LEADING ARTICLES

The Internationalization of Domestic Conflict: The Role of the UN Security Council

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Abstract: In recent years, the UN Security Council has increasingly been involved in domestic conflicts. To explain this development, two lines of arguments have been used most often, both referring to the end of the Cold War. The first line of argument holds that the collapse of the Soviet Union has led to more domestic conflicts that manifest themselves at the international level, and the UN has simply responded to that growing problem. In the second line of argument, the collapse of the Soviet Union has led to an end of the anticipation and use of Soviet veto power in the Security Council, leading to more opportunities for the UN to take a more proactive stance in domestic conflicts. How plausible are these explanations? In this article, the argument is made that both lines of explanation rest partly on faulty premises.

1. INCREASING UN INVOLVEMENT: A POTPOURRI OF HYPOTHESES

The past decade has presented students of international relations and international law with a true crisis. On the one hand, they faced a serious analytical problem:[1] few if any of their theories were able to predict the most important development in international relations since World War II: the collapse

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1.   J.L. Gaddis, The United States and the End of the Cold War: Implications, Reconsiderations, Provocations (1992); and C.W. Kegley, *How Did the Cold War Die? Principles for an Autopsy*, 1 Mershon International Studies Review (1994).

of communism and, in its wake, the end of the Cold War. On the other hand, that same episode provided them with a set of opportunities: a gamut of intriguing new issues and questions to be investigated, as well as a convenient explanation for all kinds of outstanding analytical puzzles.

Students of international conflict and its management are no exception. While the foundations of the post-1945 world order were crumbling, many of them continued to study Cold War confrontations and regional conflicts on the assumption that the key to understanding their occurrence and outcomes lay in the bipolar structure of the international system and the rivalry between the two superpowers. After recognizing the inevitable, however, many of them have started to use the implications of the end of the Cold War as an explanation for the occurrence and management of conflict in world politics today.

One important issue which emerged in recent years concerns the apparent increase in the UN Security Council's role in managing conflicts that hitherto had been considered domestic. For example, the Security Council has passed resolutions and, in some instances, has mandated UN actions in mitigating internal strife in Iraq, the former Yugoslavia, Somalia, Liberia, Haiti, Georgia, Angola, and Rwanda. This development needs explanation, especially because it has been commonly assumed that the UN is not supposed to intervene in domestic conflicts. Several lines of inquiry have been pursued. The first is that the UN has simply responded to a growing problem. The presumption here is that there is an increasing trend towards the internationalization of domestic conflict: internal conflicts, in particular ethno-political cleavages, have become more frequent and have had a more severe political and humanitarian impact on the international community (the problem-driven explanation). The second is that the UN has benefitted from an expansion of the dominant interpretation of the UN Charter governing its involvement in these types of conflicts (the opportunity-driven explanation). Both lines of inquiry identify the same root cause of these developments: the end of the Cold War. More specifically, the argument runs as follows. The problem-driven interpretation is that the collapse of the Soviet Union (SU) has resulted in the collapse of the stabilizing Cold War power structure which had traditionally acted as a check upon the emergence and escalation of latent conflict in Eastern Europe and parts of the Third World. In the power vacuum that followed the dismantling of the SU, these latent conflicts erupted with increasing frequency and magni-

tude.[2] The opportunity-driven explanation suggests that the end of the Cold War implied an end to the anticipation and use of Soviet veto power in the UN Security Council, which is thought to have hung over many situations that might otherwise have given rise to a more proactive UN role. This, in turn, has enabled new lines of legal and political reasoning supporting UN involvements to be articulated and receive support in the Council's resolutions. Figure 1 summarizes these two lines of inquiry.

Figure 1   Explaining the increase of UN involvement in domestic conflict
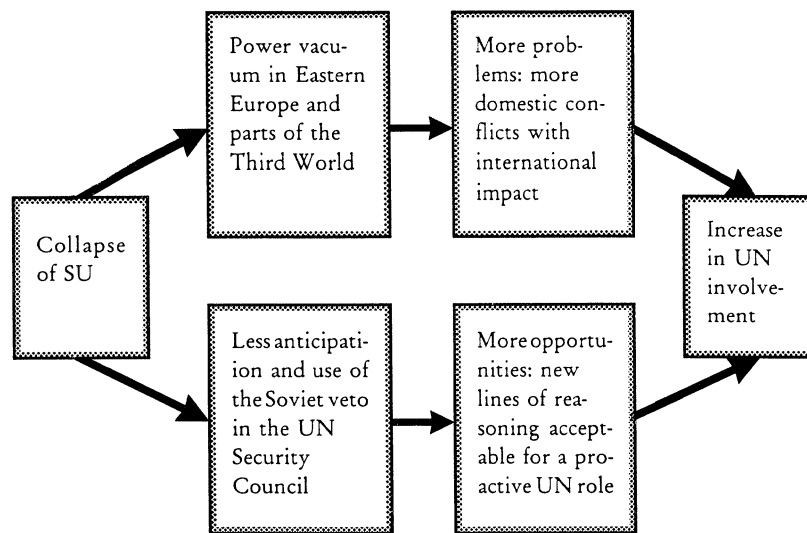
The central question of this article is simply: is it true? In other words, we shall revisit both the problem-driven and opportunity-driven interpretations of the increasing Security Council role in the management of internationalized domestic conflicts. The problem-driven explanation is examined critically by looking at the broader issue of the internationalization of domestic

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2.   K. Mills, *Nationalism, Ethnic Conflict, and Self-Determination: The Challenge for Sovereignty and Human Rights*, paper presented at the Annual Meeting of the International Studies Association, Washington D.C., March 28-April 1994, at 11.

conflict and what forms this can take (Section 2). The opportunity-driven explanation is scrutinized in two steps. First, the Charter itself is examined to trace the opportunities it offers for a proactive UN role in conflicts which essentially fall within the jurisdiction of a single state (Section 3). Secondly, a number of important cases of Security Council involvement in 'domestic' conflicts are identified. Special attention is paid to the arguments used to legitimize UN involvement. In order to evaluate whether something has changed here, this comparison covers both the Cold War period (1945-1987) and the post-Cold War era (since 1988) (Section 4). In the final section, we shall revisit the two tiers of the argument, and assess to what extent 'the end of the Cold War' once more provides the explanation for an important development in international affairs (Section 5).

2.   SECURITY COUNCIL INVOLVEMENT: RESPONDING TO A GROWING PROBLEM?

In discussions about conflict and conflict management, a distinction is often made between domestic and international societies.[3] Conflicts emerge in both types of societies, but the kinds of dispute are thought to differ in important ways across the domestic-international axis. Also, conspicuous differences in the means of conflict management available in the two types of societies are frequently highlighted. In ideal-typical terms, conflicts within domestic societies (e.g., riots, regional tensions, civil wars) can be managed ultimately by a central authority that enjoys a monopoly of the legitimate use of force (the state). The state and the political system provide a set of viable institutions and rules for settling conflicts, and with a view to making authoritative and enforceable decisions:

> civil courts apply rules to settle disputes between individuals or corporations. Formal industrial relations courts or arbitration tribunals determine solutions to industrial disputes or monitor the workings of agreed collective bargaining procedures. Electoral systems are developed to settle conflicts over who will occupy political authority roles within the country and how the occupancy will be reviewed (and perhaps changed) periodically.[4]

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3.   C.R. Mitchell, *Mediation, in* P. Smoker, R. Davies & B. Munske (Eds.), A Reader in Peace Studies 26-27 (1990).
4.   C.R. Mitchell & K. Webb (Eds.), New Approaches to International Mediation 2 (1988).

On the other hand, conventional writings often depict 'international' society as anarchic. As Sandole indicates: "[t]he international level, which logically and empirically affects all others, can be viewed as homo sapiens' most extensive approximation to a Hobbesian state of nature, a Social-Darwinistic struggle".[5] The absence of a central, legitimate authority able to establish and operate a formal system for conflict management implies that processes to settle conflict have to be largely informal. Despite attempts at institutionalizing international conflict management more firmly, the available system of international 'courts and codes' faces persistent problems of both legitimacy and acceptability.[6]

These ideal-typical images of both societies are, of course, over-drawn. "[M]uch of world society is as ordered and consensual as many domestic societies and frequently not as violent or anarchic as others".[7] Nevertheless, many authors emphasize the dissimilarities between domestic and international societies, and create the impression that major differences exist between internal and international (external) conflicts and their management. The core element in this discussion is the concept of 'state', which forms the essence of the conceptual dichotomy between national and international politics. Koch refers to this as the 'double character' of states.[8] Domestic conflict takes place within states, whereas international conflict is considered tantamount to interstate conflict.[9]

Taking this distinction as a starting point, many analysts of (international) conflict assume a trend towards the internationalization of domestic conflict, in which more domestic, communal conflicts escalate to the international level.[10] The argument runs as follows. In particular after the deconstruction of the Soviet Bloc, the incidence and intensity of domestic strife along cultural, economic, and political lines are thought to be on the rise. Ethno-political cleavages figure most prominently in this development. The alleged internationalization of these 'ethno-political conflicts'[11] is

5. D.J.D. Sandole, *Paradigms, Movements, and Shifts: Indicators of a Social Intervention*, in Mitchell & Webb (Eds.), *supra* note 4, at 221.
6. L. Mair, Primitive Government (1964).
7. Mitchell & Webb, *supra* note 4, at 3.
8. K. Koch, Over Staat en Statenvorming 1-2 (1993).
9. *See, e.g.*, J. Bercovitch, *International Dispute Resolution: Comparative Empirical Analysis*, in K. Kressel & D.G. Pruitt (Eds.), Mediation Research 288 (1989).
10. M.I. Midlarsky (Ed.), The Internationalization of Communal Strife (1992).
11. T.R. Gurr, *Peoples Against States: Ethnopolitical Conflict and the Changing World System*, 38

brought about in two ways. First of all, conflict that starts domestically may manifest itself at the international level by all kinds of 'spill-over' effects.[12] For example, many of the world's refugees are in flight from or have been displaced by these conflicts to other countries in the world. Schmid and Jongman estimate the number of displaced people in 1993 at 16,811,000, and the number of refugees at 9,396,150.[13] Also, in cases where an ethnic group is spread over more than one state, and constitutes a majority in none of them, ethnic strife may arise in one state to spill over into the other. A second way in which domestic conflicts become internationalized is by their management. The regional instability resulting from major domestic ethnic-political conflict may tempt outside powers to intervene in an attempt to deal with it. In this case, the containment of the conflict takes place at the international level. We will focus on the management of domestic conflict by the UN and deal with this form of internationalization in the next section.[14]

The question to be answered here, is whether there has been an *increase* in ethno-political conflicts with a potential international impact, and whether a *causal link* exists between this trend and the collapse of the SU. Research on this question shows that a growth of ethno-political conflict can indeed be observed.[15] However, the increase in serious ethno-political conflict since the 1980s is a steady continuation of a trend that already became evident in the 1960s. In other words, "[t]he deconstruction of the Soviet bloc nudged the trend upward but did not create it".[16] But if it is not the collapse of

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International Studies Quarterly 347-377 (1994).

12. R. Taras, *Making Sense of Matrioshka Nationalism, in* I. Bremmer & R. Taras (Eds.), Nation and Politics in the Soviet Successor States 533 (1993).

13. A.P. Schmid & B. Jongman, *Oorlogen en Politiek Geweld: Een Overzicht*, unpublished paper, Programma Interdisciplinair Onderzoek naar de Oorzaken van Mensenrechtenschendingen, Centrum voor Onderzoek naar Maatschappelijke Tegenstellingen, Leiden University (1994).

14. Interventions in domestic conflict other than in forms by the UN lie outside the scope of this paper. *See,* for an analysis of great power intervention in civil wars, G.A. Raymond & C.W. Kegley, Jr., *Long Cycles and Internationalized Civil War,* 49 Journal of Politics 481-499 (1987).

15. *See* Gurr, *supra* note 11, at 350. *See also* D. Carment, *The International Dimensions of Ethnic Conflict: Concepts, Indicators, and Theory,* 30 Journal of Peace Research 141 (1993); A.P. Schmid & B. Jongman, *Ethnic Conflict and Self-Determination: A Brief Look at Concepts and Occurrence,* unpublished paper, Programma Interdisciplinair Onderzoek naar de Oorzaken van Mensenrechtenschendingen, Centrum voor Onderzoek naar Maatschappelijke Tegenstellingen, Leiden University, at 13 (1994).

16. Gurr, *supra* note 11, at 364.

the SU, how can we then explain the internationalization of domestic conflict? We will argue that simultaneous but opposing processes of fragmentation and integration which have characterized the international political system since the 1950s may offer some explanation. These mechanisms have both stimulated an increase in ethno-political conflict (through fragmentation) and enhanced their impact on the international community (through integration).

Fragmentation of larger political units into smaller segments was boosted as decolonization processes started after World War II. There are two ways in which these fragmentation processes have led to ethno-political conflict with long-term spill-over effects. First of all, in many of these newly independent states, particularly in Africa, struggles for state power among culturally distinct people, tribes, or clan groups broke out in the immediate aftermath of state formation. Secondly, in some of these newly developed states autocratic regimes have been established and attempts to democratize them have led to serious ethno-political conflict.[17] Gurr's research shows that power transitions within states have been the main immediate source for communal warfare in the past and in the present, and that two kinds of power transitions have augmented in the aftermath of the Cold War: no less than twenty new or redesigned states have come into existence, and some of these are experimenting with new democratic institutions.

Whereas fragmentation and subsequent struggles for state power have increased the number of communal conflicts, increasing integration and interdependencies between states have enhanced their international impact. Dynamics of what Harvey calls "time and space compression" are transforming the world into a "global village".[18] Different forms of economic and technological innovation have quickened the pace of international developments and much larger areas can be affected by ethno-political conflict than several decades ago. For example, the 'CNN-ization' of the world through improved sophisticated communications technology exposes a much wider audience to the bloodshed in conflicts in various countries, encouraging the idea that the international community 'should do something about it'. Also, advances in military technology have greatly increased the destructive capacity of modern weapons. It has become relatively easy for ethno-political

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17. Gurr, *supra* note 11.
18. D. Harvey, The Condition of Postmodernity 240 (1989).

groups to arm themselves with devastating firepower, to be highly mobile, and to take the stage of battle away from the contested area towards high-profile sites assuring international attention (i.e. international terrorism).

In short, the increasing trend of the internationalization of domestic conflict is not so much the result of the end of the Cold War period *only*. The collapse of the SU is an impulse in the ongoing processes of fragmentation and integration, which already started in the 1950s when decolonization processes went underway. But as the internationalization of domestic conflict cuts across the traditional domestic-international divide, it poses an important dilemma for both policy makers and students of international relations: can they be managed as though they were domestic conflicts, through the reconfiguration of central, legitimate authority and the application of national rules and codes, or can they be dealt with as though they were (quasi-) international by means of diplomacy, international law, or international intervention? In the next section we will see how the UN system deals with this dilemma in its formal rules for conflict intervention.

3.   SECURITY COUNCIL INVOLVEMENT: THE CHARTER AS AN OPPORTUNITY STRUCTURE

Before we look at a number of important cases of Security Council involvement in domestic conflicts (Section 4), it is necessary to analyse the most relevant rules of the UN Charter, the legal context laying down the opportunities and restrictions for such involvement.

In principle, the UN Charter starts from a separation between the domestic and the international sphere. The non-intervention principle of the United Nations (Article 2(7) UN Charter) generally precludes interventions in domestic affairs, including domestic conflict. Moreover, collective security rules of the Charter essentially concern *interstate* conflicts. These rules are largely modelled to deal with types of war such as World War II. In case of an attack by one *state* on another *state*, the Security Council is empowered to take action in order to restore international peace and security. In this respect, Claude refers to

> what is perhaps a general tendency for international organizations to exhibit a retrospective mentality. Such a tendency is no monopoly of international organizations; if the League was created to prevent the outbreak of World

> War I, the French Maginot Line was also built to win the battles of World War I. But it is significant that the great organizational endeavors of the modern world have been parts of the aftermath of great wars, and it is possible to argue that they have tended to produce instruments better adapted to preventing the recently concluded tragedy than to dealing with the momentous issues of the future.[19]

Nevertheless, closer analysis demonstrates that the drafters of the Charter have built some flexibility into the newly established organization, which in practice has provided some room for dealing with other than World War II type of conflicts. This flexibility is provided by the provision which lays down a dividing line between the national and the international sphere (Article 2(7)), and by the provision which defines when the machinery for enforcement action will be triggered, in order to maintain or restore international peace and security.

Firstly, Article 2(7) of the Charter contains one of the principles of the UN and its members:

> [n]othing contained in the present Charter shall authorize the United Nations *to intervene in matters which are essentially within the domestic jurisdiction of any state* or shall require the members to submit such matters to settlement under the present Charter; *but this principle shall not prejudice the application of enforcement measures under Chapter VII.*[20]

Although this provision assumes that there is a national and an international sphere, the borderline is somewhat flexible. The wording chosen by the drafters of the Charter recognizes that in reality many affairs will no longer be within the exclusive jurisdiction of states and belong strictly to the national sphere, but will have international dimensions as well. The open-ended text of Article 2(7) implies that the delimitation between the national and the international sphere is dynamic and framed to keep pace with developments in practice. Probably the best example is the international protection of human rights. Whereas in 1945 the treatment given by a state to persons within its jurisdiction was still something which almost completely belonged to the *domaine réservé* referred to in Article 2(7), today it is generally accepted that this is also a matter of international concern.

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19. I.L. Claude, Jr., Swords Into Plowshares 46 (1971).
20. Emphasis added.

Secondly, with respect to the operation of the enforcement machinery of the UN Charter, the distinction between domestic and international arenas is less strict when compared to the League of Nations. Whereas the League Covenant provided for the enforcement machinery to be set in motion "should any member of the League resort to war in disregard of its covenants" (Article 16(1)), a more flexible criterion was chosen in the UN Charter. Article 39 provides that

> [t]he 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.

Article 41 covers measures not involving the use of armed force; on the basis of Article 42 military sanctions may be imposed by the Security Council. But the Council may only take such action if a specific conflict is considered a "threat to the peace, breach of the peace, or act of aggression". It is clear that these three notions are much broader than the League's "resort to war". This broad wording is closely related to one of the principles of the UN Charter, according to which "all members shall refrain in their international relations from *the threat or use of force* against the territorial integrity or political independence of any state" (Article 2(4)).[21] However, this broad wording also indicates that the Security Council's competence to act under Chapter VII of the Charter is not limited to *inter*state threats or use of force but may include *intra*state conflicts as well.[22] As will be demonstrated in Section 4, in a number of cases the Council has qualified such conflicts as "threats to the peace". In addition, one should be aware of another difference with the League Covenant. While under the Covenant it was for each individual member state to determine whether another member had resorted to war, under the Charter it is exclusively for the Security Council to qualify a conflict as a threat to the peace, breach of the peace, or act of aggression. Whereas the League Covenant laid down a *decentralized* collective security system, the UN's system is clearly more *centralized*.

Therefore, the founding fathers of the UN have not built an insurmountable wall to separate the national from the international sphere.

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21. Emphasis added.
22. *See* H. Kelsen, The Law of the United Nations 731 (1950).

Although it is true that the Charter has not designed scenarios to deal with civil wars and other conflicts strictly within the borders of one state, it does not exclude a role for the Security Council in case the latter should decide that such intrastate conflicts require international involvement. In the next section, we will briefly examine how these rules have been applied in practice.

4.   SECURITY COUNCIL INVOLVEMENT IN PRACTICE: A COMPARATIVE ANALYSIS

4.1.   The Cold War era (1945-1987)

Before discussing the application in practice of the above-mentioned Charter rules, we will first briefly consider the assumption which is sometimes made that it has been the frequent use of the Soviet veto which has prevented the Security Council from functioning properly during the Cold War era. Closer examination demonstrates that this assumption is correct only for the period of 1945-1965. In the period of 1966-1975, the United States used its veto on 12 occasions, while the SU did so in 11 cases, and figures for the other permanent members are: China 4, France 2, and the United Kingdom 9. This trend continued during the next decade (1976-1985): United States 37, China 17, United Kingdom 11, France 9, and SU 7.[23] Of course, these figures have limited value, since they do not, for example, provide information on the anticipation of the use of the veto or what the subject matter the veto was used for entailed. In addition, a number of vetos have been used in relation to one conflict. Nevertheless, these figures sufficiently refute the assertion that the SU had a (quasi-)monopoly over the use of veto power during the Cold War period.

Another assumption concerning Security Council practice which requires closer examination is the idea that the Council has only recently taken action in regard to domestic conflicts. However, even from a cursory glance at the practice of the UN it is clear that since its early years, the organization, and more particularly the Security Council, has dealt with conflicts which, at least in the eyes of some states, belonged to the *domaine réservé* protected

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23.   S.D. Bailey, The Procedure of the UN Security Council 209, 2nd ed. (1988).

by Article 2(7). Below, we will briefly discuss four main examples of such practice during the Cold War era: the Indonesian question, the Congo crisis, Southern Rhodesia, and South Africa (Section 4.1.1.).[24] Subsequently, we will analyse a number of examples of the post-Cold War period (Section 4.1.2.). In particular, we will focus on the criteria used by the Council to justify its involvement.

4.1.1.   The Indonesian question

After World War II, The Netherlands was reluctant to give up its colony the Netherlands East Indies (now Indonesia). In July 1947, following the outbreak of hostilities between armed forces of The Netherlands and Indonesia, Australia brought the matter before the Security Council, considering that these hostilities "constituted a breach of the peace under Article 39".[25] The Netherlands was strongly against Security Council involvement in this 'Indonesian question'. During the debates in the Security Council, Dutch Ambassador Van Kleffens defended the view that the Republic of Indonesia was not a sovereign state, and that the matter was essentially within the domestic jurisdiction of The Netherlands.[26] The Security Council adopted Resolution 27, which simply called upon the parties to cease hostilities forthwith and settle their dispute by peaceful means. No reference was made to any specific Charter provision, nor was there any indication whether the conflict was considered a threat to the peace, breach of the peace, or act of aggression. The same holds true for the few resolutions adopted subsequently with respect to the Indonesian question. Specifically, such implicit or explicit reference was lacking in the resolutions adopted following the second so-called 'police action' initiated by The Netherlands in December 1948.[27] The Security Council chose to approach the matter pragmatically, implying that it was competent to act. Why then was this conflict, which was considered by The Netherlands as an internal affair, a matter for international concern, justifying Security Council involvement? This has been indicated most clearly by the Australian representative in the Council, who

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24.   There are more cases. *See*, for an overview, F. Ermacora, *Article 2(7)*, *in* B. Simma (Ed.), The Charter of the United Nations - A Commentary 139-154 (1994).
25.   UN Doc. S/449 (1947).
26.   SCOR/67, at 1645 (1947).
27.   *See*, in particular, UN Doc. S/RES/63 (1948).

considered the conflict as an armed conflict between two states, referred to Australia's economic and commercial ties with Indonesia, and stressed that the situation affected the well-being and stability of the whole region.[28]

4.1.2. The Congo crisis

The Belgian colony of the Congo (now Zaire) gained its political independence on 30 June 1960. Five days later, however, a rebellion broke out in the army (*Force Republique*) which was still led by Belgium at the time. The new Prime Minister of the Congo, Lumumba, was unable to suppress the revolt which quickly spread over the country. The violence was mainly directed at the white minority living in the Congo. They were chased away and their possessions were taken. Belgian troops were asked for help by the President of the rich mining province of Katanga, Tjombé. Also, Belgium sent soldiers to protect its citizens in that area, strongly against the will of the national government of the Congo. By cables dated 12 and 13 July 1960, the President of the Congo, Kasa-Vubu, and Prime Minister Lumumba asked the UN Secretary-General for the urgent despatch of military assistance in order to protect Congolese national territory, complaining that the arrival of Belgian metropolitan troops in the Congo constituted aggression and that the provincial authorities of Katanga had declared secession. On 13 July 1960, the Secretary-General for the first time made use of his powers under Article 99 of the UN Charter, which allows him to bring to the attention of the Security Council any matter which in his opinion may *threaten international peace and security*. During the discussions in the Security Council, the Secretary-General emphasized that the internal Congolese problems had important international bearing, partly because of the presence of Belgian troops, which were considered a potential source of international tension.[29] However, the resolution subsequently adopted by the Security Council (Resolution 143), authorizing the Secretary-General to provide military assistance for the restoration of law and order in the Congo, did not clarify why the Council considered itself competent to deal with this largely internal affair. A few days later, another international dimension was added to the conflict, when the representative of the Secretary-General in the Congo was informed

28. SCOR/67, *supra* note 26, at 1622-1623.
29. UN Doc. S/4381, at 3-5 (1960).

by the President and the Prime Minister of that country that their government would regretfully be compelled to request intervention by the SU if the UN seemed unable to accomplish the withdrawal of Belgian troops.[30] In other resolutions adopted by the Council in this case, no explicit or implicit clarification of the Council's competence was given. Only in February 1961, following the killing of Congolese leaders, including Prime Minister Lumumba, did the Security Council adopt a resolution, in which, *inter alia*, it expressed its deep concern "at the grave repercussions of these crimes and the danger of widespread civil war and bloodshed in the Congo and the threat to international peace and security".[31] Furthermore, in a subsequent resolution, the Council authorized the Secretary-General "to take vigorous action, including the use of the requisite measure of force, if necessary".[32] By definition, this resolution was based on Chapter VII of the UN Charter, and thus the situation was implicitly qualified by the Council as a threat to the peace, breach of the peace, or act of aggression.

4.1.3.   *Southern Rhodesia*

In 1961, a constitution was introduced in Rhodesia granting only white citizens and a restricted group of black Africans the right to vote. This allowed a white minority government to be established, eventhough the black population outnumbered the white population twenty times. In 1965, this government, led by Prime Minister Ian Smith, unilaterally proclaimed the country's independence from Great Britain, strongly against the will of the British government which was only willing to grant independence if and when a representative government would be established. In 1965, the Security Council determined that the existing situation was of a very serious nature, and that "its continuance in time constitutes a threat to international peace and security".[33] A few months later, the situation was qualified as a "threat to the peace".[34] This qualification was then reiterated by the Security Council in numerous subsequent resolutions regarding Southern

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30.   1960 UN Yearbook 53.
31.   UN Doc. S/RES/161, Preamble (1961).
32.   UN Doc. S/RES/169, para. 4 (1961).
33.   UN Doc. S/RES/217, para. 1 (1965). *See also* SCOR, 1264th meeting, at 5, and 1265th meeting, at 16 (1965).
34.   UN Doc. S/RES/221, para. 1 (1966).

Rhodesia. In addition, a number of resolutions explicitly referred to Chapter VII as their legal basis. In December 1979, following the agreement reached at the Lancaster House conference on the Constitution "for a free and independent Zimbabwe", the economic sanctions imposed by the Council on this basis were terminated.[35] The Council did not give a more explicit justification for its involvement in this case.

4.1.4. South Africa

A final example of an internal conflict in which the Security Council was involved during the Cold War era is the situation in South Africa. A distinction should be made between two matters: South Africa's illegal occupation of Namibia, and the issue of apartheid. While the former has clear international dimensions, this was less evident for the latter. Apartheid became an official government policy in 1948 when the newly elected National Party set out to establish complete separation between blacks and whites living in South Africa. For example, mixed marriages were made illegal in 1949, sexual relationships between blacks and whites became a crime in 1950, and blacks, indians, and coloured were not allowed to own land or take out leases. In 1963, the South African apartheid policies were brought before the Security Council by 32 African states. The Security Council regretted the indirect encouragement given by other states to the South African government, to perpetuate by force its apartheid policies. It declared that it was convinced "that the situation in South Africa is seriously disturbing international peace and security" and introduced a non-binding arms embargo.[36] In 1970, this embargo was strengthened (but remained non-binding). In so doing, the Council considered that

> the situation resulting from the continued application of the policies of apartheid and the constant build-up of the South African military and police forces, made possible by the continued acquisition of arms, military vehicles and other equipment and of spare parts for military equipment from a number of member states and by local manufacture of arms and ammunition under licenses granted by some member states, constitutes a potential threat to international peace and security.

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35. UN Doc. S/RES/460 (1979).
36. UN Doc. S/RES/181, Preamble (1963).

In addition, it was recognized that

> the extensive arms build-up of the military forces of South Africa poses a real threat to the security and sovereignty of independent African states opposed to the racial policies of the government of South Africa, in particular the neighbouring states.[37]

In 1977, a mandatory arms embargo was introduced by the Security Council against South Africa. The Council indicated that it acted under Chapter VII of the Charter, and determined,

> having regard to the policies and acts of the South African government, that the acquisition by South Africa of arms and related matériel constitutes a threat to the maintenance of international peace and security.[38]

4.2.   Practice since 1988

The overview above has shown that Security Council involvement in domestic conflicts is by no means a phenomenon of the last few years only. Nevertheless, it is obvious that the end of the Cold War provided new opportunities for the Security Council to play the role anticipated by the drafters of the Charter, which had soon become thwarted by East-West antagonism. Agreement among the five permanent members of the Security Council is a prerequisite for the functioning of the UN collective security system. Since 1988, such agreement was reached with regard to an increasing number of issues discussed by the Council. Since 1990, the veto power has been used only on four occasions: May 1990 (US), May 1993 (Russia), December 1994 (Russia), and May 1995 (US).[39] Co-operation rather than confrontation has become characteristic for the role played by the permanent members in the Security Council, and consultations among these five members have become a matter of course.[40] At the same time, the end of the Cold War led to a number of new conflicts, which put the revitalized Security Council to the test. Many of these conflicts are of an essentially

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37.   UN Doc. S/RES/282, Preamble (1970).
38.   UN Doc. S/RES/418, para. 1 (1977).
39.   *See* A. Roberts & B. Kingsbury, Presiding Over a Divided World of Changing UN Roles - 1945-1993, at 19 (1994).
40.   *See* F. Delon, *La Concertation Entre les Membres Permanents du Conseil de Sécurité*, 39 AFDI 53-64 (1993).

intrastate nature, and therefore the question as to whether the Security Council is competent to deal with such conflicts became more prominent.

Below, we will - again, very briefly - present in chronological order a number of recent, primarily domestic, conflicts which have been or are on the agenda of the Security Council. Our main question is whether and how the Council has justified its involvement. On what basis does it enter the *domaine réservé* of the member states?

4.2.1. Iraq and the Kurds

The Kurds have never had an independent state, nor have they ever, in modern times, been united under one government. They are partitioned among Iraq, Iran, Syria, Turkey, Lebanon, and the area of the former SU. In the chaos following the Gulf War of 1991, the Kurds in Northern Iraq once again rose in opposition to the Baath regime of Saddam Hussein, which had strongly repressed the Kurdish independence movement for many years. The Kurds proclaimed an independent Kurdistan in the North of Iraq and took on the Iraqi army.

Whereas the 1991 Gulf war was a 'classical' World War II type of war for which the Charter was written,[41] the Security Council had more difficulties with the subsequent suppression of the Kurdish rebellion by the Iraqi regime, which was essentially an intrastate conflict. Resolution 688, which provided the basis for the creation of a 'safe haven' for the Kurds in Northern Iraq, in its Preamble refers to Article 2(7) of the Charter and mentions that the Security Council was

> gravely concerned by the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish-populated areas, which led to a massive flow of refugees towards and across international frontiers and to cross-border incursions which threaten international peace and security in the region.

In addition, paragraph 1 of this Resolution stipulated that the Council condemned the Iraqi repression, "*the consequences of which* threaten interna-

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41. Nevertheless, Iraq defended its invasion in Kuwait by *inter alia* stating in the Security Council that "the events taking place in Kuwait are internal matters which have no relation to Iraq". UN Doc. S/PV.2932, at 11 (1994).

tional peace and security in the region".[42] The situation as such was not characterized in paragraph 1 as a threat to international peace and security. The report of the meeting of the Security Council during which Resolution 688 was adopted, sheds some light on the contents of the resolution. The draft resolution met with considerable opposition from some developing countries (Cuba, Yemen, and Zimbabwe, which voted against the resolution, as well as China and India, which abstained from voting). These states feared that a precedent would be created, which on some future occasion might be used to justify Security Council involvement in cases which were considered to be their own internal affairs. As the representative of Yemen put it:

> the draft resolution sets a dangerous precedent that could open the way to diverting the Council away from its basic functions and responsibilities for safeguarding international peace and security and towards addressing the internal affairs of countries.[43]

Other developing countries voted in favour of the resolution, but stressed that they had done so because explicit reference was made to Article 2(7).[44] The *Leitmotiv* of the Council deliberations was the delimitation between the national and the international sphere. Most members expressed in some way a necessity for a balance to be struck between the prohibition to intervene in the internal affairs and the urgent need to address the international dimensions (i.e. the massive influx of refugees).

4.2.2.   *(The former) Yugoslavia*

A few months later, in September 1991, the Security Council introduced an arms embargo against Yugoslavia. Before its subsequent dissolution, Yugoslavia consisted of six federal republics, three official languages, three religions, two alphabets, a dozen minorities, and historical animosities that had been suppressed by 46 years of communism.[45] The communist state was held together by President Tito's authority, the SU, and the Party. When Tito died in 1980, and the SU collapsed in 1989, the communist party

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42.   UN Doc. S/RES/688 (1991) (emphasis added).
43.   UN Doc. S/PV.2982, at 28-30 (1991).
44.   Ecuador, *in id.*, at 37; *see also* Zaire, at 38; and Soviet Union, at 61.
45.   P. Brogan, World Conflicts: Why and Where They Are Happening 422 (1992).

in Yugoslavia faded away. By 1990, the Serbs, the Slovenes, the Croats, and the Albanians were all asserting their respective brand of nationalism. For the Serbs, this meant trying to replace federal Yugoslavia with a unitary state led by Serbia. For the others, this meant freedom from Serb control. On 25 June 1991, Slovenia and Croatia proclaimed their independence. A civil war started immediately.

Resolution 713 introduced a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia. The resolution expressed the deep concern of the Council for the fighting which had started. The Council was also concerned that *"the continuation of this situation* constitutes a threat to international peace and security".[46] Subsequently, the Council noted *"that the continuation and aggravation* of this situation constitute a threat to international peace and security".[47] In further resolutions, Yugoslavia was no longer considered to be one state. The independence of Bosnia-Herzegovina, Croatia, Slovenia, and, subsequently, Macedonia, was recognized and these newly established countries became member states of the UN. In this way, the Yugoslav conflict developed from a domestic conflict into an international one. Following developments on the battle field, the Security Council referred to *the situation* (as such) in the former Yugoslavia as a threat to international peace and security.[48] A number of economic sanctions were applied, on the basis of Chapter VII of the Charter. Authorizations were given to use force under certain conditions. Until the conclusion of the Dayton Agreement in November 1995,[49] the Security Council has been involved in a number of ways in the civil war which took place in Bosnia-Herzegovina, as well as in the conflicts or potential conflicts in Croatia and Macedonia. The Council has not further specified why it is involved in this conflict, but a general justification seems to be the danger for the conflict to spread to other countries.

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46.   UN Doc. S/RES/713, Preamble (1991) (emphasis added).
47.   UN Doc. S/RES/721, Preamble (1991) (emphasis added).
48.   *E.g.,* in UN Doc. S/RES/757, Preamble (1992).
49.   Dayton Agreement, 2 International Peacekeeping 138-167 (1995).

4.2.3. Somalia

Since its independence in 1960, and until 1980, Somalia has been involved in wars with its neighbouring countries Ethiopia, Kenya, and Djibouti. Its economic and political situation deteriorated steadily throughout the 1980s. President Siad Barre's economic policy seemed to have no beneficial effects for the population at large, and the American aid programmes were quite insufficient to meet the country's needs. Although Somalia has a rather homogeneous population, "the different clans remain as suspicious of each other and as resentful to the central government as they were in colonial days".[50] In 1988, a civil war broke out, and Barre was driven from his capital in January 1991. This left Somalia in total anarchy with various rebel groups fighting against one another. More than half a million refugees have fled the country, and many civilians have been killed. By 1992, the human tragedy occurring in Somalia had become the subject of intensive Security Council deliberations. The situation in Somalia is, basically, an intrastate conflict. How did the Council justify its rapidly increasing involvement?

In its Preamble, Resolution 733 (adopted unanimously, and introducing a compulsory arms embargo) offers the following justifications:

> [g]ravely alarmed at the rapid deterioration of the situation in Somalia and the heavy loss of human life and widespread material damage resulting from the conflict in the country and aware of its consequences on stability and peace in the region; [and] concerned that *the continuation of this situation* constitutes [...] a threat to international peace and security in the region [...].[51]

Subsequent resolutions reveal that the Council was

> deeply disturbed by the magnitude of the human suffering caused by the conflict and concerned that the situation in Somalia constitutes a threat to international peace and security.[52]

The justification for its involvement was phrased more elaborately in Resolution 794 (adopted unanimously), which authorized the Unified Task Force (UNITAF), led by the US, to "use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in

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50.   Brogan, *supra* note 45, at 84.
51.   UN Doc. S/RES/733 (1992) (emphasis added).
52.   UN Docs. S/RES/767 (1992) and S/RES/775, Preamble (1992).

Somalia". In the Preamble of this resolution, the Council recognized "the unique character of the present situation in Somalia and mindful of its deteriorating, complex and extraordinary nature, requiring an immediate and exceptional response", and determined

> that the magnitude of the human tragedy caused by the conflict in Somalia, further exacerbated by the obstacles being created to the distribution of humanitarian assistance, constitutes a threat to international peace and security.

The declarations of the members of the Council underlined the same elements: the uniqueness of the situation and the absence of an effective government.[53] In further resolutions, the Security Council has emphasized that the situation in Somalia "continues to threaten peace and security *in the region*".[54] In subsequent resolutions, it added that it had regard to the exceptional circumstances, including and in particular the absence of a government in Somalia.[55] Finally, the Council decided to terminate the UNOSOM II operation, not because there was no more human tragedy or threat to the peace, but essentially because it recognized

> that the lack of progress in the Somali peace process and in national reconciliation, in particular the lack of sufficient cooperation from the Somali parties over security issues, has fundamentally undermined the United Nations objectives in Somalia and, in these circumstances, continuation of UNOSOM II beyond March 1995 cannot be justified.[56]

4.2.4. Liberia

Liberia, the oldest continuously independent state in Africa, was founded as a colony for freed American slaves in 1822. It was controlled in a colonial manner by the decendants of those immigrants until 1980, when a revolt by the indigenous people murdered the then President. Master-Sergeant Samuel Doe, who led the revolt became "the very model of the incompetent and corrupt military tyrant".[57] In 1989, a civil war broke out between the National Patriotic Front of Liberia and the United Liberation Movement

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53.   UN Doc. S/PV.3145 (1992).
54.   UN Docs. S/RES/814 (1993), S/RES/837 (1993), as well as S/RES/897, Preamble (1994) (emphasis added).
55.   UN Docs. S/RES/897 (1994), S/RES/923 (1994), as well as S/RES/954, Preamble (1994).
56.   UN Doc. S/RES/954, Preamble (1994).
57.   Brogan, *supra* note 45, at 40.

in Liberia. In Resolution 788 of 1992 (adopted unanimously), the Security Council determined "that *the deterioration of* the situation in Liberia constitutes a threat to international peace and security, particularly in West Africa as a whole".[58] The issue of the intrastate nature of the conflict was not discussed explicitly in the Security Council. It was generally agreed that a mandatory arms embargo on the basis of Chapter VII of the Charter had to be established. Even the representative of India - usually not in favour of Security Council involvement in domestic conflicts - was of the view that "there is clearly an international dimension to the situation that presents a direct threat to regional peace and security".[59]

4.2.5.   Haiti

After having experienced decades of dictatorship, Haiti planned to have its first democratic elections in 1990. The Haiti interim government requested the UN to supervise these elections. This led to an intensive debate within the UN as to whether the organization was competent to play a role in such an affair without clear international dimensions.[60] In October 1990, the UN Observer Group for the Verification of Elections in Haiti was created.[61] In December 1990, Jean-Bertrand Aristide was elected President of Haiti. But democracy was short-lived, as a military government soon took over power. The Security Council noted with concern the incidence of humanitarian crises, including mass displacements of population, becoming or aggravating threats to international peace and security.[62] Subsequently, the Council determined "that, in these unique and exceptional circumstances, the continuation of this situation threatens international peace and security in the region".[63] In further resolutions, it determined that the failure of the military authorities of Haiti "to fulfil obligations under the [Governors Island] Agreement constitutes a threat to peace and security in the region".[64]

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58.   UN Doc. S/RES/788 (1992) (emphasis added).
59.   UN Doc. S/PV.3138, at 87 (1992).
60.   N. Schrijver, *The Use of Economic Sanctions by the UN Security Council: An International Law Perspective, in* H.M.G. Post (Ed.), International Economic Law During Armed Conflict 123-161 (1994).
61.   UN Doc. A/RES/45/21 (1990).
62.   Security Council Statement, UN Doc. S/25344 (1993).
63.   UN Doc. S/RES/841, Preamble (1993).
64.   UN Doc. S/RES/873, Preamble (1993), reaffirmed in subsequent resolutions. In the Gover-

In the Security Council deliberations, a large number of members underlined that this was an extraordinary situation, which in no way could serve as a precedent. Immediately following the unanimous adoption of Resolution 841, the President of the Security Council declared that:

> [m]embers of the Council have asked me to say that the adoption of this resolution is warranted by the unique and exceptional situation in Haiti and should not be regarded as constituting a precedent.[65]

The representative of China emphasized that

> the Chinese delegation, as its consistent position, does not favour the Security Council's handling matters which are essentially internal affairs of a member state, nor does it approve of resorting lightly to such mandatory measures as sanctions by the Council. We wish to point out that the favourable vote the Chinese delegation cast just now does not mean any change in that position.[66]

Similar remarks were made during the meeting in which the Security Council authorized member states to form a multinational force (MNF) which was allowed to use "all necessary means" to, *inter alia*, "establish and maintain a secure and stable environment that will permit implementation of the Governors Island Agreement".[67] This resolution again referred to "the unique character of the present situation in Haiti and its deteriorating, complex, and extraordinary nature, requiring an exceptional response".[68] In January 1995, the Security Council determined that "a secure and stable environment" existed; subsequently, a transfer of responsibility took place from the MNF to the UN Mission in Haiti.[69]

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nors Island Agreement of July 1993, all parties involved agreed on a solution to the political crisis. *Cf.* O. Corten, *La Résolution 940 du Conseil de Sécurité Autorisant une Intervention Militaire en Haïti: L'Émergence d'un Principe de Légitimité Démocratique en Droit International?*, 6 EJIL 116-133 (1995).

65. UN Doc. S/PV.3238, at 9 (1993).
66. *Id.*, at 21.
67. UN Doc. S/RES/940, para. 4 (1994). Such remarks were made, *e.g.*, by the representative of Brazil, who abstained from voting. *See* the report of this meeting of the Security Council, UN Doc. S/PV.3413, at 8-12 (1994). For the same reason, Brazil abstained from voting when subsequent resolutions concerning the situation in Haiti were adopted. *See, e.g.*, UN Doc. S/PV.3437, at 3-4 (1994).
68. UN Doc. S/RES/940, para. 2 (1994).
69. UN Docs. S/RES/975, paras. 5 and 7 (1995), and S/PRST/1995/20 (1995).

4.2.6.   *Georgia (Abkhazia)*

The conflict in Georgia escalated after the autonomous republic of Georgia, Abkhazia, declared itself independent in July 1992. Georgian President Shevardnadze sent troops to that region in an attempt to prevent that from happening. Heavy fighting broke out between the Georgian army and Abkhazian militias. Cease-fires and peace agreements were signed only to be violated soon after. In 1993, following these violations of cease-fire agreements, the Security Council determined that *"the continuation of the conflict* in Abkhazia, Republic of Georgia, threatens peace and stability in the region".[70] Some justification for its involvement was given when the Council referred to the humanitarian situation in Georgia, and displaced persons and refugees.[71]

4.2.7.   *Angola*

Angola, like Mozambique, went immediately from fifteen years of revolutionary war against Portugal (1961-1975) to a civil war that ended in 1991. In that year, a peace agreement was signed between the *Movimento Popular de Libertação de Angola* (MPLA, the People's Movement for the Liberation of Angola), a marxist party supported by the former SU and Cuba which controlled the capital and therefore called itself the government, and the opposition movement, the *União Nacional para a Independência Total de Angola* (UNITA, National Front for the Liberation of Angola), supported by South Africa and the United States. In September 1992, free elections were held under the supervision of the UN as agreed upon in the peace agreement. The results of these elections were not accepted by UNITA. The Security Council first demanded UNITA to unreservedly accept these results. When this was rejected, it imposed a binding arms and petroleum embargo on UNITA, determining "that, as a result of UNITA's military actions, the situation in Angola constitutes a threat to international peace and security".[72]

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70.   UN Doc. S/RES/858, Preamble (1993) (emphasis added), and subsequent resolutions.
71.   UN Docs. S/RES/892, Preamble (1993), and S/RES/937, Preamble (1994).
72.   UN Doc. S/RES/864 B, Preamble (1993).

Schrijver has rightly indicated that, apart from Resolution 792 (introducing non-mandatory economic sanctions against the Khmer Rouge),[73] this resolution for the first time imposed sanctions directed not against a UN member state, but against a specific group within a member state.[74] In this way, the Security Council has clearly lifted the veil of national sovereignty, and has taken sides in what is basically a domestic conflict, without any indication of the international dimension of the conflict.

4.2.8.   Rwanda

In 1962, this former part of Ruanda-Urundi, a UN Trust Territory under Belgian administration, became independent. Strained relations have always existed beween the Hutu and the Tutsi, the two major ethnic groups in Rwanda. In 1959, the Hutu majority seized power from the Tutsi minority. In October 1990, fighting started between the (Hutu) government forces and the Tutsi-dominated Rwandese Patriotic Front (RPF). In August 1993, the Arusha Peace Agreement was signed between these two parties, calling for the establishment of a broad-based transitional government leading up to democratic elections. However, attempts to install a transitional government failed. Following the plane crash at Kigali airport on 6 April 1994, which caused the deaths of the Presidents of Rwanda and Burundi, large-scale violence broke out between the Tutsi and the Hutu, which appeared to have both political and ethnic dimensions. According to estimates, more than half a million people were killed.

Numerous resolutions were adopted by the Security Council in this case. In 1994, the Council recognized "that the current situation in Rwanda constitutes a unique case which demands an urgent response by the international community". Moreover, the Council determined "that the magnitude of the humanitarian crisis in Rwanda constitutes a threat to peace and security in the region".[75] Five members abstained from voting (Brazil, China, New Zealand, Nigeria, and Pakistan), partly because of the experience with the UN operation in Somalia.[76] Subsequently, the Council referred

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73.   UN Doc. S/RES/792 (1992).
74.   Schrijver, *supra* note 60, at 19.
75.   UN Doc. S/RES/929, Preamble (1994).
76.   UN Doc. S/PV.3392, at 5 (1994).

to "reports indicating that genocide and other systematic, widespread and flagrant violations of international humanitarian law have been committed in Rwanda", and repeated that the situation "continues to constitute a threat to international peace and security".[77]

4.3.   Analysis

Overviewing the above justifications for Security Council involvement, a first conclusion is that the Security Council from its early years has dealt with situations, which at least by some parties were considered as purely internal conflicts. While it is evident that the Cold War context has prevented the Security Council from exercising its functions properly, the Council has nevertheless been involved in a number of essentially intrastate conflicts. It is therefore unwarranted to conclude that the Security Council has been involved in such conflicts *only* since the end of the Cold War. This does not alter the fact that recently, the number of intrastate conflicts with Security Council involvement has increased considerably.

Secondly, it is possible to indicate some elements which have 'internationalized' internal conflicts. The following elements may be listed:

1. the danger of involvement of the superpowers (Congo);
2. the acquisition of arms and related matériel (South Africa);
3. a large number of refugees (Iraq - the Kurds, Somalia, Rwanda, Georgia);
4. the (alleged) danger for the conflict to spread to other states ((the former) Yugoslavia);
5. the 'humanitarian imperative' (Somalia, Rwanda, Georgia); and
6. the protection of democracy (after elections (Haiti and Angola) or before (Liberia)).

Thus it is clear that the scope of the concept "threat to the peace" of Chapter VII of the Charter has been considerably enlarged by the Security Council in the post-Cold War years.[78] A large number of refugees, the humanitarian

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77.   UN Doc. S/RES/955, Preamble (1994).
78.   *See also* P.H. Kooijmans, *The Enlargement of the Concept "Threat to the Peace"*, *in* R.J. Dupuy (Ed.), The Development of the Role of the Security Council 114 *et seq.* (1993).

imperative, and the protection of democracy have recently been the most popular reasons for the Security Council to qualify a situation as a threat to the peace and, thus, for the internationalization of domestic conflicts. In particular with respect to the 'protection of democracy' (Liberia, Haiti, Angola), the sovereign veil is lifted and the Security Council is directly involved not only within domestic boundaries, but also with issues which traditionally belong strictly to the *domaine réservé*.

Finally, in a number of cases, aspects of resolutions of the Security Council have allayed fears of member states that in the future their own internal problems might be on the agenda of the Security Council. In this context, the Chinese fears are of particular importance, because a Chinese veto would prevent the Council from acting. This explains a number of characteristics of some of the resolutions of the Council dealing with internal conflicts:

1. a reference to Article 2(7) (Iraq - the Kurds);
2. emphasis on the uniqueness of the situation (Somalia, Haiti, Rwanda); and
3. the numerous qualifications of the Article 39 phrase "threat to the peace": the continuation, aggravation, deterioration, or consequences of this situation constitute a threat to international peace and security (in the region).

5.   CONCLUSION

We began this article by sketching an apparent increase in the UN Security Council's role in managing conflicts that had hitherto been considered domestic, in particular ethno-political conflict. To explain this phenomenon, different hypotheses have been put forward by scholarly and mass media observers that relate the collapse of the SU and the subsequent end of the Cold War to this increase in UN involvement. To examine these proto-

explanations we have focused on the two lines of arguments used most often: the collapse of the SU has led to:

1. more domestic conflicts that manifest themselves at the international level, and the UN has simply responded to that growing problem; and
2. an end to the anticipation and use of Soviet veto power in the Security Council, leading to more opportunities for the UN to take a more proactive stance in conflicts that had previously been regarded domestic.

Our central question was: how plausible are these explanations?

It appears that both the problem-driven and the opportunity-driven interpretations indeed help to understand the increasingly proactive role played by the Security Council in managing 'domestic' conflict. Its role increased as more domestic conflicts became internationalized, either because they manifested themselves at the international level more frequently and with greater intensity, or because the UN itself 'internationalized' domestic conflicts by taking initiatives to seek solutions at the international level. However, the argument is made that both lines of explanation, in identifying the collapse of the SU and the end of the Cold War as its root cause, rest partly on faulty premises.

With respect to the problem-driven explanation, it turns out that processes of fragmentation and integration, which have characterized the international system since the 1950s, rather than the collapse of the SU and the end of the Cold War, seem to be the most fundamental explanation for the rise in ethno-political conflict and their increasing impact upon the international community.

Regarding the opportunity-driven explanation it has been demonstrated that according to the UN Charter, the Security Council is competent to take action under Chapter VII with regard to domestic conflicts if in its opinion such conflicts amount to "threats to the peace, breach of the peace, or acts of aggression" (Article 39). Neither this phrase nor Article 2(7) of the Charter form an insurmountable wall to prevent the Security Council from dealing with conflicts which are essentially of an intrastate nature. In addition, the figures on the use of the veto power sufficiently refute the assertion that the SU had a (quasi-)monopoly over the use of the veto power

during the Cold War period. Finally, it has been shown that, during this period, on a number of occasions, the Security Council has dealt with situations which were considered as internal conflicts by the Council or by some parties. In recent years, the Council has acted more frequently with regard to such situations. In doing so, it has found that some elements in particular form a "threat to the peace": a large number of refugees, the 'humanitarian imperative', and the protection of democracy.

Hence, Security Council involvement in conflicts which, in the eyes of some states, belonged to the *domaine réservé*, is not a phenomenon that simply postdates the Cold War. There has, however, been a considerable increase since then. In sum, the end of the Cold War turned out to be an impulse to the already existing trend of Security Council involvement in the internationalization of domestic conflict, rather than being its root cause.