

The Russia-Ukraine War and the Changing Character of the World Order

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Abstract

New actors such as China, the Global South and Russia have put their mark on the character of the international order that up until now was dominated by liberal values and the hegemony of the United States. This development already has an impact on the power of the United Nations and the possibilities of peace operations. This chapter focuses on the way this transformation affects the role of the United Nations to restore and maintain peace and security in the case of Ukraine. Although the Security Council is unable to end the war in Ukraine and the Russian invasion is a blatant violation of international law, western countries cannot afford to leave thinking about ending the war to others. If there is any chance of UN-involvement in a negotiated peace between Ukraine and Russia, it will most certainly not take the form of a multidimensional peacebuilding mission to protect civilians and promote security sector reform and might be a return to the minimal role of the UN with traditional peacekeeping. The way peace will be established will not only determine the future of Ukraine, but the character of the international order as well.

Keywords: Peacekeeping, United Nations, Ukraine, Transformation, World order

‘We are now at an inflection point. The post-cold war period is over. A transition is under way to a new global order.’ This observation was recently made by António Guterres, the Secretary General of the United Nations.¹ It is inevitable that he came to this conclusion after realising that the power of the UN to restore international peace and security in Ukraine is extremely limited. As the promotion of peace and security is the main purpose of the UN, this is remarkable. The invasion of Ukraine by the Russian Federation on 24th February 2022 was a gross violation of international law and more specifically the United Nations Charter. This should have prompted a reaction of the UN Security Council, but it didn’t.

An important obstacle to a more effective role of the UN is the battle between fundamentally different visions of the global order that is taking place in the background. On the one hand there is the supposedly western view of a liberal

¹ United Nations, *A New Agenda for Peace; Our Common Agenda Policy Brief no. 9*, 3.

international order that is characterised by the rule of law, democracy, and respect for human rights within the framework of the United Nations. On the other hand, countries such as Russia and China dismiss this view as US-dominated and in need of replacement by the principle that the international community should not interfere in the internal affairs of states.²

Thinking about solving the conflict in Ukraine may seem highly utopian at this stage. At the time of writing this chapter, neither side was officially interested in peace initiatives under the heading of the United Nations. The war aims of Russia and Ukraine are totally incompatible. Russia wants to incorporate the territories it has conquered in the Russian Federation. Furthermore, the Ukraine rump state should then be neutral and subservient to Russian interests. All independent countries that formerly belonged to the Soviet Union should in the Russian view be demilitarised, which would imply an infringement of the independence of the Baltic republics, which are members of NATO and the EU. Ukraine, for its part, wants restoration of its pre-2014 borders, reparations of war damages and criminal prosecution of those suspected of war crimes.

Although the prospects for peace are dim, this doesn't mean the UN has been inactive. Nor can the United Nations be dismissed as irrelevant, if only because any solution of the war will have consequences for the United Nations in the future. There have been several initiatives, but they originated in non-western countries which incline to serve Russian and Chinese views of the future of the world order. It is not in the interests of the West (to be more specific: NATO, the EU, and sympathising countries) to leave the future of the world order in those hands. The West itself should also think about the role of ways to peace and the position of the United Nations within it. The outcome of the Russia-Ukraine war will not only be crucial to the people of Ukraine, but it will also affect the future of the UN, the future of peace operations, and the future of the international legal order. It is therefore important to consider the role of the United Nations as the guarantor of peace and security.

That is why this chapter will deal with the following question: how does the transition of the global world order affect the role of the United Nations to restore and maintain peace and security in the case of Ukraine? This question will first be tackled by looking at the debate on the future in the liberal world order. In the second section, the role of the United Nations and its most relevant institutions in the maintenance and promotion of peace and security in the world will be presented. In the third section we will take a closer look at the role of UN peacekeeping as an instrument of the maintenance and promotion of peace and security. The fourth

² A claim that turned out to be not without hypocrisy when Russia interfered in the domestic affairs of Ukraine and initiated a large-scale military intervention in February 2022.

part of this contribution will then consider how this role and this instrument can be applied to the case of the current war in Ukraine. This will enable us in the conclusion to assess the potential role of the United Nations in the Russia-Ukraine War against the background of the debate on the future of the world order.

1. International order in transition

Both politically and militarily, the war confronted the UN-system with tendencies that had already emerged before 2022. In the 1990s and the early 2000s the dominant view of the international order preferred multilateral and rules-based patterns of cooperation within a broader framework of a market economy, free trade, democracy, and respect for human rights. However, in 2018 Ikenberry argued that this liberal international order was in crisis. He discerned various causes: Donald Trump, as US President, questioned its relevance. Britain left the EU and damaged the international order in Europe. Liberal democracy was in retreat. Populist, authoritarian, and nationalist politics was on the rise. American hegemony was in decline and the ‘non-West,’ e.g., China, India, the Global South, was on the rise.³ The liberal order seems to be giving way to a more pluralistic system with a leading role for powers such as China. The war in Ukraine acted as an accelerator of these changes, as Geis and Schröder argue.⁴

Less than a month before the Russian invasion of Ukraine, Russia and China presented a joint declaration on the future of international relations. Indirectly criticising the United States, they stated that ‘certain States’ attempts to impose their own “democratic standards” on other countries [...] prove to be nothing but flouting of democracy and go against the spirit and true values of democracy.’⁵ Countries such as China, Brazil, India, and South Africa, are looking for an alternative to the western dominated international order and for that reason try to coordinate their international policies. New international groupings emerge, such as the Shanghai Cooperation Organisation, the BRICS (Brazil, Russia, India, China, South Africa) and the BRICS development bank. Other countries prefer the involvement of the Wagner Group for their internal security (Mali, Burkina Faso, Central African Republic) above peacekeeping missions with a Western military presence. Putin’s Russia happily benefits from these developments and purports to be on their side. A significant group of countries, from the Global South, either

³ Ikenberry, *The End of the Liberal International Order?*

⁴ Geis and Schröder, *Global Consequences of the War in Ukraine*, 297, 300.

⁵ *Joint Statement of the Russian Federation and the People’s Republic of China on the International Relations Entering a New Era and the Global Sustainable Development*, 4 February 2022.

vote in favour of Russia, or abstain in resolutions in the UN General Assembly that condemn the illegal invasion of Ukraine.

One may add that Western countries have often overstepped the limits of international law themselves, such as the intervention in Kosovo in 1999 that lacked a Security Council mandate, the US-led invasion of Iraq in 2003 with a questionable mandate of the Security Council, or the intervention in Libya in 2011 that went way beyond the intention of the relevant Security Council resolution. More recently, western governments strongly supported Israel after the Hamas attacks of 7th October 2023 and in doing so alienated themselves from many other countries in the world that tended to focus on the plight of the Palestinian population. However, the argument that the liberal global order is tainted by mistakes and inconsistencies of western countries does not justify others doing the same thing. It is a typical argument of authoritarian regimes, which apparently is not shared by their victims who still tend to seek asylum in western countries and not in Russia or China.

Some of the criticism may be understandable, but the UN as an institution and as an expression of the international legal order is not a western invention. It was deliberately meant to be universal in nature and to stand at the service of all nations. All member states have willingly signed the UN Charter. Even the acceptance of the principle of responsibility to protect, the most far-reaching product of liberal thinking, can be considered universal. This principle argues that states are primarily responsible for the protection of their own citizens against crimes against humanity. But if a state government is not able to do so, the responsibility to protect the vulnerable population is transferred to the international community. The UN World Summit of heads of state and governments of 2006 unanimously adopted the principle of responsibility to protect, which was affirmed by the Security Council in the same year. Almost two thirds of the founding member-states were from what is now called the Global South. Also, of the 141 countries that voted in the General Assembly on the condemnation of Russia's invasion of Ukraine, over 90 countries belong to the same category.⁶

In a recent policy brief, UN Secretary General Guterres stressed universality as one of the guiding principles. In it, he advocates a new multilateral system that recognises that the world order is shifting and is adjusting to a more fragmented geopolitical landscape.⁷ Still, he argues, the United Nations is in essence a norms-based organisation. Guterres: 'It owes its birth to an international treaty, the Charter, signed and ratified by States. It faces a potentially existential dilemma when the different interpretations by Member States of these universal normative

⁶ Hout, *The War in Ukraine; Is This the End of the Liberal International Order?*

⁷ United Nations, *A New Agenda for Peace: Our Common Agenda Policy Brief* no. 9.

frameworks become so entrenched as to prevent adequate implementation.⁸ Of course the aggressor in the Russia-Ukraine war is the Russian Federation, which, as permanent member of the Security Council, can block any UN action. However, more fundamentally, these different interpretations of the universal frameworks prevent the United Nations from taking a more decisive role in ending the war in Ukraine. What the UN can do, theoretically, is shown in the next paragraph.

2. The powers of the UN

Although debate on the transformation of the international order has intensified, currently the UN has to make do with its original founding treaties. The United Nations was founded on 24th October 1945 in San Francisco, shortly after the end of the Second World War. According to Article 1 of the Charter of the United Nations, its main purpose is to maintain international peace and security, to develop friendly relations among nations, to achieve international cooperation in solving international problems and in promoting and encouraging respect for human rights and for all without distinction as to race, sex, language, or religion, and to harmonise actions of nations in the attainment of these common ends.⁹

Article 1 formulates the general purpose of the United Nations. Article 2 deals with the obligations of the member-states. They are to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered; they shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations (Article 2, sections 3 and 4 of the Charter). The UN Security Council was established to maintain international peace and security. It consists of fifteen members. There are five permanent members. To wit: China, France, Russia, the United Kingdom, and the United States of America. These member states have a right of veto on decisions by the Security Council.

The founders of the United Nations had to find a proper balance between the ideal of a world government that would guarantee global peace and the reality of great powers that did not want to have their hands tied. To keep the great powers within the system, the smaller powers had to accept the right of veto. But even if such a right were not to exist, what could stop a great power from acting the way it wants, especially when dealing with a nuclear power such as Russia. The

⁸ *A New Agenda for Peace; Our Common Agenda Policy Brief* no. 9, 7.

⁹ These and the following citations from the Charter of the United Nations were found at *Charter of the United Nations and Statute of the International Court of Justice*, San Francisco 24 October 1945.

effectiveness of the Security Council ultimately depends on trust between the superpowers.

The Security Council has far-reaching powers if it can reach a decision. It can authorise compulsory sanctions and military action when it concludes that international peace and security is threatened. There is a military staff committee that can advise on military operations. However, there is a long list of breaches of the international peace and security where the Security Council has not been able to act because of the vetoes of its five permanent members. During the Cold War it was mostly the Soviet Union that exerted its veto power. China usually vetoes resolutions that interfere with what it considers the internal affairs of states. The United States mostly vetoes resolutions that criticise Israel.

Apart from the Security Council there is the General Assembly, where all member-states are represented by one seat and one vote. It has no binding authority, but by expressing opinions in the form of resolutions it is, in the words of Paul Kennedy, a 'barometer of world opinion.'¹⁰ In this role, it has contributed to the emergence of global opinions on apartheid, the climate, the position of women, or the fate of the people of the Palestine Territories.

The third central institution of the UN is the General Secretary. He is nominated by the Security Council and appointed by the General Assembly. His task is to run the day-to-day affairs of the UN. He can bring subjects to the attention of the Security Council, to start studies and reports and he can speak out on topics that concern world peace. Dag Hammarskjöld played an active role in the Congo Crisis in the sixties and Kurt Waldheim mediated in 1977 in the release of hostages by Polisario, the independence movement of the Western Sahara. The General Secretary is supported by several specialised departments. One is the Department of Peace Operations (DPO), formerly the Department of Peacekeeping Operations. It is responsible for the preparation and direction of UN peacekeeping operations. The DPO currently has no operations in Ukraine. The Department of Political and Peacebuilding Affairs (DPPA) of the United Nations is established to prevent and resolve conflicts in the world. The DPPA focuses on international peace and security through analysis, conflict prevention, and conflict management.

The United Nations does more than just maintain international peace and security. The UN Development Program, for instance, is responsible for social-economic development. For the provision of emergency aid to countries in need there is the United Nations Office for the Coordination of Humanitarian Affairs. Care for refugees in the world is the responsibility of the UN High Commissioner for Refugees, whereas human rights are the work of the UN High Commissioner for Human Rights and the UN Commission for Human Rights. The International Court

¹⁰ Kennedy, *Parliament of Man*, 210.

of Justice settles disputes between states based on international law. It also gives advice on international legal matters. The International Criminal Court takes care of judging people suspected of crimes against humanity, war crimes, genocide, or ethnic cleansing. The International Atomic Energy Agency (IAEA) is an autonomous international organisation within the wider UN system, and it reports to the General Assembly and the Security Council. The IAEA deals with the peaceful use of nuclear energy and the prevention of military use of nuclear power.

The international order that was established with the founding of the UN consists of a whole complex of rules and institutions within the framework of the Organisation of the United Nations. This system was designed to regulate relations between states in general and particularly between the superpowers to prevent a third world war. It has been able to accompany international relations with varying accomplishments during the changes that have taken place from the period shortly after the Second World War, the bipolar system of the Cold War, the process of decolonisation, the turbulent period after the demise of communism, the rise of international terrorism until the emergence of authoritarianism in recent years. According to Kennedy it worked best when there was a basis of mutual trust between the most powerful actors and more specifically the permanent members of the Security Council.¹¹

There are many ideas and proposals that aim at improving the effectiveness of the UN system. However, all changes in the UN Charter need the approval of a two thirds majority in the General Assembly and the absence of a veto by any of the permanent members of the Security Council. Until now, no changes have been made. However, on 26th April 2022 the General Assembly adopted a resolution stating that the General Assembly could formally convene within ten working days of the casting of a veto by one or more permanent members of the Security Council. The Assembly can then have a debate on the situation as to which the veto was cast, if it does not meet in an emergency special session on the same situation. In such a session member-states can comment on that veto and on the arguments used.¹² This meant that the Russian Federation had to explain its veto in the Security Council meeting on the war in Ukraine.

During the Cold War the tensions between the superpowers prevented these rules and institutions from functioning properly. Peace operations had only a limited role in maintaining order between sovereign states or in the ambition to promote or enforce peace by political, social, institutional, and economic reforms within states. The flaws and shortcomings of the international order were basically

¹¹ Kennedy, *Parliament of Man*, 75.

¹² *Standing Mandate for a General Assembly Debate When a Veto Is Cast in the Security Council*, General Assembly Resolution 76/262.

caused by fundamental differences of opinion on the international order and the question of whether the sovereignty of states is respected absolutely, or if it is possible or even desirable that state sovereignty is subjected to universal standards such as good governance, democracy, and respect for human rights. The latter is based on the conviction that peaceful relations between states are best served in the long term by promoting democratic institutions and societies within states. According to this view, threats to international peace and security are not just limited to aggression between states but can also be caused by domestic violent conflicts, bad governance, poverty, or climatic disasters.

3. UN peacekeeping

The various forms of peacekeeping have become visible symbols of the role of the United Nations in international crisis management, with military intervention as one of the most far-reaching instruments the UN can muster.¹³ The term 'peacekeeping' originated in the fifties and became one of the most important instruments in the hands of the United Nations for the management of armed conflicts.¹⁴ Since then about two hundred peace operations have been implemented in various shapes and sizes. What they have in common is the ambition of the participants to limit the scourge of war. They usually amount to ad hoc reactions to specific problems regarding the management and solution of armed conflicts. They are first and foremost a political instrument, by the use of which the deployment of military force is intended to provide conflict parties with a certain amount of security. The instrument of peace operations inevitably conforms to continuous changes in international relations.¹⁵ Successful peace operations can contribute to the improvement of the chances of sustainable peace in conflict ridden areas in the world. Bad performance can, however, worsen a situation that may already be dire.

Peacekeeping emerged as a by-product of the Cold War. A series of improvisations to address matters of peace and security had to be invented because the member states could not agree on the arrangements laid out in Chapter VII of the UN Charter. The mechanism of peacekeeping missions was introduced without the participation of forces of the major powers. Neither peacekeeping as such nor peacekeeping operations are mentioned in the UN Charter. The Security Council had to invent a procedure establishing under what criteria the UNSC would agree

¹³ Thakur, *The United Nations, Peace and Security*, 37.

¹⁴ Other instruments in the international toolbox are, for instance, conflict prevention, sanctions, humanitarian intervention, or transnational legal mechanisms.

¹⁵ Williams and Bellamy, *Understanding Peacekeeping*, 2-3.

to a mandate for an actor to act on its behalf, like in the Korea War in 1950 and the Gulf War in 1990. Traditional peacekeeping missions were characterised by so-called blue helmets in white vehicles having as their main role the assistance of peaceful resolution of conflicts between states. Common features of these types of peace missions were consent of the conflicting parties, impartiality, and limiting the use of violence to self-defense only. They operated under Chapter VI of the United Nations Charter ('Pacific Settlement of Disputes'). Troops were usually positioned in buffer zones to physically separate the warring parties. Unarmed, or lightly armed observers were deployed to monitor violations of a peace agreement and report them to the political level. What these traditional peacekeeping missions normally achieved was the freezing of a conflict.

The number of peace missions increased considerably after the end of the Cold War. They were now applied in intra-state conflicts, where many countries signed peace agreements and hosted UN peacekeeping missions. But they failed to prevent violence from reoccurring. Step by step the tasks of peace missions were broadened with, for instance, the protection of humanitarian convoys (UNPROFOR) or elections (UNTAC), but still within the same restrictive mandate of limited use of force, i.e. for self-protection only. This was called 'Wider Peacekeeping.' Gradually, peacekeeping operations evolved to peace enforcing operations (IFOR, UNTAET, UNAMSIL), mandated by Security Council resolutions based on Chapter VII of the UN Charter. In the absence of a UN army more participation of regional security organisations in peace operations (such as NATO or the African Union) was vouched for.

Since the UN mission in Sierra Leone in 2000 every Security Council resolution has included the task of protection of civilians, which aimed at helping states to restore their authority without necessarily promoting reforms of state institutions. Peacekeepers tried to mitigate the serious impact of civil war on the local population but did not solve underlying causes. After the Al-Qaida attacks on New York and Washington on September 11th, 2001, and the inability of the Security Council to condone US intervention in Iraq in 2003, Secretary General Kofi Annan examined the major threats and challenges to global peace. In 2005 he published the report 'In Larger Freedom; Towards Development, Security and Human Rights for All.'

This report underlined the interdependent character of security threats, and points towards the reciprocal reinforcement of development, security, and human rights.¹⁶ The needs of states emerging from conflict could not be addressed properly by the existing peacekeeping mechanisms at the UN. So, several reforms were initiated by the UN to coordinate post-conflict security and development strategies, priorities, and programming. Peacebuilding missions integrated military, police, and civil capacities in comprehensive international efforts to contain the conflict

¹⁶ *In Larger Freedom*, Report of the Secretary General.

and stabilise the post-conflict situation by focusing on economic, social, political and security conditions within states, as well as to prevent future violence and to consolidate peace. Doyle and Sambanis have labelled state building and peace-building activities of contemporary UN-operations as 'extensive intrusions into the domestic affairs of other legally sovereign states'.¹⁷

In the past years, the international political climate has become less favourable to the more intensive types of peace building. Several reasons have been brought forward. Among others, this was caused by diminished budgets because of the financial crisis of 2008/2009, mounting criticism of the effectiveness of the large-scale and costly multidimensional peace missions. This criticism was partly aimed at the ever-widening ambitions of peacekeeping (which Etzioni has dubbed 'long-distance social engineering').¹⁸ Etzioni argued that priority must be given to ensure basic security, both for its own sake and for the sake of the democracy that might gradually grow out of it. Partly, it was caused by failures in cases such as Afghanistan or Mali, where years and years of peacekeeping and comprehensive approaches had achieved little. Western countries have adjusted their ambitions regarding peace operations to the realities in international relations from conflict resolution to conflict management. But in the background, again, stands the criticism of the liberal world order and the growing support for a multipolar system.

In his *New Agenda for Peace* Guterres also pleads for a reconsideration of peacekeeping, claiming a serious and broad-based reflection on its future is necessary. He envisages 'nimble adaptable models with appropriate forward-looking transition and exit strategies' without unrealistic mandates. Also, in his view, the Security Council needs to be more representative of the geopolitical realities of today and of the contributions that different parts of the world make to global peace.¹⁹

4. UN practice in the Ukraine war

When the *New Agenda for Peace* was published, the war in Ukraine had already lasted one and a half years. The Security Council undertook no action after Russia's invasion of Ukraine although it was a blatant violation of the UN Charter. The same can obviously be said of the annexation of Crimea in 2014. One of the bitter aspects of the current situation is the incapacity of the United Nations to play a meaningful role in this respect. Guterres said in an interview in *El País* on 9th May 2023, that peace negotiations are not possible. Guterres: 'There was talk of a Russian offensive

¹⁷ Doyle and Sambanis, *Making War and Building Peace*, 22.

¹⁸ Etzioni, *Security First*, 41.

¹⁹ *A New Agenda for Peace; Our Common Agenda Policy Brief no. 9*, 20, 30.

in the winter and a Ukrainian one in the spring. It is clear that both parties are fully engaged in the war.”²⁰

The Security Council is powerless, because the Russian Federation, as one of the five permanent members, uses its veto-power to prevent the adoption of any resolution that criticises its own violation of fundamental international law. On several occasions the General Assembly, which has no veto-power, has condemned the Russian invasion of Ukraine and demanded that Russia withdraw its troops from Ukrainian territory while simultaneously reaffirming Ukraine’s independence and territorial integrity.²¹ Such resolutions of the General Assembly may be morally important, but they are not binding. There is no executive organ under the UN umbrella that can force member-states to comply with decisions of either the Security Council or the General Assembly, let alone if it would be feasible when dealing with a superpower that possesses nuclear weapons. During the early stages of the war Poland proposed to send an international peacekeeping force to Ukraine that would support humanitarian aid and that would be robust enough to be able to defend itself in combat. It was not followed up, because of the risk that UN peacekeepers would be confronted by Russian troops.

General Secretary Guterres was involved in making possible the evacuation of Ukrainian citizens from the town of Mariupol when it was besieged by Russian troops. Together with President Recep Tayyip Erdogan of Turkey he also played a central role in the so-called Black Sea Grain Initiative. This agreement between Ukraine and Russia of 22nd July 2022 made possible the export of grain from Ukraine, which has often been described as the granary of Europe. Many countries, mostly in the developing world, are dependent on Ukrainian grain. During the first months of the war, Russia blocked Ukrainian ports in the Black Sea. Initially, the agreement was to last for 120 days, but it was extended for a few months. At the time of writing this chapter, Russia continues to block and alternative ways to export Ukrainian grain have been explored.

In April 2022 the General Assembly suspended Russian membership of the UN Human Rights Council. In a ruling on 16th March 2022 the International Court of Justice ordered the Russian Federation to immediately end its military operations in Ukraine. The International Atomic Energy Agency is active in attempts to register and stabilise the situation in and around the nuclear power plant in Zaporizhzhia. The International Criminal Court (ICC) is an international organisation that can prosecute individuals for the international crimes of genocide, crimes

²⁰ Guterres, “Peace negotiations are not possible at this time. Both Russia and Ukraine believe they can win.”

²¹ Aggression against Ukraine, ES-11/1. Resolution adopted by the General Assembly on 2 March 2022.

against humanity, war crimes and the crime of aggression. In March 2022 the ICC Prosecutor opened an investigation into allegations of ‘war crimes, crimes against humanity or genocide committed on any part of the territory of Ukraine by any person from 21st November 2013 onwards.’ On 17th March 2023 arrest warrants were issued for Vladimir Putin, President of the Russian Federation, and Maria Lvova-Beleva, Commissioner for Children’s Rights in the Office of the President of the Russian Federation. There were ‘reasonable grounds to believe that each suspect bears responsibility for the war crime of unlawful deportation of population (children) and that of unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation, in prejudice of Ukrainian children.’²²

Other international initiatives have shown commitment to peace in Ukraine. In September 2014 and February 2015, the so-called Minsk Accords were drawn up by the Trilateral Contact Group on Ukraine. This group consisted of representatives from Ukraine, Russia and the Organisation for Security and Cooperation in Europe (OSCE), comprising 57 states, including the United States and Canada. Many traditional and broader peacekeeping tasks were included in the first protocol, such as the monitoring and verification of a ceasefire, the establishment of security zones between Ukraine and Russian-held territories, and the withdrawal of armed groups and military equipment. To support the peace process there would be an inclusive national dialogue and all hostages and illegally detained persons were to be released. The Minsk II agreement consisted of a ceasefire, withdrawal of heavy weapons from the front line, release of prisoners of war, constitutional reform in Ukraine granting self-government to certain areas of the Donbas and restoring control of the state borders to the Ukrainian government. The Minsk Accords could not prevent the Russian aggression of 2022, but they suggest that the OSCE could offer a potential acceptable framework for Russia and Ukraine to host peace negotiations. Peace, however, remains elusive.

On the level of military involvement, it seems that the United Nations must fundamentally rethink the path peacekeeping has taken since the end of the Cold War. Currently the focus in the UN and in academia is still on stabilisation missions in failed states, climate, terrorism, gender issues and human rights. This development started with traditional and small peacekeeping missions and resulted in the broad and multidimensional peacebuilding and stabilisation missions that we saw in Afghanistan and Mali. If there is any chance of UN-involvement in a negotiated peace between Ukraine and Russia, it will most certainly not take the form of third-party intervention in an intrastate conflict between transnational conflict parties in support of a failed state to protect civilians and promote security sector reform. A return to the early forms of international intervention that aimed

²² *Situation in Ukraine, Investigation ICC-01/22.*

to separate conflicting parties by the establishment of a buffer zone based on a ceasefire-agreement (which would preferably run along the pre-2014 state borders between Ukraine and Russia) seems to be a more probable trajectory.

If hostilities are ended in such a way, there will probably be a huge task of demining large tracts of land, both populated and agricultural, of repairing damaged infrastructure and of assistance with demobilisation, disarmament, and re-integration of former regular and irregular armed groups, return of refugees and displaced persons, and the adoption of a program for economic recovery and reconstruction. The United Nations is well equipped for organising such tasks. A total of **174,000 square kilometres** of Ukraine's territory is currently in need of survey and demining.²³ The UN Mine Action Service (UNMAS) is part of the Department of Peace Operations and is currently involved in 21 programs in conflict areas like Afghanistan, Iraq, Yemen, Syria, and Congo.

5. Conclusion

Western countries have rightly allied themselves with the cause of Ukrainian freedom. This war is first and foremost a matter of justice for Ukraine. But in the background, it is about the future of the international order as well. Thinking about a possible future role for the United Nations in stopping and solving the war in Ukraine must therefore not be left to those countries alone that seek an alternative international order. In this contribution we tried to show how changes in the global order affect the effectiveness of the United Nations in guaranteeing international peace and security. Up till now, the UN Security Council has not been able to act the part it should have played in the prevention or ending of violence of the Russia-Ukraine War. As we have seen, the lack of trust between the permanent member-states of the Security Council played an important role. On the other hand, on various occasions and in practically all its affiliated institutions it has expressed its condemnation of the war and of Russian aggression. On a deeper level, the UN must deal with the existence of fundamentally different views on the character of the international legal order and the right of the international community to interfere in the internal affairs of states.

The UN may have been able to address threats to peace and stability in the early nineties, but that changed following the disagreements over the Iraq war in 2003 and the civil war in Syria that has been going on since 2011. Furthermore, the use of the veto-power of the five permanent members of the Security Council has very much varied over time. It is no more and no less than a function of the relations and

²³ The total area of the Netherlands is 41,543 square kilometres.

differences of opinion between the states with veto-power in the Security Council. This may all help to explain the difficulty for the UN to effectively respond to the violence in Ukraine.

The constantly changing global political context will always shape the performance of the United Nations in maintaining peace and security. Today, as in the past. This doesn't mean that the incapacity of the Security Council to perform in the Russia-Ukraine war is without relevance. On the contrary, the outcome of the war may be decisive not only for the people of Ukraine, but also for the future of the international legal order and the role of the UN and UN-mandated peacekeeping. The future character of the international order is at stake: Will it be dominated by authoritarian regimes and aggressive policies or by universal humanitarian values and considerations?

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