality and is not neutral. Most resolutions are subject to the veto power of the five permanent members of the Security Council, meaning that international peace and security are determined by the interests of these five nations. This contradicts the main principles and objectives of the UN Charter, making it difficult to achieve its other goals worldwide.

The problem doesn't end there. The International Criminal Court's work is primarily channeled through the Security Council, and the veto power of major nations obstructs the punishment of major criminals and perpetrators of serious crimes.

Thirdly, there are two dimensions to the spread of peace and the establishment of security for humanity: public awareness and the mechanisms of the UN.

1. Public Awareness Dimension:

The term "public" here refers to all individuals globally. Citizens of developed countries must be aware of events happening outside their own nations and issues faced by third-world citizens. They should monitor and prevent their governments from committing criminal acts against third-world citizens due to their ignorance.

Third-world citizens should be able to voice their concerns to the global community and interact with people around the world. They should protect their countries and natural resources from foreign exploitation, achieve true independence, determine their own destinies, and choose their desired political and economic systems. Fortunately, the advancement of communication and technology has greatly facilitated information exchange, idea sharing, and effective dissemination of the truth about current situations, providing more opportunities for people worldwide to interact.

The global public opinion plays a crucial role in achieving international peace and security. It can help move in the direction of realizing international peace by eliminating global tensions and the root causes of wars.

2. UN Mechanisms Dimension:

The UN must ensure national representation and improve the decision-making process in the Security Council, making it more efficient, objective, and neutral. This would encourage major powers to relinquish their privilege of veto in favor of the common good of humanity. In summary:

- Reform the Security Council and apply international law and the UN Charter effectively and impartially to establish international justice.
- Enhance international cooperation based on just principles and refrain from exploiting the resources of developing countries.
- Major powers should abandon their domination over international politics, resources, and strategic areas and cease imposing sanctions on other nations that cause widespread disasters and crises.
- Strengthen collective self-defense to allow oppressed and discriminated populations to exercise their right to self-determination.

- Establish rules to distinguish terrorism from movements for national liberation, particularly crimes related to colonial domination, such as detaining and killing indigenous people, forced displacement, land and resource grabbing, and the occupation of foreign armies. These actions result in discrimination against the remaining indigenous population.

In conclusion, I hope that today's conference will be successful and that the proposed "Declaration of Peace on Earth to End All Wars" (DPCW), which contains new international laws for peace, will become a beacon of hope for humanity and future generations.

