



PERSPECTIVES OF REFORMS IN CONTEXT OF INTERNATIONAL RELATIONS

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ABSTRACT

The system of the UN owns mechanism to help to resolve conflicts according to the international norms of law by means of applying sanctions against the guilty party, make the governments to comply with the international norms of law for the steady development of the international relations. The UN's Charter, which is acting within the multidirectional cooperation of the world states is a contract. Each state takes commitment according to the contract when it enters to the organization. Trials of changing the main decisions of the Charter which reflects main tendency of the modern international relations or not implementing them means violation of the international norms of law. In order to prevent the problems threatening the international security and to develop balanced international relations, the improvement and reinforcement of activity of the main organs of the UN such as General Assembly, Security Council, Economic and Social Council, Secretary, International Court and specialized agencies, investigation of conducting of effective reforms are necessary.

To come to conclusion when making the analysis of proposals on the reforms for reinforcement of the UN's activities in connection with changing historical and political situation is an actual problem. The main goal for establishing the UN was to prevent the revival of Germany and Japan as militaristic states, in the organization based on equality of all members achieved by political, economic, social cooperation, they had not to allow a supremacy of this or other groups of states. The break-up of the USSR and the balanced world order's leaving the political scene, striving of the USA to rule over the world from the single center under idea of globalization demand reforms in UN in conformity with the historical and political situation. At one time the militaristic states, Germany and Japan now tend to be members with veto right of the Security Council.

As a characteristic feature of the years of Cold War two superpowers, the USSR and the USA came out a defender to one side of conflict. One part of the conflicts had a feature of a fight against colony system, while the other part was connected with boundary pretentious. The peace operations of the UN were directed mostly to control the cease-fire. The unarmed or light-armed forces of some states moving under the command of the UN were arranged along the boundary of the states for putting in order the international conflicts. Peacekeeping forces were involved to operations when the Security Council put duty on them to control the cease-fire. The UN ought to carry out observations in places, ought to estimate observing to the agreement about the cease-fire, ought to create conditions for diplomatic negotiations.

The new global problems emerged in the 90th changed the character of the UN operations. The Security Council freed from opposing the two powers, organized bigger and complex missions, activities of UN to support peace and security, the UN joined the peacebuilding activities. Though, earlier the great powers were not taking part in sending the military contingent to the region of their interests. But beginning since the 90th USA, France, Great Britain, Russia have given priority of sending military contingent to conflict zone. At present, the UN implements not only peacekeeping operations for preventing the conflicts at present, and but it also renders humanitarian assistance to the conflict region. In the most case peacekeeping operations of the UN are implemented in the collaboration with regional organizations. It's not advisable to place peaceable arms along the cease-fire line already. The police forces, military observers take part in peace operations. Because a few number of offers about reforms in the UN have been proposed in connection with their carrying out in the mechanism of prevention, solution to the regional conflicts.

KEY WORDS: *the reforms in the UN, the UN's Charter, the High-level Panel on Threats, Challenges and Change, the sanctions, General Assembly, Security Council, cooperation with regional and sub-regional organizations.*

INTRODUCTION

Keeping states' compliance of international norms of law is the main influencing factor for activity of the UN. The SC may apply severe sanctions against a state violating the international norms of law and all member states are obliged to implement the decisions of the SC. From this point of view the proposal of The High-Level Panel on Threats, Challenges and Change about establishing the control mechanism of the SC including application of sanctions and embargo of the sales of weapon meets the requirement of the day.

The sanctions applied to the state violating the international norms of law can be in two types: 1) Stopping rights and privileges; 2) suspension of participation in the activity of specialized bodies of the UN (Shibayeva E.A. Pravo mejdunarodnikh organizatsiy. Voprosi teorii, 1986, p.121). Studies of the American researcher L. Martin on cooperation on economic sanctions confirm that when sanctions applied in established environment, the cooperation is getting stronger (Martin Lisa L. Coercive Cooperation: Explaining Multilateral Economic Sanctions, Princeton: Princeton University Press, 1992, p.283). Thus, application of economic sanctions by the SC on implementation of the adopted resolutions would help not only following the international norms of law by individual states, also it would lead to reinforcement of bilateral and multilateral cooperation. Apart from that, on execution of peacekeeping operations some mandatory actions such as blockade, prohibition of dedicated type of arms should be taken. As the High-level Panel on Threats, Challenges and Change proposed, for the sanctions to be effective the GA must control the sanctions in consultation with the SC (Doklad Gruppi visokogo urovnya po ugrozam vizovam i peremenam(A/59/565 + corr/ 1), Chast vtoraya. Kollektivnaya bezopasnosti I zadacha predotvrasheniya, Rol sankchiy; Doklad Gruppi visokogo urovnya po ugrozam vizovam i peremenam(A/59/565 + corr/ 1), Chast chetvertaya. Bolee effektivnaya OON XXI veka).

The economic sanctions are intermediate measures being tougher than condemn and weaker than application of armed force. Sanctions applied in international experience are of different type. Here include commercial and trade (full or partly embargo; stopping of technical maintenance); financial (freezing the external actives of government, restriction of the opportunities of access to the financial markets; stopping of financial aids; freezing the actives of responsible figures in response to violation of rules of government, i.e., prohibition of those to use their actives in abroad); sanctions on actions (prohibition of access out of the border of the country for person or group of people); prohibition of movement of communication means (mainly wireless communication) (Darabadi Pervin. Müasir beynelxalq siyasetde "sanksiyalar":

qarşılıqlı nokdaun? 28.11.2014.). Significance of sanctions is justified with the fact that sanction has negative effect on economic development and social life of population and leads to change in political situation in the country. The best example of the successful sanctions is the South African Republic. After long time international isolation coming from the sanctions adopted in 1962 in the UN the republic administration had to cancel the apartheid mode. Because of that, external intervention and civilian war was possible to be avoided (İqtisadi qamçı nə dərəcədə effektivdir? 12.09.2015.). But application of economic sanctions is not always successful. For a sanction to be successful, the object country must be dependent of import and export. Besides that, sanctions must really be international so that the country is not able to find any alternative.

Postponing of resolution of regional conflicts matches with interests of the states those sale arms. Realization of Kofi Annan's idea of preventing sale of arms might help to prevent conflicts. If such cases happen, adoption of sanction decisions in the SC is reasonable (Doklad Generalnogo sekretarya o predotvrashenii voorujennikh konfliktov A/55/985-S/2001/574 ot 07. 06. 2001.).

The Russian researcher A. D. Bogaturov explains the necessity of the UN having special armed forces for execution any decision of the SC about forced sanction (Sovremennye mejdunarodnye otnosheniya i mirovaya politika, 2005, p.83).

One of the activity type of the SC is sending its special mission to the "hot point". Such mission politically influences the conflict parties as well as prepares a map reflecting the situation and this plays a significant role in decision making process of the Security Council. Situation Centre established in 1993 deals with daily study of sanctions and compiling of the map of potential conflicts. Establishment of mutual relations between the structures internal departments of the UN, consultation mechanism between departments based of interdepartmental coordination framework is very important on resolution of regional conflicts.

Reduction of number of resolutions and their getting more practical is one of important matters. A period 6-12 week after ceasefire signed is critical stage for Peacebuilding. The SC mentioned the necessity of the mission to start its function within 15 days, execution of complex peace keeping operations within 90 days, execution of traditional peacebuilding within 30 days in its resolution number 1327 adopted on 13th November 2000 (List of Security Council Resolutions adopted in 2000y).

Keeping the right of veto of permanent members of the SC prevents regulation of regional conflicts due to their geopolitical interests. As the right of veto in the SC prevents the regulation of conflicts, the right of veto must be cancelled, and the SC's sanctions must be used on regulation and prevention of conflicts. The Secretary General must

have control over sanctions in consultation with the SC. The right of veto explicitly demonstrates the non-democratic nature of democracy.

Permanent members take advantage of having the right of veto against of the country of interest on defense of their own interests. This right is one of the main barriers of very important reforms of the SC. Permanent members support keeping the right of veto and they intend not to grant it to new members. Russia is a strong supporter of veto. Vladimir Titov, the Deputy Minister for Foreign Affairs of the Russian Federation stated that threat of veto will “trigger finding a mutual acceptable mechanism”. In 1990th 185 member states unequally condemned the right of veto. For instance, the former representative of Pakistan in the UN, mentioned that the right of veto is a non-democratic rule in democracy (Okhovat Sahar. *The United Nations Security Council: Its Veto Power and Its Reform*, 2012, pp.24-24). Most of the African states agreed with this opinion. But still there are some countries supporting the right of veto. Some commentators claim that the 5 permanent members are nuclear countries. To their opinion permanent members have large nuclear power and they have full opportunities of starting a nuclear war. That’s why the right of veto must be kept as a mean to allow prevent the actions threatening the diplomacy. By this way the international community may survive of potential nuclear war (Okhovat Sahar. *The United Nations Security Council: Its Veto Power and Its Reform*, 2012, p.9).

Necessary reforms in the UN’s main and subsidiary organs for resolution of regional conflicts

Australian author Robert Hill considers that 5 permanent members try to reduce application of the right of veto against each other to demonstrate that their small club and collective power is not exceptional. They prefer special meetings for avoiding of the matters which can explicitly demonstrate some of the conflicts between themselves. As the American researcher Jaycob Sails Land mentions, some consider that, increasing the number of open sessions of the SC leave the intentions of permanent members’ special meetings. Articles 108 and 109 of the UN’s Charter give veto power to the permanent members to apply veto on any amendment to the Charter (Birleshmish Milletler Teshkilatini Nizamnamesi, p.9). Expert on international relations, Luisa Blanchfield wrote that, the 109th article of the Charter gives opportunity of calling the UN General Assembly to review the UN’s Charter. The date and venue of the conference may be determined by a two-thirds majority vote in the General Assembly. Although potential amendments on the Charter accepted by a two-third majority vote in the conference (each country has one vote), as it is mentioned in the Article 109 of the Charter amendment in the Charter can be done when it is approved by a two-third of members of organization including the all members of the SC

(Luisa Blanchfield. *United Nations Reform: Background and Issues for Congress*, 2015, p.13). It means, any amendment on the Charter is possible only if all permanent members of the SC vote.

Although there is not consensus for a unique formula, the High-level Panel on Threats, Challenges and Change recommended expansion of the SC. For the SG “all member states virtually agree with the expansion of the SC but there is not agreement on some individual details yet” (Edward C. Luck. *How Not to Reform the United Nations Global Governance* 11 (2005), p.410). These details include which countries and how many countries will sit around of discussion, type of these members (temporary or permanent), potential candidates, keeping, changing or removing the right of veto, divergency between opinions on the way of making decisions and further improvement of working methods. Remaining all of these unsolved after discussions more than 10 years in the GA does not show inattentiveness, but it shows, the importance of risky matter, divergence in interests of members states and the place of capital in the activity of the SC. The American researcher Thomas Weiss mentioned that currently foreign and internal policy of Washington reasonable influences on the agenda and activity of the SC (Okhovat Sahar. *The United Nations Security Council: Its Veto Power and Its Reform*, 2012, p.44). Experienced political prominent, being former SG of the UN, having witnessed of the crisis there where emerge from, Boutros Boutros-Ghali, Kofi Annan mentioned to expand the SC and that, veto right prevents many conflicts being resolved. The SG of the UN on 2007-2016 Ban Ki-moon, emphasizing that the main responsibility on mediation function is on the UN and necessity of unanimousness of its members, preferred the reforms to be based on principles of apparentness, effectiveness and accountability (Dadashova R.B. *Diplomatik portretler*, 2015, p.98). Currently, having five permanent members’ veto right is a major obstacle to the Security Council’s reform. Any reform like changing the number of the members of the SC must be written in the Charter. From the other side, according to the 109th article of the UN’s Charter, permanent members can apply veto on any amendment to the Charter. That’s why no any reform can be implemented without having agreement of all permanent members. It is hard to expect that the states having the right of veto would support any serious reform in the most important body of the UN. The UN’s Charter allows the power of veto to obstacle any reform bid proposing changes.

Summarizing all above-mentioned stuff, it needs to be mentioned that it is reasonable to extend the SC permanent seats by electing representatives of Germany, Japan, India, Brazil and Turkey, Muslim countries, African countries. In both models of reforms in the SC proposed by the High-level Panel on Threats, Challenges and Change it is intended not

to grant the right of veto to new permanent members (Doklad Gruppy visokogo urovnya po ugrozam vizovam i peremenam(A/59/565 + corr/ 1), Chast vtoraya. Kollektivnaya bezopasnosti I zadacha predotvrasheniya, Rol sankchiy; Doklad Gruppy visokogo urovnya po ugrozam vizovam i peremenam(A/59/565 + corr/ 1), Chast chetvertaya. Bolee effektivnaya OON XXI veka). The idea of the group about election of 8 members for 4 years by a new category instead of permanent members with the right of veto.

As it was already mentioned above, the formal supreme body of the UN is the GA comprising all the members. The rights and responsibilities of the GA have been explained in Articles 10 and 11 of the Charter. In the Article 10 is written: "The GA can discuss any issue and activities concerning to the responsibilities and functions of any organs considered in the Charter or within the implementation area and can give recommendations to the SC, the UN members or to both on any such kind of issue or activity except the cases described in the Article 12" (Birleshmish Milletler Teshkilatinin Nizamnamesi, p.11). According to Article 12, the GA cannot give any recommendation about that situation of argument unless the SC requests to do so (Birleshmish Milletler Teshkilatinin Nizamnamesi, p.13). Thus, Article 12 restricts the rights of the GA. The GA can discuss any topics on supporting of international peace and security except the issues within the responsibility of the SC. Decisions of the GA are of advisory character for the UN members. The SG reports to the GA in every session about the issues reviewed in the SC. The annual sessions of the GA usually start at September and last till December. The SC can hold extraordinary sessions also by request of member states. Each state has got one vote and the most important decisions are adopted by two-third majority vote of the participants of voting and other simple decisions are adopted by the common majority of vote. By saying "important decisions" defense of peace and security, admission of new members to the organization or exclusion of them, approval of the UN's budget, amendments on the Charter are intended. Recently, decisions in the GA are being adopted based on consensus, not by voting. Although voting based on consensus intends equality of votes, in fact, there is not any equality. Boutros Boutros-Ghali stated that adoption of resolutions based on consensus without voting is not reasonable. According to the data from 1995, 79% of the resolutions had been adopted based on consensus without voting (Gali B.B. Navstrechu novim vizovam 1995, p.19). The UN SC have been subjected to many criticisms since 1946 when it was first established as the main organ of insurance of international peace and security. Weakness of affairs with the GA, veto right of the permanent members are the main part of these criticisms. On 60th -70th of XX century the German researchers F. Meyer, D. Mitrani had proposed raising the responsibilities of

the GA by the SC's privilege for elimination of crisis in the UN. F. Meyer proposed not to differentiate the members, to increase the number of the SC seats, to include Germany and Japan in the members list. The researcher also supported the GA's 1950th resolution of "Uniting for Peace". In that resolution it is written that, if agreement has not been achieved in the SC on a problem, the UN gives responsibility of taking relevant actions to the member states until the UN establishes armed forces (Organizachii Obyedinennikh Nachiy, Zbornik dokumentov, 1981, p.136; Boutros-Ghali B. An Agenda for Peace, 1992).

In the early stages of the Korean war, the GA by support of some countries had adopted the resolution of "Uniting for Peace" on November 1950 being afraid of that, the USA', USSR's applying veto might be a barrier on SC's defense of the Southern Korea (Considering USSR was supporting the Northern Korea). This resolution confirmed the necessity of restriction of permanent members' application of veto and implement the responsibility of the SC on maintenance of peace and security. This resolution gives opportunity to review the problem immediately and gives authority to the member states to take "necessary actions" for the "collective security" in case the permanent members of the SC are in situation of contradiction and are not unanimous around the matter which might be threat for peace and security. As a successful example of application of the "Uniting for Peace" can be the action taken by Southern Africa in 1981 to prevent Namibia to get independency. Taking advantage of this decision, the General Assembly recommended sanctions against the Southern Africa and aids to those who were fighting for independency of Namibia (including military aids). Many European and developing countries don't want to use the "Uniting for Peace" or humanitarian intervention. Because they think these kinds of actions keep the SC out of scope. The GA resolution number 377, "Uniting for Peace" is implemented very rarely. It is possible to use this resolution in Israel-Palestine conflict and this might make a way for Palestine on getting seat on the UN. There are 122 states recognizing Palestine as a state (Okhovat Sahar. The United Nations Security Council: Its Veto Power and Its Reform, 2012, pp.26-28). A state applies to the SG of the UN and then to the SC for getting a seat in the UN. At least 9 votes in favor out of 15 members (including all permanent members) may recommend any state for membership to the GA. For GA's membership at least two-third votes is required. After peace negotiations and after Israel's continuation of activity of settlement Palestine officials decided to apply on the UN membership. The USA prevents Palestinian UN membership because of likelihood of exposure of its power in the Near East and legitimacy. If the matter is brought to the GA, Palestine might get success. For adoption of

the decision in the GA two-third votes, i.e., votes of 128 members are required.

Palestine has another option besides being admitted to the membership of the UN. They can directly require rising the observer status and getting permanent observer status from the GA. This kind of request needs only approval of the GA.

On Peacebuilding Process Special Commission of the GA on Peacekeeping Operations is a valuable tool. Being different from the SC this committee is of advisory character, it is not practical, executes theoretic stuff. The committee holds 3 weeks of session every year. In the session the member states conduct discussions, idea exchanges and then the decision is reviewed by the 4th Committee. The list of problems to be reviewed in the next session of the GA is decided there. Macedonia, Latvia, Lithuania proposed expansion of the General Committee, comprising of 28 members and making decisions on the matters of agenda, as well as admission of the Eastern European states in this body (Makedoniya, Latviya I Litva predlagaet rasshirit sostav Generalnogo komiteta КОМИТЕТА. 22.06.2007.).

For maintenance of peace and security cooperation of the UN with the main as well as specialized bodies must be reinforced. On execution of peacebuilding activity there must be consensus between the SC and GA. As the first step in this direction, the Russian researcher V. F. Zayomski mentions the SC members' holding meetings with the states providing military contingent (Zaemskiy V.F. OON i mirotvorchestvo, 2008, p.85). This idea of the author doesn't match with the real situation and it cannot be right. Because not all the members of the GA can supply military contingent.

Kofi Annan proposed reinforcement of mechanism on problems of agenda and facilitation of discussion processes in his report in 2005 World Summit. Country heads accepted the bid of utilizing police staff on peacekeeping operations (Rezyume doklada Generalnogo sekretarya, Pri bolshey svobode: K razvitiyu, bezopasnosti I pravam cheloveka dlya vsekh). In the report of the High-level Panel on Threats, Challenges and Change also it was mentioned that, the General Assembly is not able to resolve the issues in agenda and most resolutions of this body are of repetitive character, not clear and not implemented and only modern threats and simpler issues are considered there (Doklad Gruppi visokogo urovnya po ugrozam vizovam i peremenam(A/59/565 + corr/ 1), Chast chetvertaya. Bolee effektivnaya OON XXI veka).

Advisory character of most of the GA resolutions, participation of 5 permanent members of the SC in all bodies and having influence on decision making process, initiatives restricts the GA's as well as states' sovereign rights (Dadashova R.B. Beynelkhalq munasibetlerin muasir problemleri vø BMT, 2011, p.147).

Enhancing the role of the GA, implementation of decisions and joint actions may reinforce peace

potential of the UN. An issue in the GA's agenda must be discussed in a short time, resolutions must be not repetitive and they must be implemented. We consider that, bringing the issues discussed in individual bodies to the GA and adoption of decisions and resolutions about them by 2/3 majority of votes may allow to reconfirm the sovereignty rights of states represented in the UN.

The Secretariat executes the operative and administrative activity of the UN following the instructions of the SC and other bodies. The SG annually reports to the GA on the activity of the UN. For employment of the Secretary and other administrative organs, geographical assignment is necessary along with having high working ability. But the SC recommends the candidate for the SG position to the GA. For assignment of the SG consent of each permanent state with veto right must be achieved. For example, in 1981 election of Kurt Waldheim for the third time (1972-1981) was supported by the USA and USSR. But China who had the right of veto, voted against of him. The USA's representative had 16 times voted against the Chinese representative foreign minister of Tanzania, representative of the African countries and Non-aligned Movement-Salim Ahmad Salim who was proposed by China. Kurt Waldheim did not success on election to SG third time due to veto. The same year, on 11th of December the SC reviewed candidacy of 7 candidates and elected Javier Perez Cuellar Secretary General (1982-1991) (Dadashova R.B. Diplomati portretler., 2015, p.42).

The Secretary takes very important part in the activity of the UN. Tens thousands of experts from various parts of the world cooperate here. But the activity of the Secretary must be reinforced on implementation of the SC resolutions. The first aim for the activity of the Secretary to be effective is involvement of human resources there. Boutros Boutros-Ghali preferred women's role in peace and security matters, especially their dominance in the Secretariat. The second aim is improvement of the UN's activity program, the third aim is prevention of delay in receiving information. For this purpose, complex system of Administrative information was established. Reinforcement of technical provision and control of the expenditure of the UN were important matters (Gali B.B. Navstrechu novim vizovam, 1995, pp.45-47).

The responsibility on leading initial operations on peacebuilding process is on Department of Politics. The department was established on 1992 with the leadership of Marrack Goulding, UN's Under-Secretary-General for having control over the political matters on the Secretariat. The department carries out five main tasks on political matters. The first, it controls political events progressing over the world, analyses and assesses them. The second, identifies potential and existing conflicts where the UN can play an important role. The third, report to the SG about these cases. The

fourth, leads diplomatic policy. The fifth, assists the SG on execution of political measures on the SC's and GA's mandate on preventive diplomacy and peacebuilding process, including control over unarming and armament. Department also aids the GA, SC and supplementary bodies on activity of the Secretariat and conducting elections by the request of the member states (Gali B.B. Navstrechu novim vizovam, 1995, pp.299-300).

The Department of Peacekeeping Operations leads the mission on behalf of the SG. The SG, advisors of its personal and special representatives, specially commissioned missions under the auspices of the Secretary-General, missions on mediation, benevolent services, human rights violation facts collection missions actively participate on peacebuilding. A clear mandate, cooperation of parties on implementation of this mandate, support by the SC, readiness of the member states to provide the necessary military, police and civilian staff, effective leadership by the Secretary, financial, logistical support are vital factors for efficient activity of the department (Dadashova R.B. Beynelkhalq munasibetlerin muasir problemleri vø BMT, 2011, p.147). The SG must pay attention to interconnection of Bretton Woods institutes, directing them financially in case a threat of crisis appears. On December 2004, Secretary of State of the Great Britain for International Development Hilary Benn had an important speech about reforms of humanitarian field. He claimed that the UN's Secretary General must direct the humanitarian coordinators to the other bodies of the organization and new humanitarian fund has to be created so that donors can transfer money under control of the SG. When any crisis threat emerges, new, simplified financing system can be utilized. The unique budget process covers all funds, programs and specialized bodies (Maxwell Simon UN Reform: An eight step programme for more effective collective action).

A contract system related to establishment of Spare Forces by the SG on 1993 and was prepared and approved in the Secretary on May 1994. The Spare Powers could execute the tasks of the UN on according to instructions of the SC wherever through the world by the request of the SG. This system intends member states' supplying information to the Secretary About Spare Powers allocated for peacekeeping operations, including military experts, civilian police, civilian experts. Here information given about preparation period, opportunities (Gali B.B. Navstrechu novim vizovam, 1995, p.307). According to the data of 1995, 59 states attended in this contract. The Spare Contract currently does not play a satisfactory role on prevention of conflicts (Gali B.B. Navstrechu novim vizovam, 1995, pp.309-310). Such forces are called only when necessary. The Secretariat must be ready to reinforce the potential of the spare contract which merges experts, military, police and civilian staff in itself and also to plan a mission. Establishment of Spare

Fund needs financing. According to the memorandum about mutual understanding with the UN signed by 31 states the SG requests the states signed the memorandum to provide relevant staff (Zaemskiy V.F. OON i mirotvorchestvo, 2008, p.68). The states refusing the SG's request keep their sovereignty. Peacekeeping military contingents under jurisdiction of and funded by the national government serve under operational command of the UN.

The successful completion of the peacekeeping operations highly depends on relations between member states of the SC and Secretary. But as the 80% of the UN budget is funded by developed countries, they hold more positions in the Secretary and this causes dependency on the Western countries (Zaemskiy V.F. OON i mirotvorchestvo, 2008, pp.77-78).

At the World Summit of the world country leaders on 2005 Kofi Annan once more highlighted the rights and authority of the SG and mentioned that, the SG and the staff don't have to request or obtain any instructions from any government of organization during execution of their tasks (Rezyume doklada Generalnogo sekretarya, Pri bolshey svobode: K razvitiyu, bezopasnosti i pravam cheloveka dlya vsekh). Russia proposed to rise the status of the SG, also changing the principle of election (Mirovaya politika I mejdunarodnie otnosheniya, 2008, p.263). Belarus proposed to reinforce the fair regional rotation principle on election of the SG (Kak ukrepit rol i avtoritet Generalnoy Assambley OON. 26.11.2007.). The execution of any operation is highly dependent on the activities of the Special Representative of the Secretary-General who leads the peacekeeping mission. The Special Representative, high-level politician and diplomat must establish relations with conflicting parties and other region states (Dadashova R.B. Beynelkhalq munasibetlerin muasir problemleri vø BMT, 2011, p.148). On peacebuilding activity the following goals are assigned to the activity of the Secretariat: 1) Execution of peacekeeping operations for achieving a reliable peace after the SC makes decision; 2) Reinforcement of the security, defense of the military, police, civilian staff who expose to risk; 3) Using the resources provided by member states; 4) Act together with the regional structures and support of peace in a global level; 5) Prevention of negative behavior against to inhabitants where the UN's peacekeepers are executing tasks (Zaemskiy V.F.OON i mirotvorchestvo, 2008, p.163).

In Boutros Boutros-Ghali's reports on 1992 "An agenda for Peace" and 1995 addition to "An agenda for Peace" proposals about expansion of the SG's rights and authority were also reflected (Boutros-Ghali B. An Agenda for Peace, 1992). Boutros Boutros-Ghali gives importance to the dialogue between the Secretary-General and the member states (Gali B.B.Ukreplenie potentsiala

Organizachii Obyedinennikh Nachiy, 1993, p.15). After this the activity of the SG, its personal and special representative's and consultants' was expanded, specially designated missions – mediation, good services and collection of facts of violation of human rights were established under patronage of the SG.

In the SC's resolution number 1327 adopted on 13th November 2000 "Enhancing its role to strengthen United Nations peacekeeping operations" expanding of the SG relations with the SC, the SG's informing the SC about negotiations, investigation, assessment and recommendations, submitting the operational military doctrine to the SC and GA after consultation with member states especially with those which provide military contingent and necessity of the reinforcement of fact collection and investigation potential of the Secretary were mentioned (Prezident Gruzii prizval peresmotret makhanizmi mirotvorcheskoy deyatelnosti mekhanizmi mirotvorcheskoy deyatelnosti v ego strane. 27.09.2007.).

In the resolution 1366 dated on 30 August 2001 "The role of the SC on prevention of armed conflicts" the role of the SG in prevention of conflicts in accordance with the 99th article of the Charter was approved. In the resolution it was stated that, the SG must inform the SC in cases of violation of human rights, international humanitarian rights, international norms of law, in the cases of ethnic, religious, territorial, conflicts, poverty and must take preventive measures with agreement of member states and recommendation of the SG (List of Security Council Resolutions adopted in 2001y). In other words, the SC must adopt another resolution after the SG reports about execution of the mandate of peacekeeping operations.

In the report of the High-level Panel on Threats, Challenges and Change proposing suggestions on reinforcement of the peace potential of the UN, the SG's having control over the sanctions consultation with the SC, improvement of the Secretary for effectiveness of sanctions were proposed (Doklad Gruppi visokogo urovnya po ugrozam vizovam i peremenam(A/59/565 + corr/ 1), Chast vtoraya. Kollektivnaya bezopasnosti I zadacha predotvrasheniya, Rol sankchiy; Doklad Gruppi visokogo urovnya po ugrozam vizovam i peremenam(A/59/565 + corr/ 1), Chast chetvertaya. Bolee effektivnaya OON XXI veka).

Thus, positive result of defense of international peace and security highly depends on efficient activity of the missions organized by the SG and its assistances and informing the SC. In other words, reinforcement of cooperation between the SC and the Secretary is one of the main factors in maintenance of peace and security. Expansion of the membership in the Secretariat allows planned execution of peacekeeping operations, establishment of consulting group on criminal law and court, division of military

and police functions allow insurance of the rule of law.

The Economic and Social Council, comprising of 54 members including 5 permanent members, is elected for 3 years by the GA and serves for improvement of commonwealth for insurance of equal peaceful relations among countries. The rights and authorities of the Economic and Social Council have been reflected in the Articles 63-66 of the Charter (Birleshmish Milletler Teshkilatinin Nizamnamesi, pp.37-38). Economic and Social Council arranges commissions to support defense of human rights, economic and social areas, consults with specialized bodies, connects activity of those bodies with purpose of recommendations to the GA.

Deterioration of the economic and social condition leads to political crisis and conflict. Globalization of economy and communication increases the mutual dependency of states. Dedicated tasks emerge for the UN on improvement of the social economic condition with the purpose of defense of international peace and security because implementation of social economic programs is vital for peacebuilding aiming of elimination of the results of conflicts.

Conducting reforms in the Economic and Social Council, funding the developing countries, especially African countries, small island countries, those of without access to the sea, undergoing economic transition developing countries may help to reinforce peace and security. Mentioning the importance of frequent implementation of states' bilateral mutual assistance programs in Cold War period, Boutros Boutros-Ghali emphasized that the Economic and Social Council is very weak on assisting the economic and social development in the present time, World Bank Group implementing aid programs based on "Third world" concept to those states emerged after destruction of the colonial system, the necessity of mobilizing of the UN programs, regional economic commissions and specialized agencies (Gali B.B. Ukreplenie potentsiala Organizachii Obyedinennikh Nachiy, 1993, pp.14-15).

In the Millennium Declaration Kofi Annan emphasized that internal conflicts emerge after ethnic and religious contradictions accord with poverty and also proposed the thesis that every action leading to the economic development is supposed to prevent conflicts (Rezolyuchiya prinyataya Generalnoy Assambleey 8 sentyabrya 2000 goda, Deklarachiya tisyacheletiya Organizachii Obyedinennikh Nachiy). Activity of the specialized bodies such as International Monetary Fund, International Bank for Reconstruction and Development give more efficient results. Main tasks set by the Economic and Social Council are mainly: prevention of fiscal crisis, regulation of markets, reforms in financial institutes etc. According to reform relations of the Economic and Social Council with multilateral trade-economic and monetary-

financial bodies, International Monetary Fund and International Bank for Reconstruction and Development get strengthened, the role of the Economic and Social Council is enhanced in policy formulation. In the SC's resolution 1366 "The Role of the Security Council in the Prevention of Armed Conflicts" adopted on 30th August 2001 it was mentioned that, the GA, Economic and Social Council and the SC must be informed about potential conflicts threatening the international peace and security, the UN must be provided with social, economic, technical, finance resources with purpose of reinforcement of the potential of organization on preventing the regional conflicts, the Economic and Social Council must strengthen cooperation in development aspects and mobilize the power of different interstates organizations on economic and social fields (List of Security Council Resolutions adopted in 2001y.). In reforming process "balance was to be recovered" between the SC, Economic and Social Council and new Human Rights Council, which was never achieved (Edward C. Luck. How Not to Reform the United Nations Global Governance 11 (2005), p.409).

On the World Summit 2005 the High-Level Panel on Threats, Challenges and Change established by Kofi Annan proposed establishment of new institutional mechanism to revive international security economically and socially, reinforcement of activity of the International Monetary Fund, World Bank Group, World Trade Organization and the EU on implementation of the UN's program and initiatives, pushed forward the idea of establishment of Peacebuilding Commission to revive the conflict regions economically and socially (Doklad Gruppi visokogo urovnya po ugrozam vizovam i peremenam(A/59/565 + corr/ 1), Chast vtoraya. Kollektivnaya bezopasnosti I zadacha predotvrasheniya, Rol sankchiy; Doklad Gruppi visokogo urovnya po ugrozam vizovam i peremenam(A/59/565 + corr/ 1), Chast chetvertaya. Bolee effektivnaya OON XXI veka). Establishment of the Peacebuilding Commission which main purpose was to organize peacebuilding activity in the region after conflicts raised the role of the GA, Economic and Social Council. 5 permanent members and 2 temporary members of the SC, 7 members of the Economic and Social Council (excluding the states undergoing post conflict period), 5 members most funding the UN's budget, 5 countries voluntarily funding the programs and 7 members of the GA most supplying military and police staff were included into the permanent organizing committee of the commission (Zaemskiy V.F.OON i mirotvorchestvo, 2008, p.94). The representatives of the GA, World Bank Group, International Monetary Fund and other specialized agencies were also invited to involve in the activity of Peacebuilding Commission (Doklad Gruppi visokogo urovnya po ugrozam vizovam i peremenam(A/59/565 + corr/ 1),

Chast chetvertaya. Bolee effektivnaya OON XXI veka).

There are three main tasks before the peacekeeping operations: prevent the conflicts, peacebuilding and maintaining the peace. Universal interstates specialized agencies which are connected with the UN through the Economic and Social Council are global institutes with special authorities, each of them owns their own budget, secretariat but altogether they form the UN system (Recebli H.M. BMT-nin ikhtisaslasmish qurumlari, 2003, p.41). Using of potentials of these specialized agencies during peacebuilding period is reasonable. The main tasks such as return of refugees and forced displaced people back to their own lands in a secure condition, landmine clearance, fight against infectious diseases, provision of people of conflict zone with food, daily demands, humanitarian aid, restoration and other stuff in peacemaking period belong to the specialized agencies, international financial institutes, non-governmental organizations and close relationship of these bodies with the GA, SC, Economic and Social Council, Secretariat might lead to successful execution of peacebuilding.

Means of peaceful resolution of international conflicts can be divided into two groups: 1) Diplomacy (negotiations, investigations, reconciliation); 2) Court (International arbitration and the International Court of Justice). In such case the third party resolves international conflicts based on international norms of law and its decision is mandatory for conflicting parties (Dadashova R.B. Beynelkhalq munasibetlerin muasir problemleri vø BMT, p.152). In regulation of international relations correct usage of activity of International Court of Justice is reasonable. It is not just a coincidence that, during the period of Cold War, the USA's lawyers Clark and Zon's mentioned "...it is not reasonable to talk about peace if there are not norms of law preventing the war" (Blisshenko I.P., Ladijenskiy A.M. Mirnie sredstva razresheniya sporov mejdu gosudarstvami, p.18), and in modern period confirming the role of establishment of special tribunals like Yugoslavia and Rwanda on prevention of future armed conflicts in the SC Resolution number 1366 adopted on 30th August 2001 "The Role of the SC in Prevention of Armed Conflicts", the member states were called to prevent genocide, justice those who committed military crimes and crimes against humanity, claim to the International Court of Justice besides cooperation with the regional organizations for resolution of regional conflicts (List of Security Council Resolutions adopted in 2001y.).

The International Court of Justice comprises of 15 Courts selected by the SC and deals with resolution of conflicts between states. Participation of states in the activity of the Court is voluntary. The International Court of Justice gives recommendations to the SC and GA's requests, reviews the interstates conflicts following the conventions, international

customary norms, court decisions, doctrines by consensus of conflicting parties, decisions of parties are adopted on basis of principle of fair. The quorum for Court session is 9 members (Mejdunarodnoye pravo, 2000, p.180). All members of the UN are participants of the International Court of Justice. By the recommendation of the SC the non-member states identified by the GA can also participate in the Statue. All participants of Statue must implement the decisions of the International Court of Justice. If any state doesn't fulfill its tasks coming from the decision, the other state considering that important can claim to the SC about that. The SC must take measures for implementation of the decision. The authorities of the UN may require information about the activity of International Court of Justice. The UN members can also appeal to any other court for resolution of conflicts between each other.

In 1997 Boutros Boutros-Ghali in his speech about reforms in the UN, mentioned necessity of developing of opportunities of the International Court of Justice according to the interest of peacebuilding. In the report the importance of the member states' preference on resolution of international conflicts by using the court, arbitration etc. based on Articles 36-37 of the Charter was mentioned (Zaemskiy V.F.OON i mirotvorchestvo, 2008, pp.57-60). Strengthening of the activity of the International Court of Justice, importance of the implementation of its decisions were also mentioned in the section of "Peace, security and disarmament" of the Millennium Declaration of the UN adopted in the 55th session of the GA (Rezolyuchiya prinyataya Generalnoy Assambleey 8 sentyabrya 2000 goda, Deklarachiya tisyacheletiya Organizachii Obyedinennikh Nachiy). International group of experts by leadership of The High-level Panel on Threats, Challenges and Change and Lakhdar Brahimi for investigation of the ways to achieve the reliable peace emphasizes the importance of defense of human rights, rule of law, humanitarian aid, discipline in departments, compliance of norms of ethics (Doklad Brakhimi, Operachii po podderjaniy mira).

The SC mentioned in the resolution about "The Role of the SC on Prevention of Armed Conflicts" mentioned that prevention of genocide, justice of those who committed crimes against humanity and military crimes, establishment of tribunals like Yugoslavia and Rwanda are very important in resolution or prevention of regional conflicts. In the resolution it was noted that according to the VI Chapter of the Charter the member states must prefer appealing to the International Court of Justice rather than using cooperation with the regional organizations for peaceful resolution of conflicts (List of Security Council Resolutions adopted in 2001y.).

A Compensation Commission might be established to deal with claims of various committees, governments and corporations on

sanctions through the resolution process by means of International Court of Justice. Needs to be mentioned that, one of the subsidiary bodies of the SC – Compensation Commission started its activity after establishment of Committee on return of Kuwait's property to Iraqi farmers who have moved from Kuwait on 1991. We consider that such a commission must also be established for compensation of the harm Armenia to Azerbaijan. New issues emerge in the international humanitarian field. It is recommended to create International Law Commission for regulation of the issues related to hostages. It is vital to establish ad hoc tribunals like international tribunals dealing with violation of international humanitarian law in former Yugoslavia and Rwanda by the decision of the SC (Gali B.B. Navstrechu novim vizovam, 1995, pp.51-52). On 8th of November 1994 the SC adopted the resolution number 955 about establishment of tribunal related to genocide and other violence of law in Rwanda committed in 1994 1 January -31 December (Gali B.B. Navstrechu novim vizovam 1995, p.425). In 1997 International Tribunal on Yugoslavia made its first decision about punishment, 3 persons were arrested and sent to Hague. 21 people were punished in the international tribunal on Rwanda (Annan K. Obnovlenie na perexodnom etape, 1997, p.70). The International Court of Justice also reviewed the "Maritime Delimitation and Territorial Questions between Qatar and Bahrain" and considered the appeal of Qatar on 30th November 1994 unacceptable (Gali B.B. Navstrechu novim vizovam, 1995, p.40).

Analyses lead to conclusion that implementation of the international norms of law through the International Court of Justice is vital factor on balancing international relations. The activity of the International Court of Justice being one of the main bodies of the UN on prevention or regulation of regional conflicts must be reinforced. The International Court of Justice must closely cooperate with main bodies, including specialized agencies, Human Rights Council, when necessary with the UN Compensation Commission, International Law Commission etc. There must be close cooperation between the SC and International Court of Justice on defense of peace and security. In cases when the SC cannot identify the aggressor party on the regional conflict the International Court must have the right to perform this task. Preference must be given on appealing to the International Court for resolution of regional conflicts. According to the convention on Prevention of genocide crime and punishment for that, special tribunals must be arranged for those who suspected in genocide, crimes against humanity, military crimes.

One of the main bodies of the UN when it was established was the Guardian Council which organized administration of the regions under the League of Nations mandate. Regions occupied from the lost countries during the Second World War were shared between the winner countries.

In 1994 all regions got independency by the decision of the SC except Palau which was under the mandate of the USA according to the contract about salvation of lands under guardianship. The UN announced 2000th year to be the end year of colonial system and respectively, the mission of Guardian Council was over. The same year Kofi Annan proposed cancellation of the Guardian Council and Military Staff Committee (Rezyume doklada Generalnogo sekretarya, Pri bolshey svobode: K razvitiyu, bezopasnosti I pravam cheloveka dlya vsek).

In Article 47, paragraph 1 of the Charter It is written: "Military Staff Committee is established for assistance and recommendations to the SC on its military demands for defense of peace and security, command and usage of military forces within its disposal, regulation of arms and on the matters of any potential unarming stuff" (Birleshmish Milletler Teshkilatinin Nizamnamesi, p.29). As it is identified in the Charter, the Military Staff Committee consists of the headquarter chiefs of staff of permanent members of the SC and their representatives. In 1946-1949 establishment of the UN armed forces were planned under the Military Staff Committee's command and political leadership by the SC. The UN Military Observers started to develop on prevention of the current and potential conflicts (Shustov V.V. Evolyuchiya mirotvorchestva OON, 2008). By the initiative of the first SG of the UN - Trygve Lie, the GA had established the Special Committee on Peacekeeping Operations comprising 39 states' representatives on 1965 reviewing the problem of establishment of the UN Police forces with the aim of control the discipline in conflict region (Zaemskiy V.F.OON i mirotvorchestvo, 2008, p.44). But in current situation resolution of global problems requires involvement of also the other members of UN in the activity of the Committee. Thus, requirement of increasing the number of UN's peacekeepers emerges. In accordance with the 4th paragraph of the Article 47 of the Charter, the Military Staff Committee can establish regional subcommittees after consulting with the relevant regional bodies (Birleshmish Milletler Teshkilatinin Nizamnamesi, p.30). Activity of these subcommittees must be directed to improvement of the military expert mechanism to reinforce the UN's activity on peacebuilding. On Millennium Summit in 2000, the President of Russia V. Putin initiated the revival of Committee's activity to take into account the opinions of the states contributing military contingent. Proposal of Russia about establishment of sub committees in the conflict regions and cooperation of them with the Secretariat was included in the UN Resolution number 1353 adopted on 13 June 2001 "Strengthening partnership with troop-contributing states". In the resolution, relations between the contingent contributing states and the SC, open, closed, consulting format of meetings of the SC, reinforcement of the cooperation of the

regional organizations with the UN, usage of the group of friends of the SG, meetings of the SG with contingent contributing states, participation of the Military Staff Committee in peacekeeping operations were mentioned (List of Security Council Resolutions adopted in 2001y.) The idea about establishment of Special Committee of contingent contributing states has been proposed for the first time in 1995. Some states, including Argentina, India, Jordan, Canada, Pakistan, Sweden pushed forward the idea of institution of dialogues between military contingent contributing states. As it was mentioned in the 29th article of the Charter, the SC may establish subsidiary organs when necessary to implement its tasks. The idea of institution was rejected not only by permanent members, it was rejected by also some temporary members. Bids of Russia and China was about not establishing any new organ but organizing a strong idea exchange between the SC and military contingent contributing countries. The proposal of Russia about reinforcement of activity of the Military Staff Committee was for following purposes: Approval of the military potential of the permanent members of the SC, reinforcement of the activity of the SC, decreasing of dependency of the SC from the Secretariat. For Russia, the SG is not a worldwide president, he is supreme administrative figure of the organization, decisive word belongs to the member states, the collaborators of the Secretariat deviates from their authorities and tend to influence on political regulation. V. V. Shustov, Representative of Russia in the OSCE in 1992-1995 explained the cause of this with the fact that about 80% of budget of the UN is funded by developed countries and that's why their claim of having more resource quotation and as result most of collaborators of the Secretariat being from the Western countries (Shustov V.V. Evolyuchiya mirotvorchestva OON, 2008). In the GA's resolution of 16th May 2006 increasing of the number of the representatives of developing countries in the Secretary was proposed. China supported the bid of Russia and mentioned the necessity of inclusion of all members of the SC into the Military Staff Committee (Rezolyuchiya prinyataya Generalnoy Assambleey 8 sentyabrya 2000 goda, Deklarachiya tisyacheletiya Organizachii Obyedinennikh Nachiy). France declared that this idea had not been mentioned in the "Brahimi's report", the Great Britain mentioned that this proposal would cause contradictions among the permanent and temporary members of the SC. The USA mentioned that the Military Staff Committee has got a great potential. India, Jordan, Pakistan and others stated that this proposal of Russia is aimed to getting the hegemony of the permanent members recognized. In the World Summit in 2005 the High-level Panel on Threats, Challenges and Change recommended the SC to discuss the matter about cancellation of the Military Staff Committee (Doklad Gruppi visokogo urovnya po ugrozam vizovam i

peremenam(A/59/565 + corr/ 1), Chast vtoraya. Kollektivnaya bezopasnosti I zadacha predotvrasheniya, Rol sankchiy; Doklad Gruppy visokogo urovnya po ugrozam vizovam i peremenam(A/59/565 + corr/ 1), Chast chetvertaya. Bolee effektivnaya OON XXI veka). Eventually, a decision about the Military Staff Committee's membership to comprise 15 members of the SC was adopted (Zaemskiy V.F. OON i mirotvorchestvo, 2008, p.93).

The studies show that, taking advantage of the weakness of the Military Staff Committee of the UN, either the NATO takes dominancy in conflict zones, or the states giving military contingent tend to resolve the conflict in favor of their own interests. In the Articles 10, 11, 13 and 14 of the Washington's contract the USA's getting a different place in the NATO than the other member states are explicitly mentioned and this organization's keeping the world under pressure means the hegemony of the USA in the world. If the activity of the Military Staff Committee of the UN would be enhanced and it had enough peacekeeping forces, it would not need armed forces of the NATO. The same time participation of the military contingent contributing states in the regional conflicts where they have their own interests is not convenient. For example, deploying its military contingent in the Southern Caucasus, especially in Abkhazia and the Southern Ossetia regions of Georgia, tries to resolve these conflicts in favor of its own interest. In 1946 the Economic and Social Council established the Human Rights Commission as a subsidiary organ. According to the fourth section of GA's International Covenant on Civil and Political Rights adopted 16th December 1966, membership of the commission consisted 18 experts with high identity, prominent, skilled in human rights, elected by involved states from the range of their own citizens (Babaoglu H.M. İnsan hüquqları və azadlıqları, Tarixi tekamülü, beynəlxalq və politoloji aspektləri, Azərbaycan təcrübəsi, 2006, p.48). The main function of this subsidiary body of the GA was to deal with reports about measures implemented by the participant states on implementation of the rights adopted in the pact, to rebut them, to deal with claims of participant states about not implementation of other states' commitments, also claims of individual persons about violation of their rights by the state they are under the jurisdiction of.

The UN Charter is a multilateral contract establishing the basis for cooperation of states on human rights in the history of international relations and setting up a qualitatively new stage of international relations on human rights field. Principle to respect of the main human rights and freedoms was identified in the 55th – 56th articles of the UN Charter for the first time (Birleshmiş Milletler Teshkilatinin Nizamnamesi, p. 34), later on it was specified some documents including Universal Declaration on Human Rights on 10th of December

1948 and reflected in 1975th Helsinki Final Act as an independent principle of the international law. Universal Declaration on Human Rights funded more than 80 convention and declarations including the on Prevention of Discrimination and Protection of Minorities adopted in 1962, the Convention on the Elimination of All Forms of Discrimination against Women adopted in 1979, the International Covenant on Economic, Social and Cultural Rights adopted in 16th December 1966, Convention on the Rights of the Child adopted in 1989, the Committee against Torture established in 1988, the Children Rights Committee established in 1990. Based on the decisions of UN regional organizations also adopted some documents like American Convention on Human Rights, African Charter on Human and Peoples' Rights, European Convention for the Protection of Human Rights and Fundamental Freedoms, Helsinki Final Act of the OSCE etc.

In the World Summit in 2005 the SG Kofi Annan in his report mentioned that the defense of human rights is the main criterion of the international security system. In the third part titled "Freedom to live in dignity" the necessity of protection of human rights, democracy was mentioned. The Secretary-General declared: "If people take arms to protect themselves from the threat, the international community must support them. If the national government is not able to protect its citizens, the SC must implement the necessary actions according to the Charter" (In Larger Freedom: Towards Development, Security and Human Rights for All). In the report the necessity of improvement of the Human Rights Commission was mentioned. If the SC doesn't take the necessary actions against genocide, the SG proposed to make amendments to the Charter about the SC's being accountable for that. Kofi Annan proposed to change the Human Rights Commission and establish the Human Rights Council as a subsidiary body of the GA comprising of members elected by 2/3 majority of votes in the GA (Propavshie bez vesti licha A/RES/59/18920 dekabrya 2004 goda). In this regard, a new chapter should be included in the Charter and its relations with the other main bodies and its responsibilities must be identified.

The High-level Panel on Threats, Challenges and Change also proposed improvement of the Human Rights Commission (Doklad Gruppy visokogo urovnya po ugrozam vizovam i peremenam(A/59/565 + corr/ 1), Chast vtoraya. Kollektivnaya bezopasnosti I zadacha predotvrasheniya, Rol sankchiy; Doklad Gruppy visokogo urovnya po ugrozam vizovam i peremenam(A/59/565 + corr/ 1), Chast chetvertaya. Bolee effektivnaya OON XXI veka). 170 voted in favor of the resolution about establishment of the Human Rights Commission, 4 states – the USA Israel, Palau and Marshall Islands voted against when it was adopted in the 2005 World Summit, 3 states – Belarus, Iran and Venezuela were neutral.

The aim of establishment of the new body was to eliminate the dual standards, politicization, confrontation on human rights area. Some states proposed candidacy of the states which meet some criterions in the Council. But this was opposite to the sovereign equality principle, one of the jus cogens principles of the international law. Russia Federation took the responsibility of the position of the Secretary of the Human Rights Council by declaring that will voluntarily assign 2 million dollars for defense of human rights. The USA and the Great Britain were opposite to establishment of the Council and that's why they didn't attend in the election. On 15th of March 2006 after the GA adopted the resolution number 60/251, 47 members were elected for the membership of the Council in the session of the GA in New York in 9th of May. In the second tour Azerbaijan also was included into the Council. Azerbaijan effectively cooperates with UN High Commissioner for Human Rights in the field of protection and promotion of human rights. This cooperation is based on the technical cooperation document titled "Strengthening Capacities and Infrastructure for the Protection and Promotion of Human Rights in Azerbaijan" had been signed between the Republic of Azerbaijan and Human Rights Commission of the UN in 14th August 1998 (Eliyev H.E. Musteqilliyimiz ebedidir, 2007, p.431). In general, Azerbaijan joined to 125 international convention, including multilateral contracts on defense of human rights (Eliyev H.E. Musteqilliyimiz ebedidir, 2007, p.429). In a word, the activity of the Human Rights Council has not to be politicized, must be intended full insurance of human rights. Respect of the states to human rights must be kept under control, missions must be sent to the conflict regions for this purpose. The state which doesn't implement the GA's resolutions must be deprived of its status of UN's member. Chairman and members of the Human Rights Council must arrange meetings with relevant government heads, parliament members, courts, non-governmental organizations, scientists, press representatives and they must always be in public. All member states must implement the UN's activity plan, defense human rights, fight against illegal sales of armament, infestation of natural resources in conflict regions and exchange of manufactures goods, transfer of people to the illegally occupied lands. Protection of human rights, rule of law, humanitarian aid to the conflict zones, defense of the rights of forced displaced people, discipline within the UN, compliance of ethics norms etc. are factors serving to reinforcement of the peace potential. In the situation where economy develops, social fair, human rights are defended, defense of international peace and security, prevention of regional conflicts are inevitable.

Perspectives of the UN's cooperation with regional and sub-regional organizations on resolution of regional conflicts

The recommendation of Boutros Boutros-Ghali mentioned in "An agenda for Peace" about active participation of regional contracts and organizations in UN's activity was supported by member states. The Security Council proposed to the regional contracts and organizations to investigate the ways of reinforcement of their structure and functions to meet the requirements of the UN on the resolution of 28th January 1993. The GA resolution 48/42 on 10th of January 1993 approved the bid of Boutros Boutros-Ghali. In the 1st of August 1994 at New York the GA and regional organizations' heads held a meeting on this subject for the first time. In the meeting the Commonwealth of Independent States, The UN Secretariat, OSCE, the EU, League of Arab States, the NATO, the African Union, Organization of American States, the Western European Union attended in the meeting. Although the Economic Community of West African States was invited too, it didn't attend in the meeting. The attendees agreed with the idea that the main responsibility is on the SC, controlling the sanctions based on VIII Chapter of the Charter and that, the regular information exchange between the UN and regional organizations would lead to close cooperation (Gali B.B. Vo imya i razvitiya, 1994, pp.377-379). With this purpose the SG met some of the regional organizations' heads on August of 1994 and on January 1995 cooperation of the UN with regional organizations was classified on addition to "An Agenda for Peace". Currently there are 5 forms of this kind of cooperation. The first one is consultation form. Agreements are achieved in the regular consultations. The second one is diplomatic support form. In this form, the regional organization uses its special diplomatic power. For example, the OSCE technically supported in constitution matters related to Abkhazia problem. But from other side, the UN can support the regional organizations. For example, the UN supports the OSCE in the Nagorno-Karabakh conflict, assist it technically on regulation of this conflict (Gali B.B. Vo imya i razvitiya, 1994, pp.256-257). The third, the UN and regional organizations can take part in operational support. For example, the aviation support of the NATO to the former Yugoslavia. The fourth, joint military exercises are carried out. The UN's mission worked together with the West African States in Liberia and with the Commonwealth of Independent States in Georgia. The fifth, joint operations can be executed. For instance, the UN executed such operation in Haiti together with the Organization of American States (Gali B.B. Navstrechu novim vizovam, 1995, p.457).

Cooperation of the UN with regional and sub-regional organizations must follow the VIII Chapter of the Charter. In the Article 52 of the Charter it is mentioned that, cooperation with the regional

organizations must be executed with no affect to implementation of principles given in the Articles 34 and 35 (Birleshmish Milletler Teshkilatinin Nizamnamesi, p.32). It means the rights of the SC are kept and it can still conduct investigations on protection of international peace and security. Any state can bring any contradiction or situation violating the international security to the attention of the SC or GA.

The regional contracts of the GA on protection and maintenance of peace and security or Resolution 49/57 on 9th of December 1994 titled "Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security" are about researching of the ways of cooperation of the UN with the regional organizations (Gali B.B. Navstrechu novim vizovam, 1995, p.458).

VIII Chapter of the UN's Charter reflects the other decision and principles of the modern international law and the opportunities of using the regional organizations and contracts for regulation of conflicts and maintaining of peace and stability in regions.

As stated in the Article 52, cooperation of the UN with the regional organizations and contracts allows resolution of the local conflicts peacefully before escalating it to the SC. In the Article 53 it is written that, although the SC uses these regional contracts and organizations for mandatory actions under its leadership, however, these regional contracts and organizations cannot execute any mandatory actions without having the mandate of the SC. According to the Article 54 the SC must always be informed about executed or planned actions to defend peace and security by the contracts or regional organizations (Birleshmish Milletler Teshkilatinin Nizamnamesi, p.33). The Russian researcher V. F. Zayomski writes that, some regional organizations, especially OSCE more actively attempts to reduce the leading role of the UN, tries getting the main role on regulation of conflicts in the respective region (Zaemskiy V.F. OON i mirotvorchestvo, 2008, pp.23-24). The UN gives technical recommendations to the OSCE on Nagorno-Karabakh conflict. Not proper acting of the OSCE in the conflict region, its attempts of reducing the leading role of the UN postpones the regulation of the Armenian-Azerbaijan Nagorno-Karabakh conflict. Voting of the Minsk group's co-chairs - the USA, France and Russia against of the resolution titled "The situation in the occupied territories of Azerbaijan" when it was adopted on 14th of March 2008 in the GA and justification of this by not reflection of whole flow of regulation mentioned in the "balanced package" proposed by Minsk Group on 2007 apparently proved the willing of the Minsk Group to gain the leading role. The Russian researcher A. I. Nikitin mentions some advantages like participation regional organizations in the peacekeeping operations, conflicts' happening in the

OSCE's territory, high level interstates relations, authorities and peacekeeping functions of the UN and the OSCE complementing each other etc., along with confirming the unsuccessful activity of the OSCE, including the activity of peacekeepers on Nagorno-Karabakh. He mentions the increase of contradictions in the conflict region, lack of finance and military contingent (Sovremennie mejdunarodnie otnosheniya i mirovaya politika, 2005, p.426) as the causes of the failure of the OSCE peacekeepers activity. The authors of the book "International relations: theory, conflicts and organizations" mentioning the failure of the OSCE Minsk Group on regulation of the Nagorno-Karabakh problem consider having the less information about the conflict which it is subjected for regulation intolerable. The authors state that conflicts are incompatible with politics, it is necessary to understand their role, functions, the emergence condition, character. Participation of the third party on regulation of conflicts must not be for assistance of any of them, but for peaceful regulation of the problem (Mejdunarodnie otnosheniya: teoriya, konflikti, organizachii, 2004, pp.93-94). Participation of the OSCE in the peacekeeping operations for the first time decided in January 1992 in Prag meeting and this matter was realized in 9th-10th of July in Helsinki meeting. Participant states declared the role of the OSCE in regulation of the regional conflicts according to the VIII Chapter of the UN. Peaceful operations of the OSCE since 1993 in Nagorno-Karabakh followed by increasing of the hostility in the region and this proved that the OSCE or other regional organization cannot act lonely in peacekeeping operations.

The UN acted in military context with the Commonwealth of Independent States cooperating with the UN's mission on Georgia in Abkhazia (Gali B.B. Navstrechu novim vizovam, 1995, p.463). But the Commonwealth of Independent States violated the international norms of law by the leading state of the Commonwealth of Independent States - Russia's intervention to the internal deals of Georgia as a result of execution of the Commonwealth of Independent States not following the Articles 52-54 of the UN Charter.

Starting from 1994, the UN started reinforcing the cooperation with the regional organizations of the Europe. On 6th of December 1994 the UN and OSCE came to the agreement on joint activity in the continent of Europe in Budapest Summit of the OSCE. The European Union also started cooperate with the UN since 1992-1993, in peacekeeping operations after the Lisbon Declaration was adopted in 1995, in execution of peacekeeping operations in Yugoslavia, Kosovo, Bosnia and Herzegovina, Macedonia, Democratic Republic of the Congo and Afghanistan. In conflict of Yugoslavia, defending Yugoslavia Russia vetoed the SC's resolutions which allowed the NATO to intervene in Kosovo. The SC adopted the Resolution 1199 on 23rd of September

1998. In this Resolution it is stated that, if it is not followed, the SC “will take further actions and take further measures to protect or recover peace and stability in the region”. That’s why this resolution didn’t allow any country or organization to do military intervention. But in 24th of March 1999 NATO started bombing campaign over Yugoslavia. On 10th of June the SC adopted the Resolution 1244 to stop bombing of the NATO. In the resolution the aim of the UN, the main task of the SC on defense of international peace and security was reminded and the acts of the NATO was condemned. In her submission about post-Kosovo international law the USA researcher Mary O’Connell states that force application by the NATO doesn’t match with the UN Charter and the SC resolution (Okhovat Sahar. The United Nations Security Council: Its Veto Power and Its Reform, 2012, pp.21-22). Some commentators like German researcher Bruno Simma support this idea. He writes that, NATO members justify their actions in humanitarian basis. They declare that, the situation is exceptional, it will not create any precedent, they didn’t intend to violate the resolution of the SC, they will follow the decisions of the SC and they obliged to get agreement on executive actions to be applied in future (Fedorov V.N., Efimov G.K. OON I podderjaniye mejdunarodnogo mira., 1969, p.22). But the USA politicians never talked about this intervention. The USA demonstrated its potential on violation of the SC’s decision. NATO armed operations against to the former Yugoslavia might be excuse for the hard-humanitarian situation of Kosovo people. After bombing started many refugees returned their home and this led to transfer of the non-albany population. The war had started without the agreement of the SC (Okhovat Sahar. The United Nations Security Council: Its Veto Power and Its Reform, 2012, p.22). NATO execution of armed operations in Yugoslavia with no mandate of the UN SC caused a large discord in world unity. So that, this military-political organization can lead military operations only its member countries’ territory according to the North Atlantic Treaty 1949.

On May 2001 after the negotiations of the NATO representative in the UN the cooperation reinforced. Relations were established between the department of the UN Secretary on unarming matters and NATO’s Weapons of Mass Destruction Centre. It should be noted that, NATO’s cooperation with the United Nations is in line with the law, but this cooperation must follow the Articles 52-54 of the UN Charter. Reminder, in those articles it is mentioned that, resolution of any international conflict can be assigned to the regional organization before submitting it to the SC. But without having the mandate of the SC no any mandatory action can be taken by that organization. The regional organization must inform the SC about the current or planned actions (Birlshemish Milletler Teshkilatinin Nizamnamesi, p.33).

Cooperation of the UN with the African Union is more efficient. The first cooperation of the UN with the regional peacekeeping forces executed in 1993 in the example of the West African Union in Liberia. Regional brigades have been established by the initiative of the African Union, peacekeeping operations in Darfur, Sudan, Western Sahara, Burundi, Kote D’Ivoire, Democratic Republic of the Congo, Ethiopia, and Eritrea were executed in cooperation with the UN. In 2004 the UN proposed to the African Union to conduct monitoring in Darfur, Timor-Leste and Sudan to achieve peace. The UN mission organized in Sierra Leon assisted in defense of human rights, economic and social rights and apparent elections (Dadashova R.B. Beynelkhalq munasibetlerin muasir problemleri vø BMT, 2011, pp.89-95). Till 1995, 15 of 49 peacekeeping operations of the UN were executed in cooperation with regional and sub-regional organizations or contracts. That year the secretary general Boutros Boutros-Ghali in his report “An agenda for Peace” declared that, participation of the regional organizations in resolution of conflicts allows democracy and consensus in resolution of international matters besides reducing the load on the SC. Such as, the SC gives authority to the regional organization and contracts to get regions out of crisis (Report of the secretary-general on the work of the organization. Supplement to an agenda for peace: position paper of the secretary-general on the occasion of the fiftieth anniversary of the United Nations A/50/60-S/1995/1).

Although mostly peace in Africa was talked about in the report of the SG in 13th of April 1998, this report was important for other regions as well. After discussion of the report the SC adopted the resolution 1170 on May 28. Based on resolution, a decision was adopted to establish working group to deal with all recommendations. The SC once more supported initiatives of cooperation with regional and sub-regional organizations on its resolutions 1197 adopted in 18th September and 1327 adopted in 13th November in 1998 (List of Security Council Resolutions adopted in 1998y.). In the Resolution 1539 in 22nd April 2004 necessity of cooperation of the UN with the EU and other regional organizations was mentioned (List of Security Council Resolutions adopted in 2000 and 2009 yy.). In the UN Millennium Declaration adopted in the 55th session of GA in 2000 the necessity of reinforcement of cooperation of the UN with the UN to defend peace and security was emphasized (Rezolyuchiya prinyataya Generalnoy Assambleey 8 sentyabrya 2000 goda, Deklarachiya tisyacheletiya Organizachii Obyedinennikh Nachiy). On 11th of April 2003 meeting “The Security Council and Regional Organizations: Facing the New Challenges to International Peace and Security” chaired by Mexico, in 20th of June 2004 “Cooperation between the United Nations and regional

organizations in stabilization processes” chaired by Romania were held.

In the report of the High-level Panel on Threats, Challenges and Change it was mentioned that, the UN’s SC doesn’t use the opportunities of regional and sub-regional organizations (Doklad Gruppi visokogo urovnya po ugrozam vizovam i peremenam(A/59/565 + corr/ 1), Chast chetvertaya.Bolee effektivnaya OON XXI veka).

In 25th-26th July 2005 a consultation was held with participation of the UN, regional organizations and other between states organizations. In the consultation, having mentioned the necessity of cooperation with regional, sub-regional organizations, especially African regional and sub-regional organizations, close relations of the new established Peace Commission with such kind of organizations was recommended. In the September of the same year in the World Summit participating states once more confirming the importance of the role of regional and sub-regional organizations in defense of peace and security mentioned that they, especially African Union strongly cooperate with the UN. In the SC’s resolution 1625 adopted in September 14 importance of consultations with regional and sub-regional organizations, taking advantage of their potential opportunities was mentioned (List of Security Council Resolutions adopted in 2004y.). In the resolution 1631 adopted on 17th of October having repeated the content of the mentioned resolution the regional and sub-regional organizations were called for increasing the cooperation with the UN in prevention of sales of weapon, fight against international terrorism. In the 9th paragraph of the resolution was written: “Following the 54th article of the Charter, regional and sub-regional organizations must inform the SC when protecting peace and security. The SC must hold regular consultations with the leaders of these organizations, their role on regulation of conflicts must be identified”. The SC also requested the SG to report about opportunities and problems in cooperation between the UN and regional, sub-regional organizations (List of Security Council Resolutions adopted in 2005y.).

In the 61th session of the GA in 2006 the resolution adopted about reinforcement of UN’s cooperation with the EU, Economic Cooperation Organization, League of Arab States. Having mentioned the expectation of important rope of adoption of such resolutions in implementation of the Millennium Declaration, in the 63rd session of the GA in 2008, the permanent representative of Russia in the UN Vitaliy Churkin emphasized that cooperation of the UN with Shanghai Cooperation Organization established with purpose of fighting against international terrorism, illegal sales of narcotics etc. In the GA’s session on 20th of September 2006 dedicated to the UN’s cooperation with regional organizations the minister of foreign affairs of Ukraine Vladimir Khandoni in his speech

called to reinforce the UN’s cooperation with regional organizations for resolution of the “frozen conflicts” in Georgia, Moldavia and Azerbaijan. He also mentioned the importance of reinforcement of the UN’s cooperation with GUAM, Organization of the Black Sea Economic Cooperation and OSCE (Ukraina prizivaet ukrepyat sotrudnichestva OON s regionalnimi organizatsiyami s chelyu uregulirovaniya konfliktov v Azerbaydjane, Gruzii i Moldova. 20.10. 2006.). GUAM also participates in the UN in observer status and the member states of this organization are common in terms of having similar conflicts in their territory. GUAM’s cooperation with the UN on defense of peace and security in Azerbaijan, Georgia, Moldavia and Ukraine is more reasonable.

Summarizing all studies, we can conclude that, one of the criterion of improvement of efficiency of UN on prevention and regulation of conflicts in XXI century is cooperation of this universal organization with regional and sub-regional organizations in peacekeeping operations. This cooperation must follow the VIII Chapter of the UN Charter. Otherwise, the activity of the regional organization will not be efficient even would lead to expansion of the conflict in the region. As an example of this the useless activity of the CIS in Georgia, of the OSCE in Azerbaijan can be considered. GA’s and SC’s adopting of resolutions about cooperation of the UN with the regional and sub-regional organizations, making decisions in sessions and consultations called by the initiative of reinforcement of the UN’s cooperation with regional and sub-regional organizations, individual states’ giving ideas on this matter are not unreasonable. Thus, the importance of cooperation of the UN with regional and sub-regional organizations in the settlement of regional conflicts is that these organizations are better acquainted with their regions, they know their language, traditions and customs better. The same time, using the potentials of these organizations reduces the load of the UN in terms of finance, technique etc. But establishing cooperation of the UN with the regional and sub-regional organizations not in accordance with the Articles 52-54 of the Charter emerges negative cases, i.e., the regional organization might act from biased position, a power state of the region might tend to realize its own interests in the region by taking advantage of its “peacekeeping” attempts. The same time, the regional organization cannot act alone in regulation of the conflict. As a common rule, its capabilities of involving the world union are less and in such a situation a necessity of merging the UN’s and regional organizations’ peacekeeper forces emerges.

DISCUSSION AND CONCLUSION

With the condition of increasing the responsibilities of the GA, the UN must not be only interstates, but also international type of organization, it must take its position over the administration of states along with keeping their

sovereignty and it must play independent role in international relations.

The GA's decisions and resolutions having advisory characteristics, participation of 5 permanent members of the SC in all organs and its influence in decisions, proposals, restrict right of sovereignty of the GA and states as well. Bringing to discussion the matters already discussed in other organs as well as in the SC and adoption of decision on them with 2/3 majority of voting would allow reconfirm rights of sovereignty of states represented in the UN.

Effectiveness of the defense of international peace and security is highly dependent on effective activity of the missions organized by the Secretary General and his assistants in conflicting regions. Election of the Secretary General must base on fair regional division. The Secretary General being suggested by the SC for the position prevents its acting independently. Apart from that, expanding the number of staff in Secretary, dividing military and police functions, establishment of advisory group on right of crime and court matters would help to ensure the supremacy of law.

In order to prevent regional conflicts, to adjust them the activity of International Court of Justice must be reinforced, it has to have cooperation with other main organs as well as with specialized agencies such as Human Rights Council, Compensation Commission established by the UN and so on.

A Compensation Committee can be established to deal with claims of different committees, corporations and governments on sanctions. Establishment of and International Court Commission for regulating the legal matters related to captives due to new problems appeared in international humanitarian area may be convenient.

It is extremely important to establish tribunals for punishment of criminals like International Criminal Tribunals for Yugoslavia and Rwanda. Implementation of international norms of law by International Court of Justice is a crucial factor in balancing international relations. There must be close cooperation between the SC and International Court of Justice on defense peace and security. The International Court of Justice must have the right to implement this right when the SC don't identify act of harassment.

There are three main tasks of operations on support of peace: to prevent conflicts from occurring, peace establishment, protecting and maintaining of peace. It is advisable to use potentials of economic organizations during peace establishing period. Main tasks on humanitarian aid, returning the refugees and forced displaced people to their own lands, landmine clearance, fight against infectious diseases, provision of people with daily needs, food, restoration activities in conflict regions during peace establishment remains on specialized agencies, international financial institutions and non-governmental organizations. Cooperation of these

organizations with the GA, the SC, Economic and Social Council and Secretary would help more effective execution of peace establishing process.

If the activity of the Military Staff Committee of the UN reinforced and it is provided with enough peacekeeping forces, then there would be no need for the NATO's armed forces which the USA uses for own interests.

Attendance of the states providing military staff in the resolution of conflicts in their interested regions creates lots of problems. Each of those states is trying to realize their own interests more. And this leads to conflicts remain unsolved for ages.

Activity of the Human Rights Council must not be politicized, it must be directed to ensuring of human rights fully. States' respect of human rights must be kept under control and missions must be sent to the conflict zones with this purpose.

Cooperation of the UN with regional and sub-regional organizations leads to negative outcomes when it is not executed following the Articles 52-54. For the Article 52 cooperation of the UN with regional organizations and agreements allows peaceful resolution of local conflicts prior to submitting them to the SC. In the Article 53 it is written that even if the SC uses this kind of regional agreements and organizations under its supervision for obligation actions, without mandate of the SC no any obligatory actions can be taken by those regional agreements and regional organizations. According to the 54th paragraph the SC must be fully reported about the planned or executed actions by regional agreements and organizations for maintaining and protecting international peace and security (Birleshmish Milletler Teshkilatinin Nizamnamesi, p.33). Because a regional organization can act biasedly in the regulation process. Great region state may try to implement special interests in the region abusing its "peacekeeping" efforts. The same time the regional organization cannot act alone in regulation process. As a rule, it has less opportunities to involve the world community and in this case necessity of merging the UN's peacekeepers with regional organizations emerges.

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