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Never again': a failed United Nations' commitment or a historical possibility to suppress the gravest international crimes?

„Niekada daugiau": Jungtinių Tautų neįvykdytas įsipareigojimas ar istorinė galimybė užkirsti kelią sunkiausiems tarptautiniams nusikaltimams?

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ABSTRACT AND KEY WORDS

The United Nations, born from the ashes of World War II, pledged to prevent future conflicts and atrocities. While global awareness and international laws have advanced, mass atrocities still occur. The UN's preventive measures, though important, have not stopped these tragedies. This thesis examines the UN's peacekeeping efforts and their efficacy in addressing the gravest international crimes. Despite progress, mass atrocities persist despite global awareness and international legal frameworks. The UN's preventive policy, while vital, has proven insufficient. The thesis argues that UN peacekeeping mechanisms often face political hurdles, unsatisfied legal regulations, and the lack of will.

Keywords United Nations**;** R2P**;** Mass Atrocities**;** Intervention**;** Never Again**;** Prevention**;** Convention

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Introduction

The phrase "never again" has become a powerful symbol of the international community's commitment to preventing and punishing genocide. Originating from the aftermath of the Holocaust, the phrase has been repeated by leaders around the world, signifying their pledge to never allow such a tragedy to occur again. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide formalized this commitment, defining genocide and establishing a framework for international cooperation in preventing and punishing it. In the years since, universities and colleges have established degree programs dedicated to the study of genocide, helping to raise awareness, and understanding of this horrific crime. The phrase "never again" has since expanded beyond the context of genocide, becoming a call to action against all forms of mass violence.

In 1795, German philosopher Immanuel Kant envisioned a world governed by the rule of law, fostering a peaceful global community without the need for a centralized world authority. He envisioned a world where each nation would respect its citizens and foreign visitors, contributing to international harmony. Peace, according to President Kennedy, is a gradual process of changing mindsets, breaking down barriers, and building new structures. It is a human endeavor that requires constant creation, adaptation, and innovation. Early civilizations recognized the importance of this process, and by the end of the 19th century, nations began to make concerted efforts to achieve peace through agreements like the Convention for the Pacific Settlement of International Disputes. Despite these efforts, humanity faced the devastating consequences of World War I, a conflict that underscored the destructive nature of armed conflict. The war's loss of life, economic turmoil, political upheaval, and psychological trauma serve as a stark reminder of the toll of war and the enduring pursuit of peace.

Ever since the horrors of World War I, the world has grappled with the elusive quest for lasting peace. Amidst this quest, one pressing issue that demands immediate attention and effective legal solutions is the scourge of international crimes, which have wreaked havoc for centuries, claiming the lives of innocent individuals who bear no responsibility for the conflicts

they find themselves caught in. Millions of lives have been sacrificed at the altar of state ambitions, their tragic stories echoing through the annals of human history. To achieve true global peace, we must address these heinous crimes with unwavering resolve, ensuring that those responsible are held accountable for their actions. Only by upholding the rule of law and preventing the impunity that fuels such atrocities can we create a world where the pursuit of peace is not perpetually undermined by the gravest international crimes.

Relevance of topic: The thesis is underscored by the persistent occurrence of mass atrocities despite the establishment of international frameworks such as the United Nations. The ongoing challenge of preventing such atrocities necessitates a critical examination of the UN's peacekeeping mechanisms and their effectiveness in addressing international crimes.

The aim of the study is to critically analyze the UN's peacekeeping efforts in addressing the gravest international crimes, identify gaps in prevention policy, and propose potential reforms or enhancements to the UN's approach to atrocity prevention and response. By doing so, the thesis seeks to contribute to the ongoing discourse on improving the efficacy of international institutions in preventing mass atrocities

Throughout this analysis, based on the mentioned aim, the following tasks will be addressed:

1. What are the key challenges and shortcomings in the United Nations' efforts to prevent mass atrocities, and how have these been identified through practical experience?
2. How effective are the existing international legal frameworks, such as the Genocide Convention, in addressing and preventing mass atrocities?
3. How does the concept of state sovereignty intersect with the need for humanitarian intervention in preventing mass atrocities?
4. What impact does the veto power in the Security Council have on the UN's ability to prevent and respond to mass atrocities?
5. How has the concept of Responsibility to Protect (R2P) influenced the UN's approach to preventing and responding to mass atrocities?
6. How can practical experience and case studies, such as the Rwandan genocide and the ongoing conflict in Ukraine, shape the UN's approach to preventing mass atrocities in the future?

Object of the research is the United Nations and its efforts to prevent mass atrocities, with a specific focus on the Genocide Convention and the concept of the "responsibility to protect"

(R2P). By delving into these key aspects, the thesis aims to provide a detailed examination of the UN's role in addressing and preventing mass atrocities on a global scale.

The originality of this research lies in its comprehensive assessment of the UN's innovations and the practical implementation of its strategies from its inception to the present day, including ongoing conflicts such as Ukraine and the Palestinian-Israeli dispute. By tracing the evolution of the UN's approaches to atrocity prevention and analyzing their impact on contemporary global conflicts, the thesis offers a unique perspective on the organization's historical solutions and their relevance to current challenges.

Methodological basis and used sources: The research is based on the combination of several methods - analysis of literature, cases, and other relevant sources to provide a comprehensive assessment of the United Nations peacekeeping efforts and their effectiveness in addressing mass atrocities. The thesis draws on academic articles, reports, and books on the United Nations, international law, and mass atrocities to provide a theoretical framework for the analysis. A significant aspect of the thesis involves the utilization of United Nations resolutions, coupled with a comprehensive legal analysis. Additionally, the thesis examines historical case studies, such as the Rwanda case, and ongoing conflicts, such as Ukraine and Israel-Palestine, to evaluate the practical implementation of the UN's strategies and their impact on contemporary global conflicts. The systematic analysis employed in this thesis involves a critical evaluation of the UN's peacekeeping mechanisms, international legal frameworks, and historical and contemporary case studies to identify gaps in prevention policy and propose potential reforms or enhancements to the UN's approach to atrocity prevention and response.

1. Urgency of Global Collaboration and League of Nations

After witnessing the horrors of World War I, nations redirected their efforts toward maintaining global harmony. To achieve this goal, they created the League of Nations. The League of Nations was established by the Treaty of Versailles, adopted on June 28, 1919, and entered into force on January 10, 2020 (Treaty of Versailles, 1919). It would be "one of the few tangible achievements of the war, serving as a symbol of hope to millions of bereaved families, displaced persons, and fleeing refugees that their sacrifices had not been in vain and that the end of the First World War would truly bring lasting peace among nations" (Heing, 2010). The League was created for a variety of reasons. However, the primary purpose and goal of the League of Nations was to maintain world peace by promoting disarmament, preventing conflict through collective security efforts, settling disputes between nations through diplomatic means, and promoting world welfare (United Nations, 2012).

Despite its stated objectives, the final effort of the states was not without its shortcomings. Among various weaknesses, one of the most significant was the lack of military force, leaving economic sanctions as the only means of enforcement. As a result, the League lacked a mechanism for enforcing its decisions (United Nations at a Glance, 2012).

Besides that, the second important weakness was the non-participation of the United States in the League of Nations, since the US believed that collective security was not in its best interests (White, 1990) and the withdrawal of belligerent nations such as Japan and Germany (Clare, 2018). Despite the League of Nations achieving success in interventions such as resolving the dispute between Sweden and Finland over the Aland Islands (Haye, 2018) and halting Greece's invasion of Bulgaria (Barros, 1970), the League of Nations failed in its mission to avert conflict between the great powers and ultimately contributed to the outbreak of World War II, which claimed the lives of over 70 million people, including military personnel, civilians, and Holocaust victims. The world witnessed immense human, economic, and infrastructural destruction during this dark period of history (Eloranta, 2005).

Considering all the above factors and the devastation of the Second World War, it is obvious that the nations of the world needed a new strategy, an alternative approach to achieve their goals, as the League of Nations certainly did not work as expected. And this is where the idea of the United Nations was born.

1.1. The Formation of the United Nations

There have been numerous instances when the world has felt the need to have some sort of framework to protect innocent civilians during mass wars or mass killings. There have been enthusiastic pleas to put an end to mass outrages, not least after the Holocaust when the world jointly declared “Never Again!” and forbade the crime of extermination.

I believe that there are several crucial points that should be mentioned before discussing the main core of the problem of my thesis and fluctuating between centuries to find the answer to the question – why does Never Again happen again? Therefore, we first need to understand the crimes that the world is combating. Secondly, we will explore which part of the UN's structure is primarily connected and responsible for taking action during times of mass atrocities and examine how this structure is constructed. Only after this we can step by step assess the effectiveness of the actions of the UN.

The Atlantic Charter, frequently regarded as the foundational document of the United Nations, issued on August 14, 1941, is often seen as the origin charter of the United Nations, as it called for the “establishment of a wider and permanent system of general security” (United Nations, Preparatory Years), and was even the first time the term “United Nations” was used in an official document. Other principles outlined in the Charter emphasized the importance of maintaining peace and security within state borders, ensuring that "all the men in all the lands may live out their lives in freedom from want and fear" (Reinalda, 2009). Those who opted to support the Charter pledged to protect "life, liberty, independence, and religious freedom" and to champion human rights and justice both within their territories and globally. The Declaration was formally released on January 1, 1942, subsequently gaining recognition as the Declaration of the United Nations (Preparatory Years, United Nations).

On 7 October 1944, the four powers, China, Britain, the USSR, and the US, proposed a framework for the world organization to all the UN governments and peoples for their review. The Dumbarton Oaks proposals suggested four main bodies for the UN: General Assembly - the main organ for deliberation, policymaking, and representation, with an Economic and Social Council under it; its functions include studying, discussing, and recommending ways to foster international cooperation and address issues that affect welfare. It will consider general

principles of cooperation for peace, security, and disarmament. But it will not recommend on any matter under the Security Council, the second main body of the UN, which has the primary duty, under the UN Charter, to maintain international peace and security (Art. 24, UN Charter). All questions that need action must go to the Security Council. It was evident from the very beginning that the structure of the Security Council would prove problematic for the aspirations of an impartial and neutral organization. It has fifteen members, with five permanent members (China, France, Russia, the UK, and the US) and ten non-permanent members chosen by the General Assembly regionally for two years. The structure of the Security Council was problematic in the hopes of a fair and neutral organization. But powerful founding states insisted on such a body during the talks before its creation (Lowe, Robertas & Welsh, 2018). The Security Council will be a key part of our discussions and we will go deeper in the next steps of the thesis. Then, there was the International Court of Justice, the main judicial organ of the UN and Secretariat, which has the Secretary-General, who can alert the Security Council to any matter that may endanger international peace and security (Art. 99, UN Charter) and many international UN staff who do the daily work of the UN as ordered by the General Assembly and the other main organs.

Nowadays, the UN has 6 main bodies instead of 4 – all the abovementioned bodies with the Trusteeship Council and Economic and Social Council.

Another important feature of the Dumbarton Oaks plan was that Member States were to place armed forces at the disposal of the Security Council in its task of preventing war and suppressing acts of aggression. The absence of such force, the organizers generally agreed, had been a fatal weakness in the League of Nations machinery for preserving peace. The actual method of voting in the Security Council—an all-important question—was left open at Dumbarton Oaks for future discussion. It was taken up at Yalta (Crimea), where Churchill, Roosevelt, and Stalin, together with their foreign ministers and chiefs of staff, again met in conference. On 11 February 1945, they announced that this question had been resolved and summoned the San Francisco Conference. The Charter, the guiding principles of the United Nations, was signed on 26 June 1945, by the representatives of these 50 countries (United Nations at a Glance, 2012).

The UN's aims were, firstly, to prohibit the unilateral use of force by states other than in self-defense, and secondly, to centralize the legitimate use of force under the control of its Security Council. As a resolution, it can be concluded that the collective effort of nations

worldwide, united in their endeavor to prevent mass atrocities and achieve lasting peace, signifies a determined commitment towards these noble objectives.

Since we have already covered the basics of the structure of the United Nations and indicated the Security Council with the General Assembly as the main actors of the UN against mass atrocity crimes, now it is time to move to the next page and understand what should never happen again.

2. What Should Never Happen Again: Mass Atrocity Crimes

"We are in the presence of a crime that has no name" - Winston Churchill 1941. Hopefully, from the perspective of the 21st century, we cannot agree with Mr. Churchill because we definitely know the names of these crimes, and not only the names but also the preconditions are well known. Initially, the phrase "Never Again" emerged as a pledge by humanity and the global community to ensure that the tragic events of the Holocaust during World War II would never happen again. It conveyed a shared commitment to prevent the recurrence of such an event, particularly genocide, which was formally and legally recognized as a crime through the creation of the Genocide Convention. Over time, the meaning of the term has evolved to include not only genocide but also other mass atrocities, which is a broad category of severe crimes that transcend national borders. The International Criminal Court (ICC), founded by the Rome Statute, recognizes genocide, crimes against humanity, war crimes, and crimes of aggression as the most serious crimes of international concern. Furthermore, while the Responsibility to Protect (R2P) doctrine will be discussed in detail, it's worth noting that Paragraphs 138 to 140 of the 2005 UN World Summit Outcome Document not only emphasized prevention as a crucial aspect of R2P but also restricted its application to four specific crimes under international law: genocide, war crimes, ethnic cleansing, and crimes against humanity.

If we want to protect ourselves from something, we must first know what we want to be protected from. A clear understanding of potential threats is necessary for effective protection, and numerous organizations have been established and various measures implemented. At this juncture, I will briefly outline the areas from which the United Nations is designed to protect us and delineate the four categories of mass atrocity crimes that should never be repeated.

2.1. Genocide

The term genocide, coined by lawyer Raphael Lemkin, who lost most of his family in the Holocaust, provided the foundation for the Convention. The experiences of the Armenian genocide, the Assyrian genocide in the Simele massacre in Iraq, and the Holocaust inspired Lemkin to create a name for the heinous acts committed against populations. The word Genocide was first used in Lemkin's book, Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress, in which the novel word is defined as, "the destruction of a nation or an ethnic group" (Lemkin, 1944). Genocide is further explained, "genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, to annihilate the groups themselves." While the term was initially introduced in 1944, it did not attain official recognition from the international community until December 9, 1948, with the adoption of the Genocide Convention by the United Nations General Assembly (UNGA, 1943). Although Raphael Lemkin fervently advocated for the term's adoption, many in the international community questioned the need to distinguish genocide from the existing concept of crimes against humanity. It was only after the Nuremberg trials failed to address crimes committed before the war that three UN member states—Cuba, Panama, and India—proposed a resolution to address the inherent shortcomings of the crimes against humanity framework (Schabas, 2008). The Convention officially came into effect on January 12, 1951 (UN, Genocide Prevention).

As per the United Nations, the formulation of this Convention marked the global community's dedication to the principle of "never again." The International Court of Justice (ICJ) views the principles of the Convention as general customary international law, thereby making it binding on all states irrespective of their ratification status. The Convention comprises crucial articles about the term genocide. Article II is arguably the most pivotal, providing the definition of genocide and outlining the conditions triggering state obligations. The definition encompasses acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, including killing members of the group, causing

serious bodily or mental harm, deliberately inflicting conditions of life to bring about physical destruction, imposing measures to prevent births, and forcibly transferring children (CPPCG, 1948).

While the definition of genocide holds paramount importance, other significant aspects of the Genocide Convention should be noted. Article I of the Convention resolves the debate regarding the relationship between genocide and crimes against humanity. All Contracting Parties agreed that "genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish" (GPPCG, 1948). The Convention imposes specific obligations on all states, whether or not they have ratified it, to prevent and punish the crime of genocide, refrain from committing genocide, and administer effective penalties for those charged with genocide (UN, Treaty series). Essentially, the Genocide Convention mandates all signatory states to take action once genocide is known to be occurring, a central aspect of my argument concerning the UN and events in Rwanda and Yugoslavia in the 1990s.

The Rome Statute text defining genocide is identical to that of the UN Genocide Convention (United Nations, 1951). Genocide means acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, including:

1) Killing members of the group.
2) Causing serious bodily or mental harm to members of the group.
3) Deliberately inflicting on the group conditions of life is calculated to bring about its physical destruction in whole or in part.
4) Imposing measures intended to prevent births within the group.
5) Forcibly transferring children of the group to another group.

To constitute genocide, there must be a proven intent on the part of perpetrators to physically destroy a national, ethnic, racial, or religious group. Victims of this crime are deliberately – and not randomly – targeted because of their real or perceived membership in one of the four protected groups. Genocide can also be committed against only a part of the group, as long as that part is identifiable and “substantial.”

The ICJ has recognized the general, *erga omnes* duty to prevent and punish genocide (ICJ Rep., 1996) as articulated in Article I of the Genocide Convention. Indeed, the ICJ has affirmed that all of the rights and obligations outlined in that Convention have *erga omnes* status, with no geographical restriction on the duties to prevent and penalize. Similarly, aspects

of IHL are regarded as obligations *erga omnes*. Regarding the construction of a wall (ICJ Rep., 2004), the ICJ recognized that Israel had violated certain *erga omnes* obligations, including "certain of its obligations under international humanitarian law". In recognizing this, the Court made reference to its Advisory Opinion regarding the legality of threatening or using nuclear weapons (ICJ Reports 1996), which recognized IHL as "elementary considerations of humanity" (Corfu Channel Case, 1949), that "must be observed by all States, whether or not they have ratified the conventions containing them because they constitute inviolable principles of customary international law." On this basis, the Court considered these principles to be *erga omnes* (ICJ Report. 2004). Indeed, at face value, the ICJ appears to regard the entire body of international humanitarian law as *erga omnes*.

2.2. War Crimes

War crimes, on the other hand, are defined in Article 8 as "grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected by the provisions of the relevant Geneva Convention:

1) Intentional killing
2) Torture or inhuman treatment, including biological experiments
3) Intentionally causing great suffering or serious injury to body or health.
4) Widespread destruction and appropriation of property not justified by military necessity and committed unlawfully and wantonly.
5) Forcing a prisoner of war or other protected person to serve in the armed forces of a hostile power.
6) Willfully depriving a prisoner of war or other protected person of the right to a fair and regular trial.
7) Unlawful deportation or transfer or unlawful imprisonment.
8) Taking of hostages.

Unlike genocide and crimes against humanity, war crimes have the potential to affect a variety of victims, both combatants and noncombatants, depending on the nature of the offense. In international armed conflicts, victims include wounded and sick members of armed forces on land and at sea, prisoners of war, and civilians. In non-international armed conflicts,

protection extends to persons not actively participating in hostilities, including disarmed members of armed forces and those rendered hors de combat by illness, injury, or detention. In both conflict scenarios, protection is also extended to medical and religious personnel, humanitarian workers, and civil defense personnel. Genocides and crimes against humanity can occur in wartime and peacetime, whereas war crimes can occur in war only.

2.3. Crimes Against Humanity

Unlike genocide, crimes against humanity have not been formally codified in a separate treaty of international law, although efforts are underway to do so. However, the definition of the crime is explicitly set forth in the Rome Statute of the International Criminal Court. Crimes against humanity include acts committed as part of a widespread or systematic attack directed against any civilian population, including:

1) Killing.
2) Extermination.
3) Deportation or forcible transfer of the population.
4) Torture.
5) Rape, sexual slavery, forced prostitution, forced impregnation, forced sterilization, or any other form of sexual violence of comparable gravity.
6) The crime of apartheid.
7) Other inhumane acts of a similar nature intentionally cause great suffering or serious injury to the body or health.

Crimes against humanity involve violence either on a large scale in terms of the number of victims or its spread over a large geographical area (widespread), or as part of a broader policy or plan (systematic). Random, incidental, or isolated acts of violence are excluded.

2.4. Ethnic Cleansing

Ethnic cleansing is not recognized as a distinct crime under international law. The term emerged in the context of the conflict in the former Yugoslavia in the 1990s and has been used in UN Security Council and General Assembly resolutions. Most notably, the term was

recognized in the judgments and indictments of the International Criminal Tribunal for the former Yugoslavia, although it was not one of the counts of the indictment.

A United Nations commission of experts mandated to investigate violations of international humanitarian law committed in the territory of the former Yugoslavia defined ethnic cleansing in its interim report as "the making of an area ethnically homogeneous through the use of force or intimidation to remove persons of particular groups from the area" and as "a deliberate policy by one ethnic or religious group to remove, by violent and terror-inspiring means, the civilian population of another ethnic or religious group from certain geographical areas".

The Commission also stated that coercive practices used to remove civilians may include murder, torture, arbitrary arrest and detention, extrajudicial executions, rape and sexual assault, causing serious injury to civilians, forcible transfer, displacement and deportation of civilians, deliberate military attacks or threats of attacks against civilians and civilian areas, use of civilians as human shields, destruction of property and robbery of personal effects, and attacks on hospitals, medical personnel, and places bearing the Red Cross/Red Crescent emblem (United Nations, 2018).

Based on the information discussed earlier, we are now at a certain crucial point, which is actually our starting point. We have explored humanity's deep-rooted desire for global peace, dating back to before World War I. Despite this innate yearning, the damaging aftermath of World War I and the shortcomings of the League of Nations in preventing World War II bring us to the present situation. With a wealth of experience, a turbulent history, and the sacrifice of millions of lives, we now stand as the United Nations, representing hope against mass atrocities. It is time for a chronological analysis to see if, with our vast experience, we have successfully created a mechanism to prevent the sacrifice of innocent lives to the ambitions of others or if we face another inevitable disappointment.

3. Implementation of UN’s Early prevention efforts

While talking about the UN’s early prevention efforts against the gravest international criminal crimes, it is impossible not to sharpen the focus on the role of the above-mentioned Convention on the Prevention and Punishment of the Crime of Genocide. One of the most

important and positive inherent sides of the creation of the convention was that, with its help, the crime of genocide has become widely accepted as a part of the body of jus cogens. In other words, regardless specific existing legislation of a certain country, genocide is always a crime.

Taking into account all of the above, easily come to the conclusion that several important points regarding regulations against genocide should be emphasized - it is widely accepted as a peremptory norm of international law, and we have a UN recognized definition and a universally accepted interpretation of this definition of genocide. All this was definitely a step forward in the process of fighting mass atrocities, but it is hard not to notice a huge gap: who is responsible for intervening when genocide appears to be occurring? We will discuss this, and not only this, gap in the Convention below. Before doing so, we need to assess whether the gaps in the Convention were enough to cause the failure of the United Nations. It is time to see what history has shown us.

Unfortunately, numerous events in the 20th century following the Holocaust confirmed the observation that it must never happen again. The mass atrocities of this period led the world to refer to the 20th century as the "age of genocide" (Power, 2002). Despite the commitment made by the international community after World War II and the fall of the Nazi regime to "never again" allow a tragedy like the Holocaust to happen, subsequent events proved otherwise. This commitment was reinforced by action, of which we must focus on the creation of the Genocide Convention of 1948 to prevent the recurrence of genocide under global supervision. Despite the "never again," events in the 20th century demonstrated a failure of the international community, particularly the United Nations, most notably in the Rwandan genocide, which will be discussed below.

Several challenges within the United Nations framework contribute to the difficulty of pressuring states to end genocide promptly and effectively. These challenges include technical and definitional issues surrounding the concept of genocide, questions of sovereignty, the structure of international institutions, insufficient cooperation among member states, and conflicting national security interests. We will discuss these arguments and justifications for non-intervention in more detail later. Before doing so, we should note that on this page of history we already have the UN as an international actor and the Genocide Convention as the main legal weapon against genocide. Moreover, at that time most of the countries of the world declared that they agreed in principle with the above-mentioned concepts. But the most interesting question about this period is how all the progress made by the world between 1902

and 1948 was interpreted, applied, and put into practice. To assess this question, we will discuss the Rwandan genocide.

3.1. Rwanda Genocide

Why Rwanda? Because it is the case of the genocide, which stands out as one of the fastest and most rapid in history, surpassing even the Holocaust in terms of the swift and efficient execution of the Tutsi population. In the context of Rwanda, there is almost universal recognition (except among the perpetrators and their staunch supporters) that the events of the 100 days constitute genocide. During those 100 days, more than 800,000 people were deliberately killed by the Rwandan Hutu government simply because they were Tutsis (Gurevich, 1999). This case stands out as a particularly recognizable and unambiguous instance of genocide. The Rwandan genocide took place in 1994, but in order to understand it better, we need to start the discussion from earlier periods and analyze the basis of this clear case.

3.1.1. Background of The Rwanda Genocide and UNOMUR

The Belgians implemented an apartheid system in Rwanda (Gurevich, 1999) that required both ethnic groups to have ethnic identity cards. This system, as implemented at the time, favored the Tutsi minority while oppressing the Hutu majority (Lemarchand, 2004), which inevitably fostered animosity between the two factions. In other words, Hutu and Tutsi identities were racialized and considered immutable by the Belgian administrators. During the colonial period, identity cards introduced by the Belgians in 1930 identified Rwandans along ethnic and racial lines. The Tutsi were favored by the German and Belgian administrations as the superior race and were privileged with positions of authority (Strauss, 2006). In the late 1950s and with the onset of African liberation movements, Rwanda began to push for its independence from the Belgians. In Rwanda, the Hutu majority pushed for revolution and eventually overthrew the system put in place by the Belgians (Gourevitch, 2004). Between November 1959 and September 1961, a revolutionary movement emerged with the primary

goal of overthrowing the hegemony of the Tutsi minority. This period of upheaval resulted in the loss of many Tutsis lives and, in turn, liberated the Hutu masses from the Tutsi-dominated monarchy. This marked a clear reversal of the political dominance structure that had prevailed during colonial rule, in which the Tutsi were the privileged group. The Belgian authorities supported this transition, quickly relinquishing their indirect rule over Rwanda and finally granting national independence in 1962 (Uvin, 1999).

The long-standing tribal animosity between the Hutu majority and the Tutsi minority gave rise to post-independence violence. The Hutu maintained their thirty-year hegemony by maintaining the Tutsi's social and political inferiority. The Tutsi were routinely the targets of waves of ethnic cleansing and murders by the Hutu administration, which also practiced systemic discrimination against them. This historical backdrop set the stage for the civil war of 1990, when armed Tutsi exiles seeking to return home invaded Rwanda from the Ugandan border. This group of Tutsi exiles later became known as the Rwandan Patriotic Front (RPF) and continued to resist the Hutu government (Power, 2001). Hostilities between the government of Rwanda and the Rwandan Patriotic Front (RPF) erupted along the border with Uganda in October 1990 (United Nations, 1994). In October 1990, under the banner of the Rwandan Patriotic Front, Tutsis living in exile in Uganda and other neighboring countries invaded Rwanda, killing 348 civilians in the first 48 hours (Melvern, 2004), and in total, during this turbulent period, which lasted intermittently from 1990 to 1993 (Lemarchand, 2004), extremist Hutus killed several thousand Rwandans and imprisoned about 9,000 (Power, 2001). The response to Tutsi guerrilla warfare[1] was mass killings of Tutsi in Rwanda. During this period, about half of Rwanda's Tutsi population fled, representing about 9% of Rwanda's total population (Prunier, 1995). This huge human loss made it clear that action by international actors, especially the UN, was needed. Therefore, the whole situation can be seen as a green light for the UN to take action.

The United Nations Security Council was informed of the ongoing situation in February 1993 by a letter from Rwanda (S/25355) and Uganda (S/25356) requesting the deployment of United Nations military observers along their common border to ensure that no military

[1] Guerrilla warfare is a type of unconventional combat in which small groups of irregular fighters, such as rebels or armed civilians (in our case, Tutsis), conduct rapid, small-scale attacks against larger, more organized forces (in our case, the Hutu government). These actions include strategies such as ambushes, sabotage, raids, and hit-and-run tactics. Guerrilla warfare is often used in rebellions, violent conflicts, wars, or civil wars to resist regular military, police, or rival insurgent forces.

assistance from Uganda reached Rwandan territory. At its meeting on 12 March, the Council adopted resolution 812 (S/RES/812(1993)), in which it urged the Government of Rwanda and the RPF to comply strictly with the rules of international humanitarian law. All States were urged to refrain from any action that might increase tension in Rwanda and jeopardize respect for the cease-fire (UNSC, Resolution 812).

In May, the Secretary-General reported (S/25810) that peace talks between the parties had resumed in Arusha, Tanzania, focusing on the composition and size of the new army, arrangements for the security services, demobilization, international assistance, and the deployment of an international neutral force. In the light of the above-mentioned report, the Security Council adopted Resolution 846 (S/RES/846(1993)) on 22 June, establishing UNOMUR - United Nations Observer Mission Uganda-Rwanda.

UNOMUR was to focus primarily on the transit or transportation across the border of lethal weapons and ammunition, as well as any other material that could be of military use, by roads or tracks capable of accommodating vehicles.

In August, the Secretary-General reported that the Government of Rwanda and the RPF had signed a peace agreement in Arusha on 4 August (S/26350). The fighting thus ended with the signing of the Arusha Peace Accords in August 1993. 9 months before the genocide, on August 4, 1993, a peace agreement, the Arusha Accords, was signed between the RPF and the Rwandan government. The culmination of 14 months of negotiations and mediation by Tanzania, along with the OAU, France, Belgium, and the United States, the agreement was hailed as a triumph of diplomacy. At the time of its signing, many considered the Arusha Accords "the best peace agreement in Africa since Lancaster House" (Adelman and Surkhe, 2000). At the same time, however, it is important to remember that in some cases partial efforts can be worse than no effort at all (Stettenheim, 2000). Nevertheless, the civil war resumed after the assassination of the Rwandan president.

3.1.2. The Rwanda Genocide and UNAMIR

The Rwandan Genocide and UNAMIR It was during this second phase of the war that the genocide took place. The war environment was a central rationale for the mass killing of Tutsi civilians, all of whom were labeled enemies of the war and accomplices of the rebels simply

because of their ethnicity (Des Forges, 1999). While there were sporadic ethnic killings throughout the early 1990s, the real genocide began on April 6, 1994, when President Habyarimana's plane was shot down (Lemarchand, 2009). He died, and the plane crash itself was caused by the firing of two missiles at the Kigali airport (N.Y. Times, 1994). Hutu extremists quickly used the plane crash as an excuse to attack Tutsis, whom they immediately blamed for the crash. Within hours, it was clear that Hutu militias had taken over the streets, targeting anyone who expressed support for the Arusha Accords. These were not spontaneous killings. Rather, the people to be killed were broadcast on one of Rwanda's national radio stations, Radio-Television Mille Collines. Their personal information such as names, addresses, and license plate numbers were broadcast for all to hear, and Hutu extremists did the rest. In the first three days after the plane crash, 4,000 foreigners were evacuated and 20,000 Rwandans were killed (Power, 2001). In Resolution 997, the Council authorized UNAMIR - the United Nations Assistance Mission for Rwanda. By Resolution 997, the Council authorized UNAMIR to use its good offices to contribute to national reconciliation within the framework of the Arusha Peace Agreement of 1993. By undertaking monitoring tasks, UNAMIR would also support the ongoing efforts of the Government of Rwanda to promote a climate of confidence and trust. The Secretary-General was requested to consult with the governments of neighboring countries, including the Congo (DRC), on the deployment of UN military observers on their territory. UNAMIR was also to assist the government in facilitating the voluntary and safe return of refugees and their reintegration into their home communities. 206 In addition, UNAMIR was to support humanitarian deliveries and assist in the training of a national police force (Security Council Resolution 997).

In essence, UNAMIR's mandate, like that of UNOMUR, was to verify that no military aid was entering Rwanda, to contribute to the security of Kigali, to monitor compliance with the cease-fire agreement, and to assist in the coordination of humanitarian relief activities. The Council did not specify whether UN forces could use force in the event of a violation of the cease-fire agreement or an interruption of humanitarian assistance, or whether they could use force only in self-defense. It appears that UNAMIR's mandate was to perform peacekeeping tasks without the ability to enforce peace, and that is why, as the violence in Rwanda increased, the Council authorized a reduction in the size of UNAMIR before it suffered heavy casualties. It was a small, skeletal operation, a symbol of the will of the international community.

We should focus on the U.S. position on the situation in Rwanda at the time. When asked about the situation in Rwanda by the media, American authorities would only describe the events there as "acts of genocide," not genocide. In fact, one official in the Office of the Secretary of Defense even noted that U.S. officials had to be careful not to use words that implied genocide because a finding of genocide could require the government to take action. It is not hard to guess the main reason for this action. The same thing happened in the case of Darfur, where China was incredibly reluctant to call the Darfur context anything close to genocide (HRW, 2003). States are much less likely to call a conflict "genocide" if it is either in a state with which they are allies or in a state where they have more pressing national interests. All of this is just a matter of the official label of genocide, after which comes the obligation to stop genocide. In addition to this U.S. position, it proposed an outside-in approach that would create protection zones along the border to which Tutsi refugees would then have to travel on their own, while Dallaire[2] urged the UN to take an inside-out approach to end the genocide, focusing on sending an additional 5,000 well-armed soldiers to secure Kigali and then work their way out into the countryside (Power, 2001). The U.S. plan does not seem highly effective, considering that most Tutsis could not make it safely to the safe zones during those difficult times. The U.S. eventually agreed to Daillaire's plan, but only after it was too late. The genocide had already been ended by the Rwandan Patriotic Front, and the damage was already done.

All the abovementioned gives us the opportunity to say that the United States, as other members of P5 (which we will discuss later), has no friends; they have interests. And in the United States, there was no interest in Rwanda.

While talking Rwanda case, the establishment of the International Tribunal for Rwanda should be mentioned as a part of the ongoing efforts from the UN to fight against genocide and mass atrocities. The International Criminal Tribunal for Rwanda was established "for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan nationals responsible for genocide and other such violations committed in the territory of [neighboring] States between 1 January 1994 and 31 December 1994" (UNSC Resolution 955). The first trial

[2] Force Commander of the United Nations Assistance Mission for Rwanda (UNAMIR).

began in January 1997, and by December 2012, the Tribunal had completed the trial phase of its mandate. Of the 92 individuals indicted for genocide, crimes against humanity, and war crimes, 49 were found guilty and sentenced, 2 cases were withdrawn, 10 cases were referred to national jurisdictions (2 to France and 8 to Rwanda), 2 indictees died before the completion of their cases, and 14 indictees were acquitted. Nine accused are still at large. The cases of 12 indictees remain under appeal (The United Nations, 2014). The Tribunal has not fully realized its potential to improve security in Rwanda. The establishment of the Tribunal was intended not only to hold accountable those responsible for past crimes, but also to serve as a deterrent to prevent similar atrocities from occurring elsewhere. However, the Tribunal's limited reach and its inability to effectively communicate its findings to the wider international community have hindered its deterrent effect. Without a comprehensive global response to the crimes committed in Rwanda, the Tribunal's deterrent effect remained largely theoretical rather than practical.

The main reason I discussed the Rwandan genocide was to use it as a test of whether the existing regulations (before the current XXI century) and legal tools were sufficient to prevent what happened in Rwanda. Rwanda was not the only event that showed us that in the twentieth century, after the holocaust of the Second World War, things, which should not have happened, happened again. The same thing happened in Bosnia-Herzegovina, Kosovo, Armenia, and other cases. All this makes it clear that in order to make some progress on this issue in the 21st century, changes and new regulations were needed, as long as the promises of the UN were not fulfilled. In order to fill the gaps and correct the deficiencies, it is first necessary to identify them. In the next chapter, will be discussed the challenges that would be the main task for the United Nations, which should be corrected later, in the 21st century.

4. Identifying Gaps in Prevention Policy

As we can see, after the Second World War and the Holocaust, the United Nations allowed us to see the same again in Rwanda and not only. Cambodia, Bosnia, and other parts of the world fell under this wave. We should also not forget the period of the Cold War when the UN did not play a continually active role in de-escalating the situation. What could be the reason for this? Ineffective legal regulation? Not a properly formed UN structure? Conflict between

humanitarian intervention and state sovereignty? Or just a lack of desire to do the same? Maybe all listed?

It is often assumed that the United Nations Security Council is the appropriate body to intervene when there is evidence of significant harm. However, internal workings, notions of national sovereignty, and complex global politics make it difficult for them to act. They often don't act, and when they do, it's not enough.

To understand why the world is not doing more to prevent bad things from happening, we need to focus on the major issues that need to be addressed in the 21st century. We want to ensure that the situation does not deteriorate as it did in the previous century.

The way countries interact and the idea of letting each country do its own thing makes it hard for the international community to stop bad things. To understand why we don't do more, we need to look at how things work globally. By focusing on the most important problems we need to solve in the 21st century, we hope to find ways to prevent terrible events like those of the 20th century. Let's evaluate together how the UN can manage to eliminate the existing shortcomings and whether there are any shortcomings today that definitely need to be to corrected.

4.1. Genocide Convention – Weapon or Obstacle

As mentioned earlier, the Genocide Convention, adopted in the middle of the second century, was one of the most important steps forward by the UN, which definitely played a positive role in the fight against mass atrocities, although the existence of a positive side does not exclude the emergence of a more or less important opposition. The Genocide Convention, along with its sister human rights treaties and the Rome Statute for the International Criminal Court, remains the most important legal standard we have to fulfill the commitment to "never again" that the world made 70 years ago.

When laws are established, their application to situations becomes crucial. Without this implementation, they merely exist as words on paper. When I refer to an "obstacle" within the framework of the Genocide Convention I am primarily alluding to the challenges encountered in its enforcement. Is it not strange that after the Convention became international law, crime became more frequent? Just twenty years after the Convention, the Khmer Rouge began their

reign of terror in Cambodia. Five years later, the Iraqi government began killing its Kurdish population. In 1994, hundreds of thousands of Tutsis were massacred in Rwanda by their rival tribe, the Hutu, and their state collaborators. Around the same time, the killing of Croats and Muslims erupted in Bosnia-Herzegovina. It was not until 1998 that the first genocide conviction was handed down. Even then, only one of these cases saw justice ("Genocide Timeline," 2015).

A notable flaw in the drafting of the Genocide Convention stems from a deliberate decision by the drafters not to impose legal liability on states as contributors to genocide. This perceived shortcoming suggests that the Convention lacks provisions to hold states accountable for their potential involvement in activities that contribute to genocide, and thus constitutes a weakness in the Convention's design. What can be expected from a law that lacks clarity in its consequences? Who would willingly obey such a law if there was a chance of avoiding punishment? People often break laws until they face consequences and are punished. Even if they might consider breaking the same laws again, the fear of imprisonment or death would deter them. The absence of consequences diminishes the authority of the law. For this reason, both national and international laws, including the Convention, include sanctions for those who do not comply. Without sanctions, laws lack credibility and cannot be taken seriously. When urging nations to prevent genocide, it is essential to include punitive measures; otherwise, it is like expecting them to support a law that has no real weight (Gaeta, 2009).

Certainly, this identified flaw in the Genocide Convention has not escaped global attention. An intriguing question arises regarding the extent to which there existed a willingness to rectify this deficiency, even though it was unmistakably acknowledged as a flaw in the Convention. An explicit manifestation of this concern is manifested through an amendment proposed by the United Kingdom, seeking to introduce an additional provision into the Convention. This proposed provision explicitly asserts that acts of genocide could be perpetrated by the state or government itself.

The rationale behind this amendment becomes evident when considering that individuals physically executing specific aspects of genocide are essentially instruments, akin to a weapon or a gun in the hands of a state. As the adage goes, "guns do not kill people, people kill people." However, this amendment faced criticism from influential nations, including the United States, France, China, and Canada—undoubtedly, major global powers (Gaeta, 2009). Such criticism

further intensified the scrutiny on the original intent of the Convention's authors, who were envisioned to solely address individual criminal responsibility.

Despite the acknowledgment that state responsibility, within the context of genocide, exists under the umbrella of a state's duty to prevent such acts (if not properly addressed by the state), the evolution of international law seems to have shifted towards an objective doctrine of state responsibility (Zolger, 2007). Many scholars reflect on the Nuremberg trials and the nature of numerous genocide cases, contending that the General Assembly made a questionable decision by individualizing the crime. This decision has fostered a perception among scholars and state officials that the states involved in drafting the convention may have been more concerned with safeguarding their own interests, attempting to shape the law while exempting themselves from its purview.

The assertion that states bear responsibility for authorizing genocide under the Genocide Convention has surfaced in various cases before the International Court of Justice (ICJ). Notably, the Yugoslavia cases presented to the ICJ in the 1990s, including the Rwanda case, have stirred considerable debate. Speaking of the Rwanda case, it is imperative to trace its origins. The discriminatory actions against the Hutu by the Tutsi, their relegation to menial jobs, exclusion from political positions, and the imposition of identification cards indicating ethnic background all commenced with the influence and support of Belgian officials. Belgian authorities permitted one clan to oppress the other, fostering significant tension, and then failed to redress the balance when the oppressed population gained political power. In essence, the Rwandan genocide can be viewed as a direct consequence of the legacy of German and Belgian colonialism.

The second facet of the Genocide Convention that warrants detailed consideration revolves around the concept of "intent" within its definition. Since the inception of the Convention, there has been much debate regarding the scope of this definition and the scenarios that qualify as genocide (Goldsmith, 2010). A major criticism, particularly regarding the lack of United Nations intervention, stems from the limitations inherent in the definition of genocide. According to the Convention, genocide requires "the intent to destroy, in whole or in part, a national, ethnical, racial or religious group". It is imperative to emphasize mens rea, which means "a guilty mind," which in modern legal terms refers to the mental or culpable element required for a specific crime - genocide - in this context.

In order to apply the definition of the Genocide Convention set forth in Article II, it is crucial to determine whether the atrocities were committed "with specific intent". Simply put, under this framework, an individual who commits a "prohibited act knowing that it will further a genocidal plan" satisfies the intent requirement of the Genocide Convention and is therefore liable for genocide charges (IBD, 2010). The question of intent has become a contentious issue in international relations, with accused perpetrators often refuting claims based on this requirement ("The Armenian Genocide Trials," 2011). The challenge of proving intent in real time presents a formidable task for the international community, limiting prevention strategies to retrospective rather than concurrent responses to exigent circumstances (Goldsmith, 2010). This limitation is a major reason why critics argue that the scope of the Convention is too narrow.

Moreover, there is a discernible link between state responsibility for genocide, as discussed above, and the requirement of intent. The crucial question arises: Can a state possess mens rea, a psychological quality typically attributed to a person with a mind? To affirm that it can is to contradict the principles of both criminal and state responsibility (Ainley, 2006). Thus, the existence of the "intent requirement" is an obstacle not only to state criminal responsibility, but also to individual criminal responsibility. Even when individual culpability is considered, proving the existence of an intent to destroy proves to be extremely difficult, further complicating the application of the Convention.

In delving into the confines of the Genocide Convention's definition, it is crucial to underscore the limitations imposed by the specified protected grounds. While the Convention explicitly acknowledges nationality, ethnicity, race, and religion as the four protected grounds, a notable omission is observed in the exclusion of other pertinent factors, including gender and sexual orientation. This particular omission has elicited criticism, characterizing the definition as overly minimalist in its scope.

Undoubtedly, the incorporation of nationality, ethnicity, race, and religion as protected grounds within the Genocide Convention plays a pivotal role in addressing historical instances of genocide. However, the overarching critique lies in the inadequacy of the definition to comprehensively encapsulate contemporary forms of violence and discrimination. The exclusion of grounds such as gender, sexual orientation, and various other social identities fails to account for the dynamic sociopolitical landscape and the real challenges faced by marginalized communities globally.

It is imperative to acknowledge that acts of genocide can transpire based on factors beyond those presently enumerated in the Convention. Gender-based violence and the persecution of individuals due to their sexual orientation remain significant global concerns, demanding attention and redress. A more expansive approach to the definition, one that includes these additional grounds, would enable the international community to more effectively confront and prevent such acts of violence. This expanded framework would foster a more comprehensive and inclusive paradigm for the protection of human rights, recognizing the multifaceted nature of contemporary societies (Bettway, 2011).

In essence, while the UN Genocide Convention serves as a vital framework for addressing and preventing acts of genocide, its restricted definition falls short of capturing the intricacies and diversity inherent in modern societies. The call for an expanded and more inclusive understanding of the grounds for protection becomes imperative in navigating the complexities of the contemporary human rights landscape.

4.2. State Sovereignty versus Humanitarian Intervention

State sovereignty is a crucial aspect that must be carefully examined when considering the gaps in the UN's preventive policy. Throughout history, the concept of state sovereignty has been the subject of intense debate and continues to be actively discussed in the field of jurisprudence (Emilio, 2015). Its roots can be traced back to the Peace of Westphalia in 1648, which marked a significant turning point in international relations (Moses, 2014). On the surface, state sovereignty appears to be a positive concept, signifying the right and power of a governing body to govern independently without external interference. However, the challenge arises when attempting to strike a balance between state sovereignty and the protection of human rights, particularly in cases where humanitarian intervention is required to prevent mass atrocities and protect civilian lives.

Humanitarian intervention refers to coercive action taken against a state to protect individuals within its borders from grave harm (Evans and Sahnoun, 2002). Article 2 of the UN Charter, which grants equal sovereignty to all member states, explicitly mandates that members shall refrain from the use or threat of force against the territorial integrity or political independence of any state (UN Charter, 1945). As a result, intervention based on human rights concerns

within a state's own borders has historically been rare due to the emphasis on state sovereignty as the foundation of a political order based on independent states governed by their own authorities (Walling, 2015). This doctrine of non-interference in internal affairs logically follows from the principle of sovereignty itself, which implies that sovereign states should not interfere in the internal affairs of other states.

Non-interference in internal affairs is a fundamental principle of contemporary international law, based on respect for state sovereignty and territorial integrity, which governs the rights and obligations of states in their relations with each other (Fudan, 2016). However, the numerous failures in dealing with armed conflicts, such as the cases in Somalia (1993), Rwanda (1994), and Bosnia (1995) during the same decade, shed light on the evolving nature of armed conflicts and the need for stronger measures to protect civilians (Lodico, 2000).

Under sovereignty, states possess the inherent right to exercise supreme authority over their own territory, free from external interference. State sovereignty means that a government has ultimate power over its people, resources, and all other governing bodies within its jurisdiction. As a result, states are granted certain privileges, such as the ability to engage in practices that may include the maintenance of "law and order" or the protection of the territorial integrity of the state itself (Kuper, 1981).

It is important to note, however, that while state sovereignty grants governments considerable autonomy, it does not provide an unambiguous license to engage in wrongful acts, such as genocide. The principle of state sovereignty should not be misused or manipulated to justify or legitimize acts of mass violence or crimes against humanity. Sovereignty must be exercised responsibly and in accordance with internationally recognized principles, including respect for human rights, international law and the well-being of all citizens.

While the UN Charter provides an exception to the rule of sovereignty under Chapter 7, allowing for intervention in cases where the Security Council determines a threat to peace, breach of the peace, or act of aggression, the definition of "threat to the peace" outlined in Article 39 remains one of the most vague and broad concepts in the Charter (Lodico, 2000). This is the main reason for the fact that the Security Council has a wide-ranging mandate under Article 39 of the UN Charter, with the authority to decide when to intervene and how to respond. During the San Francisco Conference, there were discussions to make the regulations more specific regarding the conditions for Chapter VII applicability. However, it was decided that a broad mandate was necessary to give the Security Council the flexibility to act on a case-

by-case basis. The International Criminal Tribunal for the Former Yugoslavia affirmed this by stating that the Security Council has a significant role and exercises broad discretion.

One example of a threat to international peace and security is insufficient action by states against terrorism. The involvement of Libya in the bombing of Pan Am Flight 103 in Lockerbie, Scotland, in December 1988 is a case in point (UNSC Resolution 731, 1992). The Security Council determined that Libya's failure to extradite the suspects and renounce terrorism constituted a threat to international peace and security (UNSC Resolution 748, 1992). This highlights that under certain circumstances, a failure to address terrorism can pose a threat to global security.

Determining the appropriate timing and method of humanitarian intervention has been a major challenge for the international community. It has been difficult to discern whether states genuinely prioritize state sovereignty as the primary reason for not taking more robust action, or whether they use state sovereignty as a pretext to mask their lack of will. This ambiguity has complicated efforts to effectively address mass atrocities and protect vulnerable.

In conclusion, while state sovereignty is a crucial principle in international relations, it becomes problematic when attempting to reconcile it with the imperative to protect human rights and intervene in cases of mass atrocities. The debate over when and how the international community should respond to humanitarian intervention remains a complex and contentious issue. Striking a balance between state sovereignty and the protection of human rights is a real challenge that requires careful consideration and a nuanced approach. Moreover, state sovereignty grants governments the right to govern their own territory autonomously, but it must be exercised responsibly and within the bounds of international law. Sovereignty should not be abused to commit heinous crimes, and the international community has a duty to hold accountable those who seek to hide behind sovereignty while committing acts of genocide or other egregious violations of human rights.

4.3. Political Neutrality and P5

The goals established by the United Nations, namely international peace and security and the promotion of friendly relations among nations, have already been discussed. It is essential to manage the goal-setting process of the United Nations in a politically neutral manner. This

ensures that decisions are based on the original purposes of the organization rather than on personal interests. The process must be transparent, accountable, and inclusive, allowing all member states to participate equally.

The concept of political neutrality is expressed most clearly in Article 40 of the UN Charter. According to this article, the Security Council can call upon the parties involved to comply with provisional measures before making recommendations or deciding on measures that could result in a deterioration of the situation. These measures are deemed necessary or desirable and will not affect the rights, claims, or positions of the concerned parties. The Security Council is required to consider any failure to comply with these provisional measures.

While discussing political neutrality, it is essential not to forget that it significantly depends on the effective structuring of the organization. The United Nations structure consists of six main organs – the General Assembly, the Security Council, the International Court of Justice, the Secretariat, the Economic and Social council, and the Trusteeship Council.

When examining the structure of the United Nations, especially with regard to international peace and security, the focus naturally turns to the Security Council. The Security Council has the responsibility of negotiating settlement terms, imposing sanctions, and authorizing the use of force. It is the only UN organ that has the authority to make decisions that are binding on all member states. The Security Council consists of fifteen members, with five permanent members having veto power (Lowe, Roberts, and Welsh, 2008).

Unlike the General Assembly, the Security Council does not have representation from all member states at all times. According to Article 23 of the UN Charter, the Security Council consists of fifteen members, including five permanent members (P5): China, France, the Russian Federation, the United Kingdom, and the United States. In addition, there are ten non-permanent positions that rotate for two-year terms. A key difference between the General Assembly and the Security Council is that the latter's resolutions, unlike the former's recommendations, are binding on all members of the United Nations.

When discussing resolutions and the decision-making process of the Security Council, one essential aspect comes to the fore in the context of gaps in UN preventive policy. Specifically, the adoption of a resolution involves proposals, votes, and the requirement of at least 14 out of 15 member votes for official adoption. It's worth noting, however, that each of the five permanent members must cast an affirmative vote for the resolution to pass - a power often referred to as the P5 veto.

Interestingly, the term "veto" is not explicitly mentioned in the UN Charter. Instead, Article 27(3) states that on all non-procedural matters, the Council must secure "the affirmative vote of nine members, including the concurring votes of the permanent members" (Battersby, 1994). This power, granted by the 1945 San Francisco Conference under Article 27 of the U.N. Charter, allows the five permanent members to block resolutions by withholding their consent. This ability allows them to prevent U.N. action against themselves and their allies, even in cases involving mass atrocities and war crimes - a power that has been exercised. Criticism from countries outside the Permanent Five argues that the Security Council tends to favor powerful and larger states, with many smaller states advocating for the eventual abolition of the veto to enhance the democratic nature of the UN (Afoaku, 2002).

The Security Council, a key component of the United Nations, has been severely limited in its ability to effectively intervene in certain wars and conflicts involving its permanent members. This limitation is largely due to the use, or even the threat, of the veto. Some of the most notable cases where this has been evident include Algeria (1954-62), Suez (1956), Hungary (1956), Vietnam (1946-75), the Sino-Vietnamese War (1979), Afghanistan (1979-88), Panama (1989), Iraq (2003), and Georgia (2008) (Lowe, Roberts, Welsh, and Zaum, 2008).

A closer look at the historical context, especially during the Cold War era, reveals the significant challenges facing the Security Council. Only five years after the signing of the Charter, the functioning of the Security Council, which was intended to be the cornerstone of the UN, was already showing signs of strain. The Soviet Union, one of the permanent members of the Security Council, had used its veto power 26 times by 1950, indicating a shaky foundation for the envisioned functional Security Council (Carswell, 2013).

In the history of the Security Council, the Soviet Union was responsible for almost half of all vetoes until 1965. After 1966, the United States, the United Kingdom, and France together exercised 133 vetoes out of a total of 155. Between 1946 and 2008, the veto was used a total of 261 times (Use of the Veto, Global Policy Forum). This extensive use of the veto, particularly by the major powers, has raised questions about the effectiveness of the Security Council and its ability to address critical global issues without undue influence or obstruction. This has sparked debates on the need to reform the structure and functioning of the Security Council to ensure that it can effectively fulfill its mandate.

As a result, the UN's effectiveness and legitimacy are often challenged by its lack of political neutrality and the unequal representation of its members. The veto power allows the P5 to block any resolution that does not suit their interests, even if it means ignoring the plight of millions of people suffering from violence and oppression.

We have more or less discussed the main gaps that existed in the preventive policy of the United Nations, and we have seen that during the twentieth century, this international actor was clearly unable to fulfill his "never again" promises. Without reviewing this entire period and, in particular, these gaps, it would be almost impossible to assess the current situation. This path that the UN had to go through is the main red line and compass for us to perceive the effectiveness or ineffectiveness of its current policies. Therefore, it is time to knock on the door of the current 21st century and see if the identified gaps have been corrected and filled and at what stage the United Nations is in fulfilling its promises in the current century.

5. R2P as a Gap Filler

We have come to what is one of the most crucial and vital issues for international peace and security and for international law in general. The main difference between 1945 and the end of the 1990s is the end of a bloody and incomprehensible war in 1945 and the end of a static Cold War in 1990. Naturally, the notion of human rights was more tangible in 1945, while the influence of the Cold War with a mythical and non-interventionist sovereignty was more tangible in 1990.

The responsibility to protect is such an important and comprehensive issue that we will not be able to discuss all its aspects in one section, but I will try to focus on those components that are crucial for our context and that will help us to assess, clarify and evaluate to what extent the UN has succeeded in filling the gaps of preventive policy by introducing the doctrine of responsibility to protect. Additionally, we will summarize whether any gaps remain beyond this doctrine or whether all of them are filled fully in the 21st century.

Our discussion of the Responsibility to Protect (R2P) should begin with UN Secretary-General Kofi Annan's first report to the UN General Assembly in September 1999. Annan proposed that the UN should strive to reconcile the principles of the Charter and act in defense

of common humanity. He asked how the UN would respond to gross and systematic violations of human rights affecting every aspect of common humanity, such as in Rwanda and Srebrenica, if humanitarian intervention was indeed an unacceptable assault on sovereignty (UN Doc, A/54/2000).

This is followed by the 2001 report of the International Commission on Intervention and State Sovereignty (ICISS) entitled "Responsibility to Protect" (Report of the IC, "R2P, 2002). The ICISS report outlined three elements of R2P: the responsibility to prevent, the responsibility to respond, and the responsibility to rehabilitate. Thus, the Responsibility to Protect (R2P) doctrine was formally introduced in 2001.

Another important step before the formal establishment of R2P was the signing and adoption of the Rome Statute, which established the permanent International Criminal Court (ICC). The Rome Statute was signed and adopted by 120 countries in July 1998 and entered into force in 2002 when 60 countries ratified the treaty.

The above-mentioned two reports led to the birth of the Responsibility to Protect, which was formally adopted at the World Summit in New York City on September 14-16, 2005 (Bellamy, 2010). The report was subsequently adopted as UNGA Resolution 60/1 on October 24, 2005 (UNGA Res 60/1). Since then, the UN General Assembly has overwhelmingly reaffirmed its commitment to the R2P doctrine. It has been referred to in more than 80 UN Security Council resolutions on a wide range of crises, as well as in resolutions on the prevention of genocide, the prevention of armed conflict, and the restriction of the trade in small arms and light weapons (GCRP, "What is R2P?").

The basic principles of R2P assert that state sovereignty implies responsibility, making the state the primary entity responsible for protecting the people within its borders. Therefore, when a state fails in this responsibility, and a population suffers grave harm, the principles of non-intervention and traditional respect for state sovereignty give way to the international community's responsibility to protect (Evans & Sahnoun, 2002).

In general, R2P consists of three pillars:

1. Every state has the Responsibility to Protect its populations from four mass atrocity crimes: genocide, war crimes, crimes against humanity, and ethnic cleansing.
2. The broader international community has a responsibility to encourage and assist individual states in fulfilling this responsibility.

3. When a state manifestly fails to protect its population, the international community must be prepared to take appropriate collective action in a timely and decisive manner, in accordance with the UN Charter (GCR2P, 2021), including relevant UN Security Council resolutions authorizing intervention.

The third pillar is the most controversial and contested due to various factors, including sovereignty grounds (Fiott, 2015), which contrasts with the individual rights focus of R2P proponents. According to the R2P doctrine, the Commission believes that the state is the most appropriate entity to protect the people, which is also reflected in international law and the modern state system. Thus, the Commission advocates that the primary responsibility for the protection of the people rests with the state. The Commission also finds that the state is the most appropriate entity to identify and prevent internal crises and conflicts (ICISS, 2001).

It is also important to determine the precise place and status of R2P in international law. The Responsibility to Protect (R2P) has a complex and multifaceted normative status. It encompasses norms that are well-grounded and enjoy widespread acceptance and strong compliance, while other norms are still emerging, leading to norm contestation, ambiguity, and selective implementation. This is a common feature observed in the evolution of norms throughout their theoretical "life cycle" (Bellamy&Dunne, 2016).

R2P is often described as a non-binding political concept, similar to soft law (Welsh&Banda, 2007). A significant number of R2P proponents see it as an evolving principle of customary law (Weiss, 2007). They argue that the unequivocal endorsement of paragraphs 138 and 139 of the 2005 World Summit Outcome Document (Res 60/1), which urged heads of state to protect their populations and assist each other in preventing war crimes, genocide, and crimes against humanity, instantly established R2P as customary law (Martin, 2018).

It is clear, however, that R2P is not a universally recognized rule of law. It has not been codified in an international treaty; it lacks state practice and sufficient *opinio juris* to constitute customary international law; and it does not meet the criteria to be considered a general principle of law (Burke-White, 2011).

The Responsibility to Protect represents a shift in policy rather than a change in pre-existing norms of international law. In essence, it has changed the discourse in the political dialogue about responding to and preventing human rights violations. It not only advocates intervention, but also challenges the use of veto power by the permanent members of the UN Security Council.

When R2P is examined in the context of the gaps discussed in the previous subchapter, it's clear that it paints a very positive picture. One of the greatest benefits of the R2P doctrine is that it "explicitly eliminates the specific intent requirement" found in the Genocide Convention, allowing states to act in situations where there is no established intent to destroy (Karazsia, 2018). The second main positive thing is the significant reduction in the element of intent in the context of genocide. We've previously highlighted intent as one of the most significant barriers to effective preventive policy. This doctrine addresses this issue head-on, making it a critical tool in the fight against genocide. Another important positive aspect of this doctrine is its broad scope. Unlike the Genocide Convention, which is based on four stated grounds, this doctrine is not limited in this way. This was one of the major shortcomings of the Genocide Convention, and the doctrine's ability to overcome this limitation is a major advantage. In addition, the doctrine extends its protection to all persons subjected to extreme suffering. This is a significant expansion over the Genocide Convention, which lists only four protected groups. This means that the doctrine has a much broader reach and can offer protection to a greater number of people. This principle requires states to establish that the primary reason for intervention is to stop or avert human suffering. This is a critical aspect of the doctrine as it ensures that interventions are undertaken for the right reasons and not for political or other ulterior motives (Karazsia, 2008).

The Responsibility to Protect (R2P) is a concept that assigns responsibility to the international community to prevent or stop mass atrocities. However, it is unclear whether R2P is a general duty or merely an option to intervene, and what happens if the Security Council is deadlocked. The ICISS report, which laid the groundwork for the R2P concept, outlined a number of criteria that should guide intervention in favor of endangered civilians: just cause (gross violations of fundamental human rights), right intention (putting an end to these violations), last resort (exhaustion of all non-military measures), proportional means (minimal duration and intensity of military strikes), and, lastly, reasonable prospects of success. While the ICISS report emphasized the primary responsibility of the Security Council to maintain international peace and security, it also suggested possibilities for action outside of the Security Council. The commissioners proposed that states should in all cases seek Security Council authorization prior to carrying out any military action; that in cases of massive human rights violations, the Council's permanent members should agree not to use their veto power unless vital national interests are at stake; and that if the P-5 still exercise their veto, recourse may be

made to the General Assembly under the Uniting for Peace[3] procedure and to regional arrangements, which would then have to request authorization from the Security Council (ICISS Report, R2P. 2001).

Since the Security Council has primary responsibility for implementing the Responsibility to Protect (R2P) doctrine, there have been numerous attempts to ensure that the decisions made by the P5 are objective and not influenced by personal or national interests. Worth noting is the attempt of S5 (Costa Rica, Jordan, Liechtenstein, Singapore, and Switzerland) to address the concerns about the political neutrality and impartiality of the Security Council's decisions (UNGA draft resolution, 2012). General Assembly (UNGA) proposed a revised draft resolution aimed at enhancing the accountability, transparency, and effectiveness of the Security Council. This resolution urged the five permanent members (P-5) to refrain from blocking actions aimed at preventing or stopping mass atrocities and requested them to provide clear justifications for their vetoes, aligning them with the principles of the UN Charter and international law. However, the draft resolution failed to garner sufficient support within the UNGA, forcing its withdrawal.

Taking all of the above into account, R2P addresses several of the gaps identified in discussions so far. It offers a more comprehensive approach to the prevention of genocide and the protection of human rights, making it a valuable tool in the international community's efforts to uphold these principles. Its focus on intent, its broad scope and its principle of lawful intent all contribute to its effectiveness and its potential to have a significant impact in the field of human rights.

While the theoretical discourse on R2P may suggest comprehensive coverage, it is imperative to delve into post-2005 case studies to thoroughly examine and evaluate whether the actual implementation of this principle aligns with the promises and aspirations articulated by the doctrine or if, conversely, the world has witnessed yet another disappointment. Therefore, to determine whether any gaps in knowledge continued after Responsibility to Protect (R2P) was established, I have selected a few case studies that would clarify the

[3] The Uniting for Peace procedure was established in 1950 and re-interpreted the separation of powers laid out in the UN Charter. UN General Assembly Resolution 377, which was adopted against the backdrop of UN Security Council paralysis in the Korean War, states that in cases where the Security Council, due to disagreement among its permanent members, fails to discharge its primary responsibility for the maintenance of international peace and security, the UN General Assembly may step in, and issue recommendations aimed at restoring international peace and security.

usefulness of this principle and are currently in progress. In the following sections Ukraine and Palestine cases will be discussed.

5.1. Ukraine Case – Are Gaps Filled?

The reason for choosing this case is that the Russian aggression against Ukraine triggered the most serious crisis in Europe since World War II, which in turn caused a number of problems, such as the large-scale displacement of people from their homes, the forced expulsion of people from the occupied territories, and acts of violence that led to the mass killing of civilians. In addition to the deaths and injuries, the Russian-Ukrainian war has destroyed medical facilities and disrupted the delivery of medical supplies, endangering the lives and well-being of the Ukrainian people. The ongoing destruction of services and infrastructure, which directly affects people's standard of living, makes the conflict a humanitarian catastrophe. Future generations of Ukrainians and others will suffer the consequences, pain, and human toll of the war.

Before starting the discussion, I would like to highlight Article 2 (3) of the UN Charter, which states that "all members shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered". Based on this statement, can conclude that all members of the United Nations have a duty to maintain international peace when their security is not threatened.

Ukraine and Russia both were a part of the former Union of Soviet Socialist Republics (USSR) until its disintegration in 1991. Since then, there have been many signs of friction between these two countries and also many attempts by Ukraine to lessen the impact of Russia on its affairs (Gierczak, 2020). The actual conflict between Ukraine and Russia might be seen as a battle between two opposing ideas, which are EU, UN, and NATO on the side of the West and Russia on the other. Those organizations represent the liberal democratic perspective; Russia regards them as an existential threat. Additionally, by letting Ukraine to join NATO, Moscow perceives a threat to both its security and its standing as a major global power (Gierczak, 2020). Eastern European countries, such as Poland and other Balkan countries, have a good relationship with the North Atlantic Treaty Organization (NATO), while Russia is not a member of this organization (Cross, 2015; Engle, 2014). Ukraine’s aspiration to join the

European Union (EU) and NATO was not welcomed by Russia because of the possibility of establishing NATO's base near Russia's borders. Therefore, Ukraine's announcement in 2015 about its desire to join the EU and NATO can be seen as a catalyst for the conflict between Russia and Ukraine (Behnassi & El Haiba, 2022), as Russia felt that their security was endangered in this situation (Simmons, 2015; Wolff, 2015). Whether this "endanger" was the foundation and the real intention of Article 2(3) of the UN Charter is another topic. Nevertheless, formally, and theoretically, this is what should be mentioned while talking the origin and root of the conflict.

On February 24, 2022, Russia invaded Ukraine. After the 2008 war in Georgia, the 2014 annexation of Crimea, and the persistent conflict in Donbas for almost eight years, Russia's huge military buildup in the autumn of 2021, including in Belarus, the actual invasion should have been expected. For many of us, it was not. And the hostility and brutality since then have been appalling.

Since the Russian invasion of Ukraine, there has been a steady increase in civilian deaths and injuries. According to the report of the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU), dated the 30th of November, 2023, at least 10,058 civilians had been killed and more than 18,653 injured since the start of the conflict (UNHR, 2023). The organization believes that the actual figures are even higher. As of this writing, over 14 million Ukrainians had been displaced by the war. Among them, 6.5 million were internally displaced, while 5 million fled to European countries and another 2.8 million went to Russia and Belarus.

In September 2023, Russian President Vladimir Putin declared that the Donetska, Luhanska, Khersonska, and Zaporizka regions, which were partially occupied by Russian forces, were now part of Russia. This claim, however, has no legal basis. Russian forces in these regions organized referendums on joining Russia, and in some cases, they forced residents to vote at gunpoint.

In blatant disregard of international humanitarian law, Russian forces carried out multiple attacks on healthcare facilities in various regions, utilizing cluster munitions in some instances. Since the onset of the conflict on February 24, 2022, the World Health Organization has documented over 1400 attacks on healthcare institutions, personnel, and transport vehicles, causing the loss of life or injury to over 300 individuals (SSA, 2023). According to a report released by the Ukrainian Health Ministry on November 29, "144 medical infrastructure objects" had been completely destroyed and 1013 more sustained partial damage (Human

Rights Watch, 2023). However, the occupation of certain areas by the Russian army prevented proper registration of all casualties, as some bodies were left in the streets. In addition, the killing of Ukrainian civilians or abductions by Russian troops also violated human rights and added to the trauma of the war. A deliberate attack on a children's and maternity hospital in Mariupol provoked international condemnation. Many international organizations have described these attacks as war crimes in clear violation of the Geneva Conventions of 1949 (ICRC, 2010).

The consistent targeting of residential areas and the high frequency of attacks on health facilities are unlikely to be accidental and are consistent with a pattern of deliberate targeting. In addition, patients and people who have been wounded or suffer from chronic illnesses have had limited access to medical care and medicines during the current conflict. For example, people living with HIV and tuberculosis have not been able to get the medicines they need in time (Chumachenko, 2022). Furthermore, a rocket strike destroyed storage facilities for pharmaceuticals near Kyiv and caused damage worth 50 million US dollars. The current Russian invasion has disrupted these pharmaceutical and pharmacy services, which could lead to shortages of medicines and supplies. This may further cause life-threatening complications for children and adults who need them (Alessi, Yankiv, 2022). All this allows us to state that the invasion has caused numerous injuries and deaths, damaged health systems and infrastructure and delayed the timely production and distribution of medicines and medical supplies. Other serious human rights violations include the killings, shelling, and bombing of residential and medical buildings and the many people who are still missing.

The ongoing war in Ukraine has raised many questions about the UN, especially the role of the United Nations Security Council (UNSC), the General Assembly and the Secretary-General. The world has seen the failure of the Security Council to act properly because of its design for some time. The main reason for this has been the abuse of veto power by the P5 members in many situations. The idea was seen as important after World War II.

The United Nations has started a series of actions to help Ukraine by coordinating humanitarian efforts across the whole UN system to make sure that people affected by the crisis get the help and protection they need. According to the report, more than a million people left Ukraine in the first week of the war, and many people see this as the biggest refugee crisis in Europe in the 21st century. UN Refugee Agency (UNHCR) has gathered resources to help refugees escaping from Ukraine because of the war (UNHCR, 2023), while the World Food

Program (WFP) has begun an emergency operation to give food help to Ukraine and its people because of the crisis (WFP, 2022).

Also, the UN Population Fund (UNFPA) played an important role by providing life-saving sexual and reproductive health services and supplies to Ukraine. Working with nearby countries, the UNFPA met the immediate sexual and reproductive health needs of refugees, especially women and children (UNFPA, 2022). The United Nations Educational, Scientific, and Cultural Organization (UNESCO) declared an emergency action, focusing on the protection of journalists in Ukraine. This involved giving them personal protective equipment to let them keep giving free information about the ongoing war (UNESCO, 2023)

The International Organization for Migration (IOM) moved items and increased capacity in Ukraine and nearby countries to deal with the growing humanitarian needs of Ukrainians who had to leave their homeland. The organization checked and evaluated possible short-term and long-term risks, including issues such as human trafficking, health, and the well-being of vulnerable groups, including the sick and injured (IOM, 2023).

UNICEF, the UN Children's Fund, did a lot to help children who were in danger, and tried to give them essential services such as healthcare, education, and water (UNESCO, 2023). Knowing how serious the situation was, the UN General Assembly had an emergency meeting, strongly passing a resolution that asked for an immediate stop to Russia's illegal attack and operations in Ukraine. This issue will be discussed in the following sections.

Following a request from several ICC member countries, the ICC prosecutor launched an investigation into allegations of serious crimes committed in Ukraine on March 2. The International Criminal Court (ICC) has issued an arrest warrant for Russian President Vladimir Putin, asserting that he is responsible for war crimes. The court's claims are centered on the unlawful deportation of children from Ukraine to Russia, allegedly committed from February 24, 2022, the day Russia launched its full-scale invasion. Moscow vehemently denies the allegations, labeling the arrest warrants as "outrageous." However, the ICC's actions are unlikely to have a significant impact, as it lacks the power to directly apprehend suspects and can only exercise jurisdiction within its member countries, which does not include Russia. Despite this, the arrest warrants could still have indirect consequences for Putin, such as restricting his ability to travel internationally (BBC, 2023).

In its statement, the ICC stated that it has reasonable grounds to believe that Putin committed the crimes directly and in conjunction with others. It also accused him of failing to utilize his presidential authority to prevent the deportation of children (ICC, 2023).

When questioned about the ICC's move, US President Joe Biden expressed his support, stating that he believes it is justified. He acknowledged that the US is not a member of the ICC but emphasized its "strong point" in holding Putin accountable for his alleged war crimes. Simultaneously, judicial authorities in European countries initiated their own criminal investigations under national laws to examine serious crimes committed in Ukraine (ICC, 2023).

To address human rights and humanitarian law violations associated with the war, the UN Human Rights Council established an Independent International Commission of Inquiry on March 4. The commission was entrusted with the responsibility of collecting, analyzing, and consolidating evidence of such violations, including identifying those responsible where possible to ensure accountability (Human Rights Watch, 2023).

While recognizing and thanking the positive efforts of the United Nations, it is important to note that the organization’s achievements in the Ukraine war were mostly practical, focusing on humanitarian help and the Black Sea Grain Initiative. [4]

Since we have reviewed several and the most important positive steps taken by UN bodies, it is time to move to the most important part – the UN Security Council and P5 Veto Power.

Many people expected the United Nations to start some effective ways of resolving this conflict that would lead to a peace agreement or at least reduce the civilian pain and damage, and this incident made many people in Ukraine and elsewhere wonder, “Where is the UN?”

Soon after the invasion, the war became a major issue for the UN and its principal institutions. The General Assembly debated the conflict on numerous occasions, with large majorities supporting resolutions calling on Russia to cease hostilities and withdraw to its pre-24 February borders. However, while resolutions adopted by the General Assembly often

[4] Grain shipments from Ukrainian ports were allowed to restart freely because to an agreement brokered by the United Nations and Turkey between Russia and Ukraine. The concept, which would allow grain and fertilizer exports from three important Ukrainian ports—Odesa, Chornomorsk, and Yuzhny/Pivdennyi—was proposed by UN Secretary General Guterres at separate meetings with Russian President Putin and Ukrainian President Zelenski in April 2022. On July 22, 2022, in Istanbul, the agreement—later dubbed the "Black Sea Grain Initiative"—was signed.

represent global opinion, we know that the Security Council is the central organ that directs UN efforts to resolve disputes, as we have noted several times.

Russia's unprovoked invasion of Ukraine and subsequent occupation of Ukrainian territory blatantly disregards Article 2(4) of the United Nations Charter, which explicitly prohibits the use of force against other countries. This egregious act also violates other fundamental principles enshrined in the Charter. In response to this blatant violation of international law, the United Nations Security Council convened on February 25th to consider a resolution condemning Russia's action and calling for a withdrawal of its forces from Ukrainian territory. This resolution was supported by a majority of Security Council members, reflecting the international community's condemnation of Russia's aggression (UNSC, Draft res., S/2022/155). In a demonstration of international outrage towards Russia's actions, a total of 75 states, beyond the permanent members of the United Nations Security Council, sought to participate in the Council's meeting held on February 25th. This unprecedented attendance of non-Council members underscores the global consensus against Russia's invasion and occupation of Ukraine (UNSC, S/PV.8979, 2022). The resolution denounced 'Russia's aggression' as a breach of Article 2(4) of the UN Charter and urged Moscow to withdraw all its forces.

Despite overwhelming support from other Security Council members, the Council could not unanimously approve a resolution condemning Russia's action and calling for a withdrawal of its forces from Ukraine. This is because Russia, a permanent member of the Council, used its veto power to block the resolution. With this regard, China's representative said he abstained because the Council's response should be taken with great caution, with actions to defuse and not add fuel to the fire. Ukraine should be a bridge between the East and the West, not an outpost for major Powers, he added (UN, SC/14808, SC/14809). Secretary-General António Guterres stated that the UN would continue to work for peace and dialogue, even though the main goal of the war had not been achieved after Russia's veto (UN, 2022A).

This is not the first time Russia has used its veto to stall resolutions on Ukraine. In 2014, Russia also vetoed a resolution declaring the referendum in Crimea invalid and urging countries not to recognize its results (UNSC, Draft res. S/2014/189).

Russia's veto power has repeatedly undermined the effectiveness of the Security Council in addressing crises such as the invasion of Ukraine. This has led to calls for reform of the

United Nations, with some suggesting that the veto power of the five permanent members should be limited or even eliminated.

The United Nations Security Council is the primary body responsible for maintaining international peace and security. However, its effectiveness can be hampered by the veto power held by five permanent members, which can block any resolution they oppose. This can lead to a situation where the Security Council is unable to act, even when there is widespread agreement on the need to do so.

The General Assembly is the more representative body of the United Nations, with all UN member states having a vote. Article 11 of the UN Charter gives the General Assembly the power to discuss and make recommendations on any matter that threatens international peace and security. This power is further enhanced by the Uniting for Peace Resolution, adopted in 1950, which allows the General Assembly to convene an emergency special session to discuss and make recommendations on threats to international peace and security when the Security Council is unable to do so due to a veto. This is what happened in the case of Russia's invasion of Ukraine. The Security Council was unable to pass a resolution condemning Russia’s action due to Russia's veto.

Since the Security Council was stalemated due to Russia's veto in 2022, the Security Council adopted Resolution 2623, which invoked the Uniting for Peace Resolution and referred the matter to the General Assembly (UNSC Res., S/RES/2623). This allowed the General Assembly to hold an emergency special session and adopt a resolution condemning Russia's aggression and calling for a withdrawal of its forces from Ukraine.

The matter was referred to the General Assembly through the Uniting for Peace resolution procedure. This effectively allows the Security Council to bypass the veto restriction and, through a procedural mechanism, refer the matter to the General Assembly to convene an Emergency Special Session to consider it (MAMLYUK, 2015).

As a result, the fact that Russia voted against Resolution 2623 did not prevent the General Assembly from taking action, as the resolution was adopted by a majority of members. This demonstrates that the Uniting for Peace Resolution is a powerful tool that can be used to circumvent the veto and allow the United Nations to take action on crises that threaten international peace and security.

There is a second important and positive step from UNGA which should be mentioned. At the UN General Assembly, there were complaints about the Security Council's inability to

pass a legally binding resolution on the conflict in Ukraine because of Russia's veto. In response, on April 26, 2022, the General Assembly adopted Resolution 76/262 (A/RES/76/262), which called on the five permanent members of the Security Council to justify their use of the veto. The resolution proposed a way for the entire UN membership to review and comment on a veto decision. While the Security Council's veto power is far from being abolished altogether, this resolution takes a step in that direction by requiring automatic debates on the use of the veto in both the Security Council and the General Assembly.

On September 30, 2022, Russia vetoed yet another Security Council resolution (SC/15046), this time over its plans to annex parts of Ukraine. The resolution, which was supported by ten of the fifteen members, called on Russia to withdraw its troops from Ukraine immediately. At the same time, discussions focused on the explosions at the Nord Stream pipeline, which contributed to Ukraine's worsening energy crisis (UN, 2022).

The ongoing war in Ukraine has raised many questions about the UN, especially the role of the United Nations Security Council (UNSC), the General Assembly and the Secretary-General. The world has seen the failure of the Security Council to act properly because of its design for some time. The main reason for this has been the abuse of veto power by the P5 members in many situations. After more than a year of fighting and diplomatic attempts, Russia's frequent use of its veto has prevented the Security Council from being a useful tool for resolving the Ukraine issue.

5.2. Palestine Case - We forgot to remember “Never Again,” or we have never learned?

The international community has been grappling with the consequences of Russia's invasion of Ukraine since February, witnessing the displacement of millions of people, widespread destruction, and countless lives lost. Just when it appeared that the world was beginning to heal from this tragedy, another devastating event emerged, casting doubt on the possibility of ever truly achieving the goal of "never again."

This latest occurrence, the Israeli-Palestine conflict, has been simmering for decades, marked by violence, displacement, and a deep-seated mistrust between the two parties. The recent escalation in hostilities, coupled with the ongoing humanitarian crisis in Gaza, has

served as a stark reminder of the fragility of peace and the enduring nature of conflict in the region.

The ongoing conflict between Israel and Palestine can be traced back to the United Nations' resolution to partition British Mandate Palestine into Jewish and Arab states (UNGA, Resolution 181). The resolution was met with fierce opposition from Palestinian Arabs, who felt that they were being unfairly denied their right to self-determination. In 1948, the Arab Israeli War broke out, resulting in the displacement of hundreds of thousands of Palestinians and the establishment of the State of Israel (The Guardian, 2023).

The 1949 armistice agreement (Armistice Agreement, 1949) that ended the war left Israel in control of more territory than it had been allocated by the United Nations, including most of the West Bank and Gaza Strip. This displacement of Palestinians, known as the Nakba, is considered by many Palestinians to be a defining event in their history. Arab citizens living within Israel have also faced discrimination and oppression. They have been denied equal rights and opportunities, and they have been subject to arbitrary arrest and detention. This has led to ongoing tensions and violence between the two communities. The formation of Hamas in 1987 marked a turning point in the conflict. Hamas is a Sunni Islamist militant group that opposes the existence of Israel and seeks to establish an Islamic state in all of Palestine. The group has carried out numerous attacks against Israeli civilians and military targets, and it has been designated as a terrorist organization by the United States and European Union (The Guardian, 2023).

In 2006, Hamas won a majority of seats in the Palestinian legislative elections. This led to a power struggle with the Fatah party, which had previously controlled the Palestinian Authority. The conflict between the two parties escalated, and Hamas eventually took control of the Gaza Strip in 2007. Israel has imposed a blockade on Gaza since 2007, which has had a devastating impact on the territory's economy and infrastructure. The blockade has also made it difficult for Palestinians in Gaza to access basic necessities, such as food, medicine, and fuel (Freilich, 2023).

The right of self-determination, which is a fundamental principle in modern international law and is endorsed by many international treaties, should be the main focus at this stage. For centuries, the Palestinian people’s right to self-determination have been denied, posing one of the biggest challenges for the international community’s commitment to international law and human rights. Article 1 of The International Covenant on Civil and Political Rights (ICCPR,

1966) and The International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) states that all people have the right of self-determination. According to the UN Charter Article 1(2), the purpose of the UN is "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples…". "Israel is obliged to respect the right of the Palestinian people to self-determination and its obligations under international humanitarian law and international human rights law" (ICJ, 2004). Israel has violated and continues to violate the aforementioned rules of international humanitarian law.

On the final day of the Jewish high holidays, October 7th, 2023, Israelis were startled by the sound of sirens as Hamas and Islamic Jihad launched thousands of rockets from Gaza and armed fighters breached the hi-tech fences around the strip to infiltrate Israel, shooting and taking hostages. Fighters in boats also attempted to enter Israel by sea. It was an astonishing and unprecedented assault by Hamas and Islamic Jihad, and a disastrous intelligence lapse by Israel – and both will have lasting impacts and outcomes. The Israeli prime minister, Benjamin Netanyahu, announced that Israel was at war and that Palestinians would suffer a heavy cost. Israel mobilized army reservists and unleashed a series of airstrikes on the small strip, which is home to 2.3 million people. Netanyahu told Palestinians in Gaza to "get out of there now" as he pledged to demolish Hamas hideouts to "rubble", but there is no escape for those in the blockaded territory (The Guardian, 2023). The Palestinian health ministry said on October 8 that at least 413 Palestinians have been killed, including 78 children, and 2,300 others injured in Gaza since the previous day. Seven people were also killed by Israeli army fire in the West Bank, including a child, it said. Power outages in the territory pose "a big challenge for the medical sector," the ministry said, endangering the lives of hundreds of others who need treatment (CNN, 2023). Under international humanitarian law targeting civilians is strictly prohibited, and intentionally targeting and killing civilians are war crimes. Violations and abuses by one party in a conflict do not justify violations, including targeting civilians, by another.

Article 2(3) and 2(4) of the UN Charter emphasize the peaceful settlement of disputes between states and forbid the threat and use of force. However, there are some exceptional cases where the use of force can be legally justified. In addition to the discussion on the right to self-determination of the Palestinians, it is also relevant to mention the right to self-defense of the Israelis, especially after the attack of 7th of September.

The right to self-defense is a fundamental principle of international law, recognized as an inherent right of all states. This right stems from the natural right of self-preservation, which allows individuals to use force to protect themselves from harm. As states are analogous to individuals in the international arena, they too have a right to self-defense to safeguard their existence and fundamental interests.

International law has long acknowledged that a state has an inherent right to use force to defend itself, if it is subjected to an armed attack by another state (Brownlie, 2008). The right to self-defense is specifically codified in Article 51 of the United Nations Charter, which states that "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security (UN Charter, 1945)." This provision acknowledges that states have a right to defend themselves against armed attacks, and that this right is a legal justification for using force in response to such attacks.

However, the right to self-defense is not absolute and must be exercised with caution, guided by the principles of necessity, immediacy, and proportionality (Martyn, 2002). The principle of necessity dictates that the use of force must be strictly necessary to repel the armed attack and restore peace. The principle of immediacy requires that the use of force be a direct response to an armed attack, and not a preemptive or retaliatory measure. And the principle of proportionality mandates that the use of force must be proportionate to the armed attack, meaning that the force used should not exceed the level of force required to repel the attack and restore peace.

In the context of the Israeli-Palestinian conflict, the right to self-defense has been invoked by both sides. Israel has asserted that it has a right to self-defense in response to Palestinian attacks, while Palestine has argued that its actions are justified as a form of resistance against Israeli occupation. Israeli government has often invoked the right of self-defense to justify its actions against Palestine. Determining whether Israel's use of force in self-defense has been justified is a complex and controversial issue. Ultimately, the question of whether Israel's actions have met the criteria of necessity, immediacy, and proportionality is a matter for international legal experts to assess.

During attacks, Israeli forces used white phosphorus in military operations in Lebanon and Gaza on October 10 and 11, 2023, respectively. Multiple airbursts of artillery-fired white phosphorus over the Gaza City port and two rural locations along the Israel-Lebanon border.

White phosphorus, which can be used as a smokescreen or a weapon, has the potential to cause civilian harm due to the severe burns it causes and its lingering long-term effects on survivors. Its use in densely populated areas of Gaza violates the requirement under international humanitarian law that parties to the conflict take all feasible precautions to avoid civilian injury and loss of life (HRW,2023). As of December 5, more than 16,200 people, including thousands of civilians, and more than 7,100 children have been killed, and more than 1.8 million people displaced, amid heavy bombardment and military operations in Gaza by Israeli forces since October 7. Israeli authorities have cut electricity, water, fuel, internet, and food into Gaza (HRW, 2023). 18th of October, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Mr. Martin Griffiths briefed the Security Council, stressing the need for humanitarian actors to be able to “deliver relief to civilians in need throughout Gaza, without impediment, in places of their choice, in places where they consider themselves to be safe and where we can seek to ensure that safety” (OCHA, 2023). The resolution, introduced by the United Arab Emirates, was a priority for U.N. Security General Antonio Guterres, who invoked Article 99 of the U.N. Charter to bring the issue to the immediate attention of the Security Council. Guterres had urged member states to demand an immediate cease-fire in light of an impending “humanitarian catastrophe” in the Gaza Strip. It was supported by 13 out of the 15 members of the Security Council. The U.S., which holds veto power as a permanent member, voted against the resolution. The United Kingdom, another permanent member, abstained.

US Ambassador Linda Thomas-Greenfield justified her country’s veto in the Council chamber saying “this resolution did not mention Israel’s right of self-defenses. Israel has the inherent sight of self-defenses as reflected in Article 51 of the UN Charter" (UN, 2023). The Israeli government keeps blocking this urgently needed humanitarian aid even as it conducts its campaign of aerial attacks and widens its ground operations in Gaza. The army has instructed more than a million people to leave the northern half of the enclave, but there’s no safe place to go and no safe way to get there. US policymakers who were rightly angry at Hamas’s war crimes against Israeli civilians should not watch while the Israeli government commits war crimes against Palestinian civilians. The US should demand that Israel

immediately allow monitored fuel and other supplies into Gaza via Egypt and its own territory, restore water and electricity to all parts of Gaza, and comply with its obligations to protect civilians in Gaza, wherever they are. Nothing can excuse the war crimes that Israel is committing in Gaza—including by denying civilians of life-saving humanitarian aid. In the face of increasing violations against children, international rights advocates urged UN Secretary-General Antonio Guterres to immediately add Israeli forces, the al-Qassam Brigades (Hamas' armed wing), and Islamic Jihad to his "list of shame," rather than wait until his regular annual report next year. The "list of shame" names governments and nongovernmental armed groups responsible for grave violations against children in armed conflict, including killing and maiming, abduction, attacks on schools and hospitals, and denial of humanitarian access. Guterres on November 6 said that "Gaza is becoming a cemetery for children." In the occupied West Bank, Israeli security forces and settlers have killed another 53 Palestinian children since October 7 (HRW, 2023).

Since October 7, Israeli attacks have killed at least 56 Palestinian journalists, mostly in Gaza, and at least 4 Israeli journalists were killed in the Hamas-led attacks in southern Israel on October 7. According to the Committee to Protect Journalists, first month of the hostilities in Israel and Gaza was "the deadliest month for journalists" since the organization began documenting journalist fatalities in 1992 (CPJ, 2023).

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) provides shelter for 1.4 million people in Gaza who have no other place to go. These people sought refuge under the UN flag, which represents our shared humanitarian values. It would be a major blow to UNRWA, which has already lost 136 staff members in this conflict, if Switzerland, the country that leads the way in humanitarian values, suddenly withdraws its support. Hunger, thirst, and disease are spreading rapidly, while relentless bombardments are claiming more and more civilian lives, and aid deliveries are falling far short of the growing needs. Without UNRWA, the humanitarian operation in Gaza will collapse, and the consequences could spread beyond Gaza, into the region, and possibly even further (UNRWA, 2023).

There is a growing risk of famine in Gaza if the current conflict continues or worsens. The lack of access to food, basic services, and humanitarian aid is exacerbating the situation. Over 90% of the population in Gaza is facing high levels of acute food insecurity, with over 40% in emergency and over 15% in catastrophe. The entire population is now classified in IPC Phase

3 or above, and over half a million people are facing catastrophic conditions, which are characterized by extreme food shortages, starvation, and the depletion of coping mechanisms (IPC, 2023). A new report by the Integrated Food Security Phase Classification (IPC) warns of a potential famine in Gaza within the next six months if the ongoing conflict and lack of humanitarian aid continues. UN High Commissioner for Human Rights Michelle Bachelet stated that "starvation should never be a tool of war" (UN, 2023).

In a rare consensus, the UN Security Council adopted a resolution (S/RES/2720) on the crisis in Gaza, demanding immediate, safe, and unhindered delivery of humanitarian aid to Palestinians in need. However, it’s hard not to agree with Riyad Mansour, Permanent Observer of the State of Palestine, who pointed out the Security Council's past inaction, mainly because again the use of veto power, as the death toll of Palestinians has risen to over 20,000, with almost half of them children, and over 60,000 injured. He also noted that two million Palestinians have been forcibly displaced, homes, shelters, schools, and hospitals have been destroyed, and hunger and disease are spreading rapidly (UN, 2023).

As a conclusion, the question of whether Israel's actions have been legitimate under the right of self-defense is a complex one. Even if Palestine's actions constituted an armed attack against Israel, it is questionable whether Israel's response was proportionate to the attack. The Israeli military action caused significant damage and casualties in Palestine, and it is not clear that it was necessary to prevent further attacks on Israel. The conflict in Gaza is a complex and multifaceted issue, and it is important to avoid making definitive conclusions about it since is it still ongoing. However, it is clear that the conflict has caused significant suffering and loss of life. The conflict in Gaza is a tragedy for all involved. The people of Gaza are caught in the crossfire of a war that they did not start. The conflict in Gaza is a complex issue with no easy solutions. However, the international community must not stand by and watch as the people of Gaza suffer. It is time for the parties to the conflict to come to the table and find a way to end this violence. The international community has a responsibility to help the people of Gaza and to find a way to end this conflict. The United Nations Security Council has been criticized for its inaction in the conflict, and its use of veto power by one of the Permanent Five members has only served to exacerbate the situation.

Conclusions

1. The effectiveness of any legal regulation is determined by the extent to which it prevents encroachment on the object it is intended to protect. While it is often impossible to create a legal framework that entirely eliminates the possibility of encroachment, effective legal regulation should significantly reduce its frequency. In the context of combating mass crimes, the effectiveness of legal regulations should be evaluated based on their ability to reduce the frequency of these crimes. If legal regulations are effective, they should lead to a significant decline in the number of mass atrocities committed. The key challenges and shortcomings in the UN's efforts to prevent mass atrocities include technical and definitional issues surrounding the concept of genocide, questions of sovereignty, the structure of international institutions, insufficient cooperation among member states, and conflicting national security interests.

2. The Genocide Convention, along with its sister human rights treaties and the Rome Statute for the International Criminal Court, had a transformative and great importance in terms of the legal regulation of mass atrocities, although it is also clear that the preconditions for its use were met with deserved criticism. The effectiveness of a particular legal document is primarily determined by the extent to which it allows us to use it at the right time and place. The prerequisites of the Genocide Convention should have been formulated in the law itself in such a way that it would be possible to use it effectively. The efficacy of the Genocide Convention hinges on the clarity and practicality of its prerequisites, ensuring its effective implementation. Otherwise, the Convention risks becoming mere ink on paper, lacking the power to prevent atrocities. The Genocide Convention's flaws include an undefined extent of responsibility for perpetrators, conflicting with human nature's bold actions when responsibility is unclear. Another critical flaw is proving the specific "intention," causing difficulties in applying the Convention and resulting in delays, risking lives contrary to its preventive purpose.

3. The concept of state sovereignty intersects with the need for humanitarian intervention in preventing mass atrocities, as states may resist external intervention in their internal affairs. State sovereignty grants governments the authority to govern their own territories autonomously. However, this power must be exercised responsibly and in accordance with international law. Sovereignty cannot be used as a shield to commit heinous

crimes, and the international community has a responsibility to hold accountable those who exploit it to perpetuate genocide or other egregious human rights abuses. Article 39 of the UN Charter gives the green light for humanitarian intervention in case of specific grounds, namely threat to peace, breach of the peace, or act of aggression. However, after that there is still one barrier and still insurmountable - the veto power of P5.

4. The combination of two facts - the broad concept of threat to peace and the unrestrained veto power of P5 gives in many cases disastrous results. The existence of a very broad concept and its imprecise, non-detailed regulation creates a problem in terms of exceeding the authority of the entity authorized to use it. Such a case may, and usually happens, lead to the legislator's will being lost and the provision being interpreted in such a way, subjectively, by adjusting to one's own interests, that the norm and provision lose their essence and purpose, for which they were created. In this particular case, if a threat to peace is erroneously determined in situations where it is unwarranted, or conversely, if it is not identified, when necessary, we will inevitably find ourselves dealing with the inappropriate use or non-use of Article 39 of the Charter, and this has occurred more than once. The crux of the matter lies in the necessity for a well-defined framework for the concept or, alternatively, the implementation authority should be equipped with effective checks and balances. While seeking to address the gap in prevention mechanisms caused by the veto power, the Uniting for Peace Resolution, rooted in the Charter principles, holds significant potential. It empowers the General Assembly, as evidenced by its partial success in the Ukraine-Russia conflict. However, its effectiveness remains a subject of debate. The Resolution's first invocation occurred in 1984, prior to the Ukraine-Russia conflict, while the veto power was exercised multiple times during that period. These statistics underscore the Resolution's limited utilization, leading to the conclusion that reforming the Security Council is the only viable path forward to address this challenge.

There are several proposals regarding how and in what form the Security Council should be reformed. The most widely supported approach to reforming the United Nations Security Council (UNSC) involves the idea of requiring two Permanent Members (PMs) to vote against a resolution for a veto to be effective. This reform is viewed as a means to enhance both equity and efficiency within the UNSC and is identified as the most promising structural change among the proposals under consideration. It specifically addresses the issue of veto power for Permanent Members.

However, it is crucial to note that, like any proposal for UNSC reform, this particular suggestion faces significant political constraints. Within the Security Council, especially among the permanent members, it may not be challenging to find like-minded countries that will continue to act in accordance with their own political interests rather than prioritizing global peace. For instance, the decisions of the two permanent members, Russia and China, often align strangely. Nevertheless, it is evident that with such a reform, prioritizing individual interests over global interests would become more challenging

5. The concept of Responsibility to Protect (R2P) has influenced the UN's approach to preventing and responding to mass atrocities by placing a shared obligation on the international community to act in cases of grave humanitarian crises. Fortunately, the emergence of the R2P doctrine has provided a powerful tool to address concerns connected to existence of special intent by shifting the focus from the perpetrators' intentions to the actual occurrence of mass atrocities. When a state fails to safeguard its citizens from such crimes or becomes complicit in their commission, the requirement to prove specific intent is significantly reduced. Instead, the mere existence of mass atrocities serves as a sufficient justification for international action, recognizing that the protection of human rights, particularly in the context of widespread violations, transcends the confines of domestic affairs. This innovative approach, introduced after the Genocide Convention, holds immense potential for expediting intervention and effectively addressing these grave issues. However, an unresolved challenge remains.

6. Practical experience and case studies, such as the Rwandan genocide and the ongoing conflict in Ukraine, can shape the UN's approach to preventing mass atrocities in the future by highlighting the need for effective prevention policies, early warning systems, and timely and decisive action by the international community. As evident from the shifts in historical epochs, specific shortcomings in preventive policies have been identified, prompting targeted interventions. It is noteworthy that these pivotal measures and innovations have often arisen only after substantial bloodshed. The United Nations itself emerged in the aftermath of the Second World War, and the Responsibility to Protect (R2P) doctrine emerged in response to atrocities such as those in Rwanda and other mass crimes of the twentieth century. The utilization of the United for Peace resolution, notably in defiance of Russia's veto power, is intricately linked to the tragic events in Ukraine.

History demonstrates a recurring pattern where significant setbacks are succeeded by substantial strides forward. It raises the intriguing question of what global crises the world

anticipates and what catalyst might finally propel us towards the weakening of veto power and the reform of the Security Council. In the context of a comprehensive analysis, it becomes increasingly apparent that the reform of the Security Council stands as the singular path to a resolution.

SUMMARY

Never again': a failed United Nations' commitment or a historical possibility to suppress the gravest international crimes?

Ana Asatiani

This master thesis aims to evaluate the United Nations' effectiveness in preventing mass atrocities. The study focuses on the challenges and shortcomings in the UN's peacekeeping efforts and international legal frameworks and seeks to identify practical solutions to enhance the organization's approach to atrocity prevention.

The research examines the practical impact of the Genocide Convention and the Responsibility to Protect (R2P) concept, which have been instrumental in shaping the UN's approach to preventing mass atrocities. The study evaluates the intersection of state sovereignty and humanitarian intervention, highlighting the challenges faced by the international community in responding to crises in countries where governments resist external intervention.

The thesis analyzes case studies like the Rwandan genocide and the ongoing conflict in Ukraine to identify practical solutions to enhance the UN's approach to atrocity prevention. The research underscores the need for improved prevention policies, early warning systems, and timely international intervention to address mass atrocities. The study also highlights the importance of effective peacekeeping mechanisms, including the role of UN peacekeeping forces in preventing and responding to mass atrocities.

The main conclusion of the thesis emphasizes the ongoing challenges faced by the UN in preventing mass atrocities, including the impact of the Security Council's veto power and the need for reforms to enhance the organization's approach to atrocity prevention. The study underscores the importance of international cooperation and the shared responsibility of the international community to prevent and respond to mass atrocities. The thesis concludes by calling for continued efforts to improve the UN's approach to atrocity prevention, with a focus

on practical solutions that can be implemented to enhance the organization's effectiveness in preventing mass atrocities.

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