

**Forum:** United Nations Reformation Council

**Issue:** Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression

**Student Officer:** Aryaman Tepal

**Position:** Deputy Chair

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### Introduction

Amongst all the committees in the United Nations, the Security Council has special powers such as binding resolutions. With this in mind, and the fact that the Atlantic Charter, the mandate of the United Nations, was written over 70 years ago, there is a pressing need for reform to Chapter VII of the Charter.

The “right to veto” is a special voting power which states that if any of the 5 permanent member nations of the United Nations Security Council cast a negative vote or “vetoed” a resolution or decision, then it would not be approved. This special status of permanent member nation was granted along with the right to veto because of the 5 nations’ important roles in the maintenance of international peace and security. The right to veto, however, comes with loopholes of its own, which again, reinstates the further need and requirement for amendments to this Chapter of the Atlantic Charter.

Chapter VII provides the framework by virtue of which the Security Council is enabled to take any form of enforcement action for its primary function, the maintenance of international peace and security. It allows the UNSC to "determine the existence of any threat to the peace, breach of the peace, or act of aggression" and to make recommendations or to resort to non-military and military action to "maintain or restore international peace and security".

This chapter of the Atlantic Charter works to define the Security Council's powers in and against acts of aggression, threats to peace and breaches of peace. It defines the boundaries and limits the Security Council is permitted to go to in times of war and the measures that can be taken by the Security Council in maintaining international peace and security. However, some scrutiny to this chapter of the Charter must be offered – even with somewhat defined terms for acts of aggression and threats and breaches to peace, and actual defined responses for them, there's a major lack of action taken from them. Various situations around the world call for their use, however, due to their vague nature it becomes difficult to enact these articles considering the repercussions that could occur.

This report will cover the extent of situations over the world that the flaws in Chapter 7 of the Atlantic Charter do not deal with. The first situation is that in Syria, focusing on the instability in the region, the key parties within the conflict, and how it violates chapter 7 of the charter, thereby deeming immediate requirement for reforms to this chapter. The second situation dealt with is that in Afghanistan. With a large part of the history of Afghanistan defined, as well as the timeline detailing the Taliban influence in the region, there is an obvious threat to international peace and security, with a large part of this breach focused on chapter 7. This situation would be resolved or have some sort of positive outcome if chapter 7 was amended as per the possible solutions. The final situation is the situation in Venezuela. Along with the hyperinflation in the region, and the issue of two presidents, there is the issue of the violation of the universal declaration of human rights in the form of prevention of humanitarian aid from the Venezuelan Government as well as police brutality in the region, because of the two presidents' issue. The violations of chapter 7 in this region arise from the human right violations in the region, as it threatens an individual's peace and security.

Moreover, this report examines the flaws in detail, with timelines of events and the possible solutions for the issues in specific. All these would lead to a more defined chapter of the Atlantic charter in relation to acts of aggression, threats to peace and breaches of

peace, thereby strengthening the primary function of the Security Council. The possible solutions at the end strengthen the Atlantic Charter by allowing for different methods of managing acts of aggression, or armed conflict, with different responses for different scenarios.

## **Key Terms**

### Categories of Membership

The 5 permanent members of the Security Council (United States, United Kingdom, China, Russia, France) versus the member states (i.e., the non-permanent members).

### The Absolute Veto Power

The Veto Power refers to the power of the P5 nations to “oppose” or nullify a resolution in the Security Council.

### Threat to Peace

Threat to peace, in the title of Chapter 7 of the Atlantic Charter, refers to a vast array of things. Peace is not defined as only the absence of war but also advocates for elements of wellbeing. Threats to peace are any events that cause disruption of these elements of wellbeing, including external aggression (wars, hybrid conflicts) or even internal violence (police brutality). Article 39 of the Atlantic Charter determines whether a certain event is a threat to peace.

### Breach of Peace

A Breach of Peace is the violation of international peace and security. Article 39 of the Atlantic Charter determines whether an event is considered a breach of peace, for further action to be taken.

### Act of Aggression

An Act of Aggression means the use of armed force by a State against the sovereignty, territorial integrity, or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations. Article 39 of the Atlantic Charter determines whether an event is considered an act of aggression.

## G4 Nations

The G4 Nations consist of Brazil, India, Germany, and Japan. These four nations support each other's bids for permanent seats on the United Nations' Security Council, of which at present only the United States, United Kingdom, Russia, China, and France have. The permanent members have the power of veto, enabling them to prevent the adoption of draft Council resolutions, regardless of the level of international support it garners.

## Clear Definitions

A clear definition, in the context of defining acts of aggression, threats to peace and breaches of peace, is one that properly states which category a certain action of a nation would fall under. It would explain what each term in the title of chapter 7 of the charter is, as well as disclose the incidents that would come under each category, to further strengthen the charter.

## Key Issues

### Lack of Clear Definitions

An extremely prevalent issue in this chapter of the charter is a lack of clear definitions of what the chapter stands for; namely, Acts of Aggression, Threats to Peace and Breaches of Peace. The lack of clear definitions makes it difficult to enact this chapter of the charter – which could be the reason they aren't being enforced or called upon in any international conventions or meetings.

Considering this chapter stands for the maintenance of international peace and security through several means including but not limited to deployment of military forces, prevention of the aggravation of situations and measures not involving the use of armed forces, the need for proper definitions is vital.

What the presence of proper definitions would do is make enacting these articles less difficult, with less worry for criticism with regards to the usefulness or the uselessness of enforcement of these articles.

## No enforcement or inclusion of R2P

It is imperative that the R2P principle is included into this chapter of the Atlantic Charter, seeing how international tensions are progressing and how the situations in nations such as Afghanistan and Belarus are progressing to require the need of R2P. It is possible that the lack of the R2P in the Atlantic Charter has deemed it useless, however, it stands to protect the citizens of a nation from atrocities, as defined below.

The R2P Principle is the Responsibility to Protect – it is an international norm that seeks to ensure that the international community never again fails to halt the mass atrocity crimes of genocide, war crimes, ethnic cleansing, and crimes against humanity. The concept emerged in response to the failure of the international community to adequately respond to mass atrocities committed in Rwanda and the former Yugoslavia during the 1990s. The R2P Principle was unanimously adopted in 2005 at the UN World Summit and stipulates three main responsibilities.

The first responsibility or pillar of the R2P is that each state has the Responsibility to Protect its civilians from four mass atrocity crimes: genocide, war crimes, ethnic cleansing, and crimes against humanity.

The second pillar requests the support of the international community in encouraging and assisting individual states in meeting the previously mentioned responsibility.

The third pillar states that the international community would take appropriate collective action, if a state is failing to protect its populations, in accordance with the UN charter.

The fact of the matter is that the three pillars of the R2P principle have been broken in multiple situations around the world, with the situation in Afghanistan at the utmost priority. Afghanistan requires the enforcement of this principle to gain its sovereignty back again. Moreover, the R2P principle could stand for protecting the rights of citizens in other regions of the world.

### No Clarity of Article 43

A distinct issue in this chapter of the Charter is the lack of clarity in Article 43. The three subclauses under this article are all extremely vague in nature and don't necessitate the support from member nations in the assistance for maintaining international peace and security. Evidence for this was seen when the nation of Afghanistan was taken over by the Taliban in a matter of weeks with no external aid provided from other nations.

The key issue at hand is the lack of defined clarity in this article. It only states that member nations are obligated to help in the maintenance of peace and security and does not describe the urge for member nations to help in its maintenance. However, the fact to be noted here is that no state is obligated to make its troops available to the UNSC in any situation. Negotiations into this matter must be made, considering that the addition of this into the Atlantic Charter would help in the maintenance of international peace and security; it would entail some form of support for maintaining international peace and security as it would provide measures to help in ensuring the Security Council's primary function.

### Development of nations

This chapter of the Charter deals with the important issue of the lack of development of nations after the primary purpose of this chapter is fulfilled. Essentially, this chapter only deals with the Security Council's response to acts of aggression, threats to peace and breaches of peace. It does not have any articles dedicated to the aftermath of its efforts to maintain international peace and security.

### No protection of civilians

Although chapter 7 deals with responses to threats to peace, breaches of peace and acts of aggression (and deciding whether any action by a nation is any of the three), what's not focused or touched upon is the responsibility of the UN in providing humanitarian aid or protection to the civilians where these situations are prevailing.

The fact is that protection of civilians could come under the security promise of the UNSC as it is the security of individuals at stake. It refers only to physical disturbances and not censorship, as that is considered an infringement of sovereignty.

## **Major Parties Involved**

### **Syria**

The primary reason the situation in Syria is a major party involved in the amendment for Chapter VII of the Atlantic Charter is due to the ongoing situation. Chapter VII of the Charter deals with Acts of Aggression, Threats to Peace and Breach of Peace, and considering the use of chemical WMDs in Syria, and the war going on within the country, all three of the main principles of the Charter have been violated.

The Syrian Arab Republic could benefit from amendments to the 7<sup>th</sup> Chapter of the Atlantic Charter as it would enable the UNSC to take action with regards to the Situation in Syria. Moreover, the Syrian people could benefit from the enactment of these articles with the provision of humanitarian aid, which could include mental and physical aid and relief to the Syrian people.

Moreover, the amendments could include military support for the Syrian Government and help the Security Council abide by its mandate and function of maintaining peace and security over the world.

### **Afghanistan**

The situation in Afghanistan is an extremely unwanted scenario. At present, the non-state actor in the region is taking over more and more provinces from the state of Afghanistan, with the nation being unable to retaliate against the terror forces. The scrutiny of the United States in this regard is imperative – 20 years of Defense, erased by the Taliban in a few months.

The situation in Afghanistan began to worsen in 2001, when the 9/11 incident occurred in the United States of America. Soon after, the United States declared war on Afghanistan to invade the Taliban. The US troops remained on Afghanistan soil to protect the government and its people from the power of the Taliban and strengthened the defense of the Government. However, in April 2021, President of the United States, Joe Biden, announced the withdrawal of American Troops by 9/11/2021. This led to the worsening of

the situation once more, with the Taliban gaining further control over the state of Afghanistan. Presently, the nation has been taken over by the Taliban and the President, Ashraf Ghani, along with the other ministers, has left the state.

The presence of the Taliban in Afghanistan violate what chapter 7 of the Atlantic Charter stands for – acts of aggression, threats to peace and breaches of peace. It threatens the peace and security of the world, which the Security Council functions to maintain, and violated the sovereignty of Afghanistan. The amendments to this chapter could be made in favor of the state of Afghanistan, saving it or entirely removing the control of the Taliban.

### Venezuela

The situation in Venezuela is one that is extremely complicated in nature. With hyperinflation, two presidents, a humanitarian crisis, and foreign involvement, the region is suffering. However, the only relation that the Venezuelan crisis has to chapter 7 of the Atlantic Charter is the humanitarian crisis.

To understand the humanitarian crisis, first, the unorthodox situation of the two presidents must be explained. In 2013, Nicolas Maduro became the Venezuelan President replacing Hugo Chavez after his death. However, on January 23, 2019, the National Assembly declared Juan Guaidó as the acting President of Venezuela until proper democratic presidential elections took place. This was done due to the widely disputed 2018 Presidential Elections that saw Nicolás Maduro elected for another six-year term. On top of the key issues previously mentioned, Venezuela was also during a Presidential Crisis. Intervention in this situation of two presidents in the Venezuelan republic is an infringement of sovereignty, which is why the situation still prevails.

From the situation of two presidents, the humanitarian crisis arose. During protests in 2014 and 2017, security forces and armed pro-government groups attacked demonstrations some of which contained more than 10,000 people. The situation worsened after January 23, 2019, when Juan Guaidó also took the Presidential seat of Venezuela.



Essentially, police brutality was used as a manner by both presidents to force the citizens to support either President. This problem would arise under this chapter of the charter as it has some sort of relation to the R2P principle. Should the charter be amended to fit in the R2P, it would greatly benefit the people of Venezuela, as it would solve their issue of two presidents, as well as resolve their police brutality in the region.

## United States

Considering that the United States assert themselves into majority of conflicts around the world, it should be evident that they would be a major power involved in acts of aggression, threats to peace and breaches of peace. The United States have some form of influence in the situations in the other nations.

In Syria, the United States are responsible for supporting and training the Kurdish Workers Party (PKK) and supporting the opposition party to overthrow the Assad Regime. In Venezuela, the United States (under the Trump administration) attempted, among other things, to oust Juan Guaidó. The United States influence in Afghanistan should not need to be explained however, the fact that they spent 2 trillion dollars for their war in Afghanistan should be a suitable starting point. The United States had troops stationed in Afghanistan for 20 years, without these troops helping establish a solid Afghan government or do anything for the future of the nation. As the US troops backed out of the nation, the influence of their opposition in the region, the Taliban, grew and Afghanistan eventually fell to the control of this non-state actor.

Essentially, in Afghanistan, the US was considerably guilty of acts of aggression, threats to peace and breaches of peace and no action was taken on this. The actions of the Taliban on the state of Afghanistan (take-over of the entire nation) are considered acts of aggression, threats to peace and breaches of peace, thereby adding the further need for this chapter to be amended in a manner that the international community can come together to

enact these articles to maintain international peace and security properly and fundamentally.

## Russia

The fall of the Soviet Union in 1991 meant the end of the cold war, however, the new state formed, Russia, and the United States, constantly find themselves at opposite ends of the spectrum in every conflict.

Russia's influence and desire to fight out these conflicts is to oppose the United States in each conflict, and this could be considered as an act of aggression, considering the flow of events is like action/reaction.

In the Syrian crisis, the Russian Federation is supportive of the Assad regime, and as previously stated, have interests in the region primarily to oppose the United States. Having vetoed UN resolutions to take action against the Assad Government and conducting air strikes against the Islamic State and Terrorist Groups (but eventually bombing western-backed militias), the Russian Federation has fully shown its support towards the Syrian Arab Republic on the world stage. President Putin has previously stated that the only way to reach a lasting peace in the region is through a political and diplomatic settlement. This settlement could include sanctions on nations that are forcing themselves into this situation to overthrow the Assad regime.

In the Venezuelan crisis, again, the Russian Federation opposes the United States goal of having Guaido as the president. The Putin administration believes that Maduro is the rightful ruler of Venezuela and have, on several occasions, helped the Venezuelan republic escape sanctions, which assisted in strengthening the relations between the two nations. The situation in Venezuela includes Russia considering that Russia is not dismissive of the Venezuelan Republic's actions of police brutality in the nation. As explained, this violated the universal declaration of human rights, and could therefore be considered an obligation for the security council to have some assistance in this matter.

## **Previous Amendments to the Charter**

The Atlantic Charter has been amended five times in the past, as follows:

- In 1965, Article 23 was amended to enlarge the Security Council from 11 to 15 members
- In 1965, Article 27 was amended to increase the required number of Security Council votes from 7 to 9
- In 1965, Article 61 was amended to enlarge the Economic and Social Council from 18 to 27 members
- In 1968, Article 109 was amended to change the requirements for a General Conference of Member States for reviewing the Charter
- In 1973, Article 61 was amended again to further enlarge the Economic and Social Council from 27 to 54 members

## **Possible Amendments**

### **Clear Definitions**

One possible amendment that could be made to this chapter of the Charter is proper definitions for what the chapter stands for: Acts of aggression, threats to peace and breaches of peace. Once these are properly defined, it can be assumed that all circumstances that are any of the three main ideals of this chapter would be identifiable. An amendment could state that the imposition of sanctions (economic, military, trade etc.) come under act of aggression, threat to peace or breach of peace. This would make nations reconsider the imposition of sanctions, as it could lead to retaliation as mandated by the Atlantic Charter.

Essentially, the imposition of clear definitions would lead to countries being more considerate in their actions such as cyber attacks or concentration camps, which threaten the peace and security of a nation and of individuals.

### Reformation of Article 43

Article 43 is the member states' obligation in helping with maintaining international peace and security. No agreement exists stating that states are required to make troops available, creating the need for some sort of agreement on this matter to be created. Making it mandatory for UN member states to provide troops to help maintain international peace and security is a possible amendment that could be made to strengthen this article.

The problem has already been made evident, and so has the solution. However, the solution could be further throttled forth, with the addition of certain more guidelines, including but not limited to permanent troops stationed at borders of nations in which ongoing conflicts are present. This would help in containing the conflict and would provide for a more resourceful implementation of the R2P Principle.

### Amendment to Article 45

Article 45 deals with the provision of air-force contingents by Member States. A possible amendment would be to have the introduction of a no-fly zone. A no-fly zone is one which is imposed over the airspace of a nation. Violation of a no-fly zone will result in any aircraft in the region from being shot down. These no-fly zones ensure that conflicts do not escalate using aerial assaults and the conflicts are restricted to just the ground. Introducing no-fly zones around areas that have tense political and military situations would call for a reduction in the provision of air-force contingents by Member States. Moreover, it would eventually help in the maintenance of international peace and security as it prevents the use of air forces during times of war.

### Lack of Cyber Aspect and Economic Aspects

In a world where governments rely on computer infrastructure to run, it is imperative that a response to cybercrimes or cyber-attacks is included in this chapter of the charter. It would make managing the fallout and repercussions required after a cyber-attack more manageable, while also assisting with deciding on a suitable punishment for the guilty

parties. Development of cyber bodies under the Security Council (under article 29 of the Charter) would function to this problem. These cyber bodies would have the functions of maintaining international peace and security in the cybersphere, whilst giving monthly reports to the United Nations Security Council on any attacks that may have taken place.

The economic aspect is the punishment of member nations that commit acts of aggression or are the reasons for threats or breaches of peace. What this solution is aimed at is the imposition of trade restrictions and limitations of imports into a nation should it be found guilty of acts of aggression, with a loosening of trade restrictions only after the member nations stop the aforementioned acts of aggression.

### Implementation of R2P

This report has stressed on the importance of the R2P principle and will continue to do so by recommended it be amended into the Atlantic Charter. R2P is an important response and could function as a vital cog in protecting and maintaining international peace and security. Majority of the conflicts of the world have not been resolved, and the addition of this conflict could potentially bring to light the violations of the universal declaration of human rights, and more international conventions that were agreed to. Moreover, it would allow the world to function better, in a sense, as a lack of conflict would allow progress.

By introducing R2P in the Atlantic Charter, world peace would be more easily achieved, as conflicts would be resolved by rulers of nations itself, in fear of the repercussions that could occur from the implementation of the R2P on the country's sovereignty.

### Introduction of Special Circumstances

This amendment aims at entirely removing the veto power of the P5 nations for this chapter of the Atlantic Charter. All the circumstances in this case threaten what the SC stands for – peace and security over the world. For that reason, amending this chapter of the charter to remove veto powers for situations regarding acts of aggression, threats to peace and breaches of peace would be beneficially, as vetoes, in the past have prevented

humanitarian aid, and possibly even peacekeeping forces to help in maintaining international peace and security.

Obviously, the removal of veto powers in special circumstances is one of multiple suggestions that would be plausible in amending chapter 7 of the Atlantic charter. Introduction of multiple special circumstances, including addition of veto powers for G4 nations (Brazil, India, Germany, and Japan) in situations where their national interests and peace and security are being threatened.

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