


Dialectical Order-Making through Ambiguity: Contestation Is the Norm in International Peace and Security Maintenance

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What kind of order and contestation dynamics emerge if the initial institutional bargain includes liberal, partially liberal, and nonliberal visions of order? This contribution to the special issue locates the liberal ideational and institutional properties within the crisis management domain and analyzes contestation dynamics and their impact. My argument is twofold. First, liberal visions of order (e.g., based on human rights and self-determination) have coexisted alongside other aspirations focusing on the right of nonintervention and privileged political communities because post-World War II conflict management is rooted in the legal ambiguity of the Charter of the United Nations (UN). This ambiguity (low legalized institutionalization) gives space to different interpretations of what counts as peace, enforcement, threat, and the relationship between the UN and regional organizations (low liberal embeddedness). Second, ambiguity and competing visions of order sustain persistent contestation, which produces dialectical ordering within and outside the UN. Within dialectical ordering, order-challenging contestation occurs when actors disengage from the global level or when their vision of order becomes globally hegemonic. While order-challenging attempts in the realm of crisis management exist, they have remained unsuccessful so far. Seen from this perspective, there has never been a liberal international order in conflict management—only liberal attempts to impose a liberal order on an ongoing dialectical order-making process. So far, other order-challenging attempts, such as Russia's sphere of influence or China's developmental peace approaches, have also remained unsuccessful. Contestation remains the norm.

¿Qué tipo de dinámicas en materia de orden e impugnación surgen si el compromiso institucional inicial incluye visiones liberales, parcialmente liberales y no liberales del orden? Esta contribución al número especial ubica las propiedades ideológicas e institucionales liberales dentro del área de la gestión de crisis y analiza la dinámica en materia de impugnación y su impacto. Nuestro argumentario está formado por dos componentes. En primer lugar, las visiones liberales del orden (por ejemplo, basadas en los derechos humanos y la autodeterminación) han coexistido con otras aspiraciones centradas en el derecho de no intervención y en comunidades políticas privilegiadas, puesto que la gestión de conflictos posterior a la Segunda Guerra Mundial está arraigada en la ambigüedad jurídica de la Carta de las Naciones Unidas (ONU). Esta ambigüedad (baja institucionalización legalizada) da lugar a diferentes interpretaciones de lo que se considera como paz, aplicación, amenaza y de la relación entre la ONU y las organizaciones regionales (bajo enraizamiento liberal). En segundo lugar, la ambigüedad y las visiones contrapuestas del orden sostienen una impugnación persistente, que se traduce en una ordenación dialéctica dentro y fuera de la ONU. Dentro de la ordenación dialéctica, la impugnación que desafía el orden tiene lugar cuando los agentes se desvinculan del nivel global o cuando su visión del orden se vuelve hegemónica a escala mundial. Si bien existen intentos de desafiar este orden, estos no han tenido éxito hasta ahora. Visto desde esta perspectiva, podemos decir que nunca ha existido un orden internacional liberal en la gestión de conflictos, tan solo intentos liberales de imponer un orden liberal a un proceso dialéctico continuo de creación de órdenes. Hasta ahora, ha habido otros intentos de desafiar el orden, como la esfera de la influencia de Rusia o los enfoques de desarrollo de la paz por parte de China, que tampoco han tenido éxito. La impugnación sigue siendo la norma.

Quel type d'ordre et de dynamique de contestation apparaissent quand les négociations institutionnelles initiales comprennent des visions libérales, partiellement libérales et non libérales de l'ordre ? Cette contribution au numéro spécial resitue les propriétés institutionnelles et conceptuelles libérales au sein du domaine de la gestion de crises et analyse les dynamiques de contestation et leurs effets. Mon argument est double. D'abord, les visions libérales de l'ordre (par ex., fondées sur les droits de l'homme et l'autodétermination) coexistent aux côtés d'autres aspirations focalisées sur les droits de non-intervention et des communautés politiques privilégiées car, depuis la fin de la Seconde Guerre mondiale, la gestion des conflits s'ancre dans l'ambiguïté juridique de la Charte des Nations Unies (ONU). Cette ambiguïté (faible institutionnalisation légalisée) ouvre la voie à différentes interprétations de la qualification de paix, d'application, de menace et de la relation entre l'ONU et les organisations régionales (faible intégration libérale). Ensuite, l'ambiguïté et les visions rivales d'ordre entretiennent une remise en question constante, qui produit une organisation dialectique au sein et en dehors de l'ONU. Dans le cadre de cette organisation dialectique, la remise en question de l'ordre intervient quand les acteurs ne s'impliquent plus au niveau mondial ou quand leur vision de l'ordre devient globalement hégémonique. Alors que des tentatives de remise en question de l'ordre dans le domaine de la gestion de crise existent, elles n'ont jusqu'ici pas porté leurs fruits. En adoptant ce point de vue, un ordre international en gestion des conflits n'a jamais existé—seulement des tentatives libérales d'imposition d'un ordre libéral à un processus d'établissement d'organisation dialectique en cours. Jusqu'ici, d'autres tentatives de remise en question de l'ordre (la sphère d'influence russe ou les approches de la paix de développement chinoises, par exemple) ont également échoué. La contestation reste la norme.

Introduction

The liberal international order (LIO) often connotes a relatively stable and commonly agreed upon set of rules and norms that a diverse set of actors adhere to—although not necessarily equally across all policy domains (Ikenberry

2018; Lake, Martin, and Risse 2021, 227). Scholars have pointed to global international organizations (IOs), such as the World Trade Organization (WTO), that inform policies rooted in trade liberalization to demonstrate its existence (Faude 2020). However, not only do policy domains

entail different cooperation and coordination challenges, but the IOs and their portfolios that try to manage these challenges were created at different historical junctures and consequently accommodate different sets of actors and ideas.

What kind of order do we observe in conflict management arrangements around the globe, and how has it developed over time? In line with the special issue's introduction, I locate the liberal ideational¹ and institutional² properties within the particular suborder of conflict management³ built around the use of force to analyze contestation dynamics and their impact. While [Lake, Martin, and Risse \(2021, 229–32\)](#) locate this policy domain in the LIO, if one does not only look at the North Atlantic Treaty Organization (NATO) but also at conflict management arrangements globally, then another picture emerges. This picture is marked by contestation within the UN and across the UN and regional organizations (ROs) over when, where and how to intervene militarily. Liberal aspirations are only one among many. Despite high dissatisfaction with the UN, it has not (yet) been replaced, but it has become more sidelined. To analyze these contestation dynamics, I depart from the special issue's introduction in one way. I do not take the *increasing* and *growing* contestation of the LIO as a starting point. Instead, I engage with the possibility that liberal properties were contested and reinterpreted in different contexts from the start. After all, not all global and regional organizations have predominantly or solely been sponsored and created by actors with liberal aspirations ([Eilstrup-Sangiovanni and Hofmann 2020](#)). What kind of order and contestation dynamics are likely to be observed if the initial bargain includes liberal, partially liberal and nonliberal visions of order?

My argument is twofold. First, I argue that in instances where competing visions of order initiate order-making, a relatively stable order encouraging actors to behave predictably and in line with clearly defined and shared goals is less likely to emerge. Instead, we are much more likely to observe legal ambiguity,⁴ or low legalization, enabling actors to pursue their preferred ideational and institutional order aspirations—an indication of low liberal embeddedness. Second, low liberal (or any ideational) embeddedness and low legal institutionalization together inform *ordering*—the process of order-making—rather than order. Legal ambiguities enable and sustain the coexistence of different liberal, partly liberal, or nonliberal visions and aspirations of order. If organizational alternatives such as ROs also exist, they help sustain ordering by providing institutional vehicle through which visions can be pursued.

More precisely, this order-making process, where contestation is the constitutive norm, can be called *dialectical ordering* ([Alker and Biersteker 1984](#); [Brincat 2011](#)). No sin-

gle aspiration of order—liberal or not—is dominant. Dialectical ordering does not accommodate or unite different visions of order through processes such as co-constitution ([Tourinho 2021](#)). Instead, it points to entangled and simultaneous (re)ordering processes within and across organizations that contest and contradict one another. Depending on actors' points of reference, each ordering attempt might look like it is self-reinforcing or self-undermining a particular ordering aspiration. Consequently, each pursuit in order-making can prompt “the others” to argue that actors are hypocritical ([Burai 2016](#)). Dialectical ordering persists as long as ambiguities are not settled either by (a) a hegemonic vision of order—what the United States and China are currently trying to do—or by (b) spheres of influence and ROs that are no longer globally entangled—what Russia is currently doing—or by (c) relying mainly on organizational forms that do not reference global authorities—what ad hoc coalitions are currently doing.

This analytical lens helps to uncover how, during the Cold War, ordering in the realm of conflict management started out with low liberal embeddedness and low levels of precision in formal legalization with few obligations and enforcement mechanisms. Peace, security, threat, enforcement, and the relationship between the UN and ROs have been imprecisely defined, existing alongside different visions of order that have been articulated and pursued in the UN. The liberal notion that the use of force may be legitimate if done in the name of individual human rights and self-determination only slowly emerged, coexisting from the start alongside other political ideas that combine sovereign territorial boundaries, the right to nonintervention, and privileged political communities. From an implementation point of view, as long as no meaningful organization besides the UN existed to conduct military operations in the name of maintaining international peace and security, peace operations were few in number, and those that existed were called “peacekeeping” to emphasize their impartiality in monitoring ceasefires and peace agreements.

This changed with the end of the Cold War, when actors in the Global North attempted to make liberal interventionism hegemonic by using not only the UN but also NATO and the European Union (EU); they did so by trying to globally increase liberal embeddedness and legalization. However, the moment was brief: not only is pursuing a consistent and coherent liberal agenda costly, but it is also instigated other actors to contest it at the UN, in ROs and through ad hoc coalitions ([Reykers et al. 2023](#)). Actors pursuing other visions, such as developmental peace (China) or spheres of influence (Russia), countered the liberal aspirations by either changing the composition of military operations (thus reducing their liberal imprint by not financing certain civilian personnel on the ground), vetoing them, or launching their own peace operations in accordance with their own ordering vision. Attempts to impose alternative aspirations—such as Russia's sphere of influence (or polycentric world order) approach ([Lewis 2022](#)) or China's developmentalist approach ([He 2017](#))—have so far not universalized.

This paper contributes to the scholarship on international order, international cooperation, and conflict management in several ways. First, it highlights that some orders are not stable in terms of political goals, behavioral patterns, and identifiable ideational and institutional boundaries because of shared (legal) rules. Instead, what can also create relative stability is the contestation of global ambiguous rules as long the global remains the reference point for divergent visions of order. Second, in such order-making processes, exogenous/endogenous change

¹The special issue's framework paper defines it as “freedom of the individual and from arbitrary rule” ([Goddard et al. 2024](#)).

²The special issue's framework paper defines it as “equality before the law as well as inclusive, equal, and fair participation” ([Goddard et al. 2024](#)).

³This policy domain has been interchangeably called collective security, conflict, or crisis management. The activities associated with it also have different names. For example, the UN used to speak of peacekeeping operations and civilian missions but now speaks of peace operations. NATO has called them peace support operations. For institutional and budgetary reasons, the EU distinguishes between civilian and civil-military missions, as well as military operations. These labels all capture international operations that attempt to break conflict cycles. See [Diehl and Balas \(2014, 3–27\)](#) for a similar discussion. In this paper, I will speak of conflict management and peace operations.

⁴The Oxford Dictionary defines ambiguity as the “quality of being open to more than one interpretation” and classifies concepts such as vagueness as synonyms.

and self-reinforcing/self-undermining contestation are only identifiable over long periods of time. Dialectical ordering can at times favor one ideational property over another without leading to the end of the ordering process. Third, this paper reveals that ideas and institutions in the service of maintaining international peace and security do not have a liberal (aspirational) core. As such, we cannot speak of an LIO in conflict management that has become contested over time, but rather a liberal moment that was entangled in dialectical dynamics. Finally, such an analysis points to incomplete contracting, or negotiated and complex “compromises featuring degrees of (dis)agreement and (dis)advantage for all state groupings involved” (Mantilla 2023, 5). These compromises are institutionalized in unsettled ambiguities and become the main generator of ordering—ordering through the pursuit of mutually contesting policies and complex interorganizational relations. Pursuing change in this ordering is likely to create a fragmented world.

Ambiguity and Dialectical Ordering

International orders vary in predictability and in the breadth and depth of their ideational aspirations (Bull 2002). What if we observe an entanglement of liberal, partially liberal, and nonliberal ideational and institutional components that uneasily coexist thanks to legal ambiguity? Under these circumstances, we should first decipher the kind of order that exists before discussing how it develops and is challenged over time.

Order and Ordering

As the introduction to the special issue (Goddard et al. 2024) points out, “the degree to which the order proclaims liberal aspirations can vary across the international order’s diverse domains.” If the order in a particular policy domain is not predominantly liberal across the globe—even in aspirational terms—then it is hard to speak of *the* liberal order. And if there is no dominant ideational and institutional core, but rather different coexisting visions of how a policy domain should be organized, then it is even harder to speak of an order that creates stable predictions. Under these circumstances of weak liberal embeddedness and low legalization, ambiguous built-in tensions draw our attention to the ordering process rather than the order itself.

Moving away from the ontological certainty of an order and instead emphasizing the possibility of an ongoing process of order-making adds to current debates about what type of changes have occurred to the so-called LIO and the timing of those changes. Liberal institutionalists insist that the normative framework now known as the LIO came into existence with the end of World War II (WWII), when the United States sponsored several institutions. That order did not regress but instead expanded with the end of the Cold War and still informs international relations today (Ikenberry 2018). More materially inclined international relations scholars agree that the international order was liberal as long as the United States was the leading global power. As debates continue over how China’s rise in power challenges America’s preeminent position in the international system and when changes will happen (Kirshner 2012; Brooks and Wohlforth 2016), many scholars anticipate that US decline will weaken the liberal orientation of the international order. Liberal elements would cease to dominate internationally since normative standards are derivatives of power structures. Criticizing this Global North subjectivity,

constructivist scholars that subscribe to a global international relations perspective suggest that the order has become multiplex already (Acharya 2017) or that the order is unraveling (Cooley and Nexon 2020; Clausen and Albrecht 2021). They observe regional challenges to global liberal normative constellations.

If we allow for the possibility that liberal or any other set of ideational and institutional properties have never been the core of the order, but instead are part and parcel of negotiated and practiced compromises and the coexistence of competing visions of order—which are sustained by legal ambiguity both in terms of ideas and institutions—then we introduce the possibility that what we observe is dialectical ordering.

Ambiguity, Contestation, and Dialectical Ordering

In instances where several (potentially contradictory) ideas found their way into the order-making process from the start, it is theoretically possible that no single path exists for actors to follow. Instead, there are several paths in which different visions of order are being practiced and institutionalized by various actors. These multiple ordering paths together form a complex, nonlinear dialectical process. Therefore, it does not necessarily follow that there are either positive or negative feedback loops (see Goddard et al. 2024). These paths, which relate dialectically, might be reactive to one another but neither induce institutional stability nor “erode support for the institution” (Hanrieder and Zürn 2017, 100) because there is no one single set of institutions that is highly precise and codified.

Ambiguity creates space for continuous interpretative struggles and bargaining around international norms and rules that address not only substantive matters, but also procedural and institutional questions. This resonates with the findings of critical legal and public policy scholars. Many legal scholars argue that contestation is inherent to law. “If there is one thing that lawyers tend to agree on,” writes Jan Klabbers (2006, 295), it “is that invoking rules will not conclude a discussion” but rather start one. The application of any given rule to a concrete situation turns on mobilizing many implicit understandings (Kratochwil 2000, 40). In other words, the meaning of rules emerges from interpretation (Venzke 2012); so much so that some would define law as a constant competition to win interpretative struggles (Bourdieu 1987, 826; Venzke 2012, 63). In his book on how interpretation makes international law, Venzke argues that communicative practices are generative of meaning. Neither the legal text nor associated preparatory works provide an authoritative interpretation of any rule. Instead, actors argue about what the rule means in every application.

That ambiguity nourishes political processes is also widely accepted among public policy scholars. Public policy scholars such as Bruno Palier (2007, 99–100; see also Moynihan 2006) have looked into how polysemy—or the coexistence of many meanings—enables the coexistence of contradictory interpretations, circumventing strong opposition, and fostering viable policy compromises. Ambiguity, therefore, can enable rather than constrain policymaking; it is a productive technique of policymaking. This is arguably even more the case in international relations, where coalitions and policymaking simultaneously occur in multiple venues and organizations (Martel 2022, 18; Hofmann and Pawlak 2023).

Translated onto questions of global order, if ambiguous institutionalized compromises exist from the start, then they might be instances of “suboptimal institutionalized

cooperation” (Mantilla 2023, 2; see also Best 2012) if one adheres to a functionalist understanding of institutions as reducing transaction costs or dispersing global public goods. However, these compromises that are translated into legal ambiguity can inform and sustain the coexistence of ordering paths instead of reinforcing enmity among actors that fundamentally disagree with one another (Reus-Smit 2004; Kulick 2017). Contestation and dialectical ordering become the “order”-defining property.

Ambiguity provides a political space in which differences are practiced; it is not doctrinaire. It can enable the simultaneous coexistence of multiple ideational and institutional practices and interpretations. Some of these have liberal aspirations, while others do not. These visions of order look for organizational homes where they resonate, for example, because of similar cultural repertoires (Swidler 1986). Seen from a particular aspirational standpoint, this can either be understood as reinforcing or weakening a particular ordering path.

This does not foreclose the possibility, however, that taken together these differences can sustain dialectical ordering. As long as actors do not resolve the ambiguity, ordering takes place in an “order”-consistent manner. For example, actors can deliberately choose to keep several ideational and legal interpretations and operational practices alive in parallel, thereby pursuing “their” preferred option. Oosterveld (2014), for example, observed that parties refrained from interpreting the term “gender” to ensure that it was included in the International Criminal Court (ICC) Rome Statute. The existence of several organizational options can be used to reinforce dialectical ordering through the introduction of inconsistencies across these organizations (Raustiala and Victor 2004; Haftel and Hofmann 2019).

Challenges to dialectical ordering are ordering attempts that either completely disengage from the world stage by only acting in their sphere of influence or attempts to impose a final interpretation of when, where, and how use of force should be applied to establish a stable order. The former can be done through ROs or unilaterally. The latter challenges requires the dedication of hegemonic resources. How long-lasting either of these attempts are is uncertain. Mallard (2014), for example, observes that in the context of ideological oppositions, parties to the treaty-making process might engage in preemptive interpretation instead of allowing for ambiguity to inform the treaty text. This led to the destruction of the organization, in that particular case the European Defense Community.

Dialectical Ordering in International Conflict Management

What is liberal and what is order in international conflict management? As the special issue’s introduction suggests, we can study the degree of liberal embeddedness and legalized institutionalization to answer this question. To determine what kind of suborder emerges across activities that fall under conflict management, we therefore need to ask whether liberal ideas and aspirations are core, subordinate, or coequal to other ideas, as well as whether precise and codified liberal procedures sustain these ideas. I will first define liberal peace/interventionism before unpacking how the UN’s founders provided an ambiguous legal and normative space for the possibility of launching and mandating military operations that would “keep the peace” within and across countries based on Chapters VI, VII, and VIII of the UN Charter. Legal ambiguity, for example, regarding

the definition of threat, aggression, or the relationship between the UN and ROs, existed from the start, giving room for the expression and practice of multiple visions of order. While the UN mandated and launched peace(keeping) operations, these mandates represented compromises between different coexisting visions of order. Mandates would then be implemented in closer accordance with one vision or another, depending on which member states financed and led the operation. Over time, the UN also found itself confronted with new ROs and ad hoc coalitions acting in the name of different ordering visions (Reykers et al. 2023). The resulting dialectical order-making is sustained through the prominent role that China, France, Russia, the United Kingdom (UK), and the United States play in the UN Security Council (UNSC), through the calls by countries around the globe for greater inclusion in UN decision-making, and through the existence of ROs that enable actors to pursue their own vision of order, with or without a UN mandate. Deep changes in the global security environment—such as the end of the Cold War, the September 11, 2001, terrorist attacks (9/11) and the subsequent global war on terror, and the 2014/2022 Russian invasion of Ukraine—can weaken or reinforce some visions of order over others, at least temporarily. However, so far, neither a new ideationally and institutionally agreed upon order has emerged nor has the dialectical ordering disintegrated into its constituting parts (i.e. the contesting visions of order).

Liberal Interventionism and Other Visions of Order

Visions of order are ideational formations that rely on the construction of meaning. Meaning is constructed by relating values and norms to one another. Depending on the relationship, values can become ends in themselves or derivatives of others (Hofmann 2013). When it comes to the maintenance of international peace and security, actors define their visions of order mostly along the following questions: Who/what needs saving and defending, and how is this to be done? In this respect, liberal aspirations of order consider the following parameters: With reference to the questions of *what and who* needs saving and defending, liberal actors should generally respond to calls to keep the peace indiscriminately rather than privileging a particular political community that needs saving and defending. Humankind is the reference point in the liberal interpretation, as human rights equally apply to all humans. In this vision of order, sovereignty concerns are usually secondary.⁵ *How* should people be saved and defended? Procedurally speaking, liberals generally push for inclusive multilateral solutions (Ruggie 1992), understanding the use of force as a means of last resort. This also implies that in the case of (UN-mandated) military operations, these should include civilians (e.g., human rights officers) who can ensure that the operation follows liberal principles and institution-building standards.

Other visions of order relate to values such as human rights, political community, or sovereignty in different ways, thereby also reinterpreting their importance and meaning. Other visions also include additional values, such as social justice or development, either as ends in themselves or as the means to another end determined by preferred values. While their aspirations might be universal, as with liberal visions, these visions are communitarian ones not shared by

⁵This does not always have to be the case. Sovereignty can also be mobilized to call for independence and equal rights (Berger 2022; O’Malley and Thakur 2022).

all. Some of these visions are rooted in ideological affinities with political and economic liberalism (Helleiner 2016; Berger 2022). When looking to India, for example, Berger (2022, 836) observes that “both the postcolonial constitution and the transformed international order envisioned by Indian elites contain core components of the liberal script but are nonetheless not bare derivatives of its (maybe more familiar) enunciations in Western Europe and North America. Instead, Indian elites were the authors of interrelated ideas about domestic and international order that were neither firmly within nor unambiguously outside the liberal script but rather unfolded across its borderlines.” Other actors may emphasize the predominance of economic and social rights over other values, as China currently does with its developmental peace approach, for example.

Still others base their visions more on ethnic affinities, which recommend action regarding their kin, or on securing state authority and sovereignty in their perceived sphere of influence. They understand human rights (if they matter) to be socially constructed and shaped by cultural and environmental contexts (Terman and Búzás 2021). Such visions make saving and defending conditional on how the political community in need of help is defined. National sovereignty of allies and nonintervention in their affairs are dominant norms underpinning state action (Lei 2011; Hofmann, Bravo, and Campbell 2016). They do not see the use of force as a means of last resort, instead using it to impose their preferences—even if other avenues are available to them. This corresponds to Russia’s sphere of influence approach, for example.

As the following sections will show, when debating liberal ideas such as individual human rights for inclusion in the UN, other ideas were also introduced at the same time. For example, liberal ideas about individual human rights have always coexisted alongside other ideas such as sovereignty and nonintervention (Bellamy 2003), which can be associated with many different political projects and visions of order.

Ambiguity from the Start: Low Legalization and Weak Liberal Embeddedness at the UN

Even before the end of WWII, states were contemplating how to maintain international peace and security in the future. The most powerful states did so at conferences such as those held in Tehran, Yalta, and Potsdam. Some of what they discussed was about the creation of international institutions to prevent (another world) war. “World War II was the apogee of twentieth-century internationalism” (Sluga 2013, 79). These conferences culminated in the United Nations Conference on International Organization in San Francisco in 1945, where the UN Charter was debated. At this point, the idea of an IO that would replace the League of Nations “sat at the intersection of competing international aspirations and expectations” (Sluga 2013, 94). Liberal ideational and institutional aspirations rooted in human rights of the individual coexisted with other concerns rooted in both anti-colonial and national imperial ambitions, leading to ordering rather than order. Consequently, when the UN’s international peace and security infrastructure began to be set up after WWII, it was based on an ambiguous compromise between different aspirations and visions of order between strong actors such as the United States and the USSR, middle powers such as Canada and Australia, not yet independent India, and various Latin American countries that wanted to establish their own RO and enable collective

self-determination against imperial and neocolonial ideas (O’Malley 2020; Ravndal 2020; Tourinho 2021).

Since these governments would later become UN members, disagreements between them over the ideational disposition of a new order created to maintain international peace and security led to low liberal embeddedness from the start (Claude 1956). When looking at the ideational dispositions of the victorious powers and future UN member states, those with liberal formal constitutions who spoke in the name of liberal ideas cannot be automatically classified as liberal, given that they simultaneously spoke in the name of their colonies and expressed other imperial aspirations. American, British, and French liberal aspirations and contradictory illiberal behavior are well-known in terms of their pursuit of human rights (Klose 2013) and inclusive institutions (Viola 2020), for example. As a result, this paper is in line with scholarship that has argued that the “postwar order is a complex organizational ecosystem made up of co-constructed and contested global rules and institutions across domains” (Mantilla 2023, 5; see also Sluga 2020).

What degree of legalization in international conflict management did the UN Charter foresee? The degree of legalized institutionalization is revealed by looking at the textual precision and legal obligations of the codified rules that underpin ordering (see the special issue’s introduction). Much has been written about the UN’s right to authorize the use of force, how precise it is, and what kind of obligations it formulates. The bottom line is that it is not precise, nor does it formulate clear obligations. Instead, conflict management activities are operations of choice. Whether the use of force is broadly or narrowly interpreted is not regulated.

AMBIGUITY AND LOW LIBERAL EMBEDDEDNESS

These different stances manifested themselves in the drafting process of the UN Charter. While Roosevelt hoped at the time that the UNSC Permanent Five (P5) (China, France, the USSR, the United Kingdom, and the United States) could become the world’s policemen [*sic*], tensions were visible from the beginning. During the drafting of the UN Charter, the definition of what constitutes a *threat to international peace and security* was contested (Simma et al. 2012, 1279, 1291). Actors agreed to Chapter VI, which briefly discusses under what conditions the “*peaceful settlement of disputes*” can occur (Article 33–38), and Chapter VII to determine “*action with respect to threats to the peace, breaches of the peace, and acts of aggression*” (Article 39–51).

As international lawyers such as Cot, Pellet, and Forteau (2005, 1417) observe in their commentary on the UN Charter, what responsibilities and obligations might fall under Chapters VI and VII was therefore kept ambiguous. In short, the legal line that defines the military use of force was never clearly demarcated. It is precisely this openness to interpretation that allowed actors such as UN Secretary General Dag Hammarskjöld and UN diplomat Ralph Bunche to impact the development of order-making around the use of force in the 1950s. This ambiguity permitted peacebuilding and peacekeeping activities (Chapter VI) to expand to include peace enforcement activities (Chapter VII).

Other relevant ambiguity at this early stage involved clashing definitions of *peace and aggression*. “The notions of peace, breach of the peace, and aggression are notoriously ill-defined. . . the notion of aggression has remained so contentious that a 1974 General Assembly resolution that purported to define—and so clarify—aggression with a view to assisting Security Council decision-making still remains controversial” (Brunée and Toope 2010, 319). In addition, there

were also “persisting tensions. . . especially in relation to the scope of exceptions” (Brunée and Toope 2010, 272). This later encouraged some actors to reinterpret rationales for the use of force to argue for the inclusion of human rights abuses as dangerous to world society.

AMBIGUITY AND LOW LIBERAL LEGALIZATION

From the beginning, the UN’s relationship to ROs was an issue, one mainly raised by South American states. Controversy around what kind of force can be used to keep peace, who can use it, and under what conditions also raised the question of how the UN relates to ROs able to fulfill such conflict management mandates. Ambiguity surrounding the *division of labor and responsibilities* is inherent in order-making. The UN Charter is ambiguous when laying out the role and primacy of the UN *vis-à-vis* ROs in maintaining international peace and security (Cot, Pellet, and Forteau 2005; Simma et al. 2012). Considerable tensions exist stemming from competing claims in the Charter: For example, Article 33(1) and 52(2) can be interpreted as giving priority of action to regional arrangements (which are never clearly defined), while Articles 34 and 35 (together with the general Charter authorizations of Articles 24 and 39) can be interpreted as giving primacy to the UN, particularly the UNSC. In other words, “Article 103, though making the supremacy of the United Nations explicit, does not clarify the actual global-regional balance of obligations” (Henrikson 1996, 43). As Christine Gray (2018, 387) observes, the articles constituting Chapter VIII are known for “doctrinal disagreement over their interpretation: on the meaning of “regional arrangements or agencies” and of “enforce action”; and on the question whether ROs should have autonomy regarding the use of force.” As Simma (1999, 4) observes, “One especially dubious example is the view that failure of the Council to disapprove regional military action could amount to (tacit) authorization. In view of the veto power of the permanent Council members, this is a specious argument. On the other hand, an interpretation of Article 53 para. 1 does in good faith leave room for the possibility of implicit as well as *ex-post-facto* authorization.” Commenting on the UN Charter, Simma et al. argue that “The language of Art. 53 (1) does not prescribe express authorization. This can be taken as that supporting the view that implicit authorization is possible, but it could also point in the opposite direction because of the SC’s dominant role under the Charter” (Simma et al. 2012, 1503). Given this ambiguity, “competition has been engendered. The Charter itself imposed no system for enabling the world and ROs to function together and to act jointly” (Henrikson 1996, 42).

In terms of institutional liberal properties within the UN, the decision-making rules around the use of force can hardly be described as liberal and inclusive. Instead, they reflect the victorious power status after WWII. In 1945, it was settled that the UNSC—a body that only includes selected few UN member states—would be the main UN organ responsible for the maintenance of peace and security. In addition, UN Charter Article 27(3) grants the P5 both permanent membership and veto power (excepting procedural questions).⁶ These veto powers were partly installed based on Stalin’s insistence, as he was suspicious of the organization (Haslam 1989). There were some changes over the years: The China of 1945 was a liberal-identified republican

entity, whose seat changed to the Communist-party-led People’s Republic of China in 1971.⁷ In addition to the P5, the UN General Assembly (UNGA) first elected six additional members and, since 1963, ten additional members (E10) for a period of two years. These ten additional elected members are voted on by different regional groupings to try and ensure representation of different world regions.

Dialectical Ordering during the Cold War: Ambiguity Is Productive

International efforts to maintain international peace and security existed before the UN (and the League of Nations), but many did not center around the approval and coordination of an international body. While the League of Nations was the first general-purpose IO, it only once organized a collective military force, the Saar force. Other than that, it launched fact-finding missions, such as when Japan attacked Manchuria in 1931, established sanctions; such as when Italy attacked Ethiopia in 1935; and managed territories that were disputed, such as in Trieste (Diehl and Balas 2014, 31–2).

After the UN was created, the UNSC P5 members contributed to the Cold War’s rapid escalation. Postcolonial states learned to navigate in an imperial and bipolar world, and during that period, it was them alongside liberation movements and so-called liberal states that pursued different and partial liberal visions of order (Berger 2022). Liberal ideas about rights and institutions coexisted with Cold War and imperial ideologies. One of the first instances was the Korean War, which began in 1950. The Korean War exemplifies different visions of order, held in particular by the USSR and the United States, around the maintenance of international peace and security. UN military force was only authorized because the USSR was absent from UNSC deliberations since, at the time, it wanted Communist China to represent China in the Security Council seat. When the USSR came back to the Council, it blocked any further resolutions and possible peace enforcement measures.

To circumvent future Soviet vetoes, the United States introduced the idea that the UNGA can act nonbindingly on questions of peace and security when there is a UNSC veto—the so-called “Uniting for Peace” resolution passed on November 3, 1950. At this time, the UNGA was fifty-nine members strong, with many aligned one way or the other with the United States rather than the USSR. While the United States viewed the UNGA as an opportunity to avoid the UNSC when it was being held hostage by the USSR, the United States later argued against the use of the UNGA when Arab member states attempted to use the UNGA route, arguing that this would violate UNSC primacy. This is arguably why the mechanism has only been used thirteen times between 1951 and 2022.⁸

The “Uniting for Peace” resolution was used for the first time against French and British vetoes to intervene in the Suez crisis. It was this operation that would enable peacekeeping operations. A UNSC stalemate led to UNGA Resolution 998, authorizing armed military intervention to perform peacekeeping functions in an interstate conflict. As Carl Bildt (2011, 6) observes, “When the Suez Crisis erupted in 1956, the United Nations Charter did not contain any

⁶As of May 2023, the USSR/Russia used the veto 150 times, the United States 86 times, the United Kingdom 32 times, China 19 times, and France 18 times (Security Council Report 2023, 3). France and the United Kingdom have not used the veto since 1989.

⁷This switch was accomplished by UNGA Resolution 2758, which passed by a vote of seventy-six member states for the switch (including the USSR, France, and the United Kingdom), thirty-five against (including the United States), and seventeen abstentions.

⁸Four times in the 1950s, twice in the 1960s, once in the 1970s, four times in the 1980s, once in the 1990s, and once in 2022.

provisions for using impartial and armed UN forces to stabilize fragile situations. It still does not—but neither has it ever barred such arrangements.” At the time, UN Secretary-General Hammerskjöld, Canada’s Foreign Minister Lester Pearson, and UN diplomat Ralph Bunche were the main actors pursuing a creative interpretation of the UN Charter. In terms of ideational properties, Chapters VI and VII were reinterpreted so that peacekeeping—or the nonviolent use of military force to keep peace between warring actors—could become an authorized response to both interstate and intrastate conflicts. These operations were often referred to as Chapter 6.5 operations.

Between 1948 and 1978, the UN launched thirteen such operations in places such as Cyprus or the Israeli–Egyptian border before becoming inactive for a decade. Not only can the occurrence of (let alone compliance with) liberal ideas and norms be questioned during this period, but so can their geographical reach as the UN kept out of the American and Soviet spheres of influence.⁹ While the USSR made use of such values as social justice and self-determination to create coalitions that would vote in their favor, Global North actors emphasized national prerogatives and sovereignty rights. Many arguments that resonate with political liberalism came from Global South actors and were made powerful during decolonization. These actors combined ideas around sovereignty and human rights to demand independence from colonial rule and equal treatment among states. The 1960s in particular are an example of the hypocrisy of so-called liberal actors who did not want the self-determination and liberation of others. Who speaks in the name of liberalism, who is a liberal, and who uses that label can be difficult to determine and change over time (O’Malley and Thakur 2022).

Attempting a Global North-Sponsored Liberal Order with the End of the Cold War

With the end of the Cold War, it was mainly actors from the Global North that began to voice liberal aspirations more forcefully, trying to settle ambiguities and impose hegemonic interpretations of order in matter of international peace and security. This attempt to settle the ambiguities that had until then informed ordering by introducing more liberal interpretations of conflict management could have replaced the perpetual ordering toward constructing a more stable order with a clear rule set. Instead of changing the order-making process, however, it generated more contestation as attempted impositions did not materialize.

In the 1990s, liberal visions of order rooted first in human rights and eventually human security informed the discourse on interventions, making their way into UN resolutions across ideological divides (Finnemore 2003; Paris 2010). In other words, the order-making process took on a liberal bent, although in a nonbinding form rooted in uncodified norms and practices. Actors with a liberal vision of order increasingly introduced more and more language into resolutions where the use of military force was mentioned in combination with civilian liberal ideas of institution-building (Thakur 2006). Aspirations for liberal peace and liberal interventionism are based on the understanding that ensuring international peace and stability requires multilateral actors to not only help stabilize the conflict region but also facilitate and accelerate sustain-

able peace processes. This is done by institutionalizing good governance norms that resonate with the liberal paradigm (Abrahamsen, Andersen, and Sending 2019). In turn, this implied sending out troops accompanied by civilian forces, first done in the United Nations Operation in the Congo (ONUC) in the 1960s, when it was called neither humanitarian nor liberal. With the end of the Cold War, many so-called liberal actors described such interventions as humanitarian and multidimensional. They also tried to introduce social norms such as the responsibility to protect (R2P). Diplomatic skill helps explain how diplomats successfully included such language in subsequent UN resolutions (Adler-Nissen and Pouliot 2014; Clausen and Albrecht 2021).

This liberal moment was reinforced institutionally, as many of the operations were mandated to and/or executed by NATO and the EU. The liberal moment occurred at a time when there were persistent demands for peace operations, which “overburdened, underfunded and overstretched” the UN (UN 2010). This is not to say that these organizations are per se liberal, but given their membership, liberal aspirations often were part of their political and operational setup. At the time, there were not many other regionally organized contenders that could effectively contest the liberalization of peace operations.

Despite these attempts and aspirations to at least partly imbue conflict management with liberal values, both ideational and institutional contestation persisted. One example is NATO’s intervention in Kosovo and the subsequent UN mission. The NATO military intervention in Serbia in 1999 occurred without a UNSC resolution, contesting the UN Charter by breaching it. The P5 pursued their different visions of order. China and Russia opposed a military intervention, arguing that the operation was built on humanitarian hypocrisy, but NATO intervened anyway, arguing on humanitarian grounds. Both sides used the UN Charter and Articles 39 or 51 for their own purposes.¹⁰ Once the intervention was over, all actors involved looked to the UN to manage “post”-conflict Kosovo. Neither China nor Russia opposed the UN resolution that enabled the postintervention UN involvement in Kosovo. However, this resolution reflected their different visions of order, making use of the legal ambiguities discussed earlier. The UNSC adopted Resolution 1244 in 1999, which provided a legal framework under which Kosovo formally could be kept in limbo. Resolution 1244 was a compromise between visions that wanted to confirm the “sovereignty and territorial integrity of the Federal Republic of Yugoslavia” and more liberal preferences for “substantial autonomy and meaningful self-government” (UN/S/RES/1244) for Kosovo. This compromise solution led many to observe that the resolution was “contradictory” (Judah 2008, 94) and “unfortunately . . . contain[ed] conflicting statements” (Stahn 2001, 541).

Actions that fall under liberal interventionism and peace were an attempt to resolve ambiguities and introduce a liberal core to global order-making (Joshi, Lee, and MacGinty 2014). It was a temporary attempt to universalize liberal interpretations of the use of force in dialectical order-making. Depending on an actor’s own vision of order, this liberal order attempt stands for either liberal reform (when seen from a liberal perspective) or liberal counter-institutionalization (when seen from a nonliberal one). Actors that are commonly referred to as nonliberal at times

⁹When conflict emerged in their spheres of influence in the end of the 1970s, such as in Afghanistan or Grenada, the United States and the USSR did not see eye-to-eye on an operation.

¹⁰China wanted a legal opinion, but the United States and United Kingdom blocked this in the UNSC. Interview with a Senior Legal Officer, Office of Legal Counsel, Office of Legal Affairs, United Nations, New York City, January 23, 2014.

agreed with these moves and at other times countered them—overall sustaining dialectical ordering.

DIALECTICAL ORDERING CONTINUES

While other ordering aspirations arguably were in the background in the mid-1990s, soon thereafter they reemerged more forcefully both in the UN and in different organizational forms, such as ROs and ad hoc coalitions (Reykers et al. 2023). Despite its global aspirations, the liberal moment did not become the dominant paradigm either in terms of ideational embeddedness or institutional legalization. Instead, the core of international conflict management has remained dialectical ordering, with its nonlinear properties.

Contesting Ideational Aspirations and Properties

If we look at liberal ideational aspirations, they are not shared by the entire UN membership, nor were they dominant throughout the order-making process. The UN's decision-making rules assure that liberal ideas are confronted by competing ideas about what order should look like at all times. For example, European representatives must negotiate the on-the-ground placement of any human rights officer attached to a peace operation in the UNGA's Fifth Committee (administrative and budgetary questions) and are often compelled to make concessions to China or Russia in exchange: "Since 2017, China has tried to use its financial leverage in peacekeeping budget negotiations to cut the number of U.N. human rights officials attached to U.N. missions. While Beijing has only succeeded in deleting a handful of these posts, U.N. officials fret that China will take further steps to limit U.N. missions' support for 'liberal' values, including policies to address sexual violence in conflict and protect women's rights" (Gowan 2020).

China today criticizes the liberal peace template as a one-size-fits-all model that is insensitive to local variations and is trying to reduce or prevent the inclusion of human rights language in UN resolutions (Howard 2021). China instead prioritizes state sovereignty (Lei 2011), and so does Russia. This stance also receives support from many African governments: "African actors embrace robust protection, stabilization and counterterrorism activities, which China is willing to support within a 'developmental peace' framework, as long as state sovereignty is respected—priorities many African actors share" (Coleman and Job 2021, 1468).

Not only do other actors criticize liberal aspirations, but they also pursue their own attempts to impose order on the global ordering process, both through conflict management operations and through acts of aggression—especially coming from P5 members such as China and Russia. Both China and Russia contest liberal ordering paths within the UN as well as regionally through the Shanghai Cooperation Organisation (SCO), the Collective Security Treaty Organization (CSTO), or the Belt and Roads Initiative (BRI). Russia also engages unilaterally according to its own interests and contests the liberal ordering paths much more aggressively than China (He 2017; Lewis 2022). For example, in the 1990s, Russia mediated ceasefires at the South Ossetian and Abkhazian borders with Georgia and used multilateral peace operations to assure these ceasefires. Protection of civilians and other values ascribed to the liberal paradigm were not enacted. Instead, this conflict management activity departed considerably from liberal practices (MacFarlane, Minear, and Shenfield 1996). It also demonstrated CSTO readiness when the President of Kazakhstan, Kassym-Jomart Tokayev, asked for CSTO support in protecting state facilities from protesters in January 2022 (Dyner 2022).

After Russia invaded Ukraine in a full-scale war in February 2022, the different visions of order have only sharpened. For example, the subsequent three nonbinding UNGA resolutions demonstrate that the world does not share the same understanding of when, where, and why force should be used. Consequently, UN member states are not united in their condemnation of Russian aggression, even where the use of force has not been used in the spirit of the UN Charter. ES-11/1 (March 2) demands that Russia "immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders." Of those countries present, it recorded 141 yes votes, 5 no votes, and 35 abstentions. The next two resolutions received less support. A resolution demanding aid access and civilian protection in Ukraine received 140 yes votes, 5 no votes, and 38 abstentions. The resolution to suspend Russia from the Human Rights Council got ninety-three yes votes, twenty-four no votes, and fifty-eight abstentions. At this stage, the Russian deputy permanent representative accused other states—presumably the liberal ones—of hypocrisy, claiming that they have "directly been involved in blatant and massive violations of human rights, or abetted those violations . . . In spite of their membership as members of the Council, they are not ready to sacrifice their short-term political and economic interests in favour of true cooperation and stabilizing the human rights situation in certain countries" (UN News 2022). This is not the first time that the Russian government accuses others of hypocrisy, often in a style that resembles a parody (Burai 2016). Russian support comes from countries around the globe. Their support or nonengagement can at least be partially explained by their reluctance to embrace the liberal paradigm and their perception of its hypocritical use by its loudest proponents (Finnemore 2009), as well as grievances against liberal paternalism. The so-called liberal order and everything that comes with it does not permeate conflict management. Instead, the world looks different from the transatlantic perspective or the Russian perspective—or from the vantage point of the Global South.

Although less openly confrontational, China is also contesting the liberal ordering path with its "development peace" (He 2017) approach. China started participating in peace operations in 1989; since then, it has become more active in UN-led peace operations and begun developing expertise in this policy domain (Gowan 2020). China is today the largest troop contributor among the P5. It also has contributed to peace operations through its China-UN Peace and Development Fund (Fung 2016). Following its "development peace" approach—which it proclaims in the UN, in the SCO, and through the BRI—China stresses respect for territorial integrity and host government consent while emphasizing economic development and social stability rather than individual human rights and liberal political reform. This, for example, is reflected in its first white paper on the issue,¹¹ "China's Armed Forces: 30 Years of UN Peacekeeping Operations" published in September 2020, where China lays out its own definition of a global security provider (The Diplomat 2020).

Actors who see themselves as liberal have reassessed their liberal aspirations. A liberal core aspiration is very costly to consistently act upon, even for actors that would consider themselves liberal (de Coning 2021). Interventions that have received the liberal label are both few in number and selectively chosen (Brunée and Toope 2010, 320); there is no automatism for liberal actors to keep peace

¹¹Before that, China mentioned peace operations in its defense white papers.

everywhere where armed conflict has brought death and unrest. Instead, scholars observe inconsistency and hypocrisy among so-called liberal actors (Bellamy 2003). In addition, “the United States, which was very active in terms of humanitarian intervention in the 1990s, has had an unhappy decade and a half of war and nation-building in Afghanistan and Iraq. Both the United States and Europe have experienced severe economic downturns, resulting in fierce domestic demands to fix the economy first. The appetite for engagement has decreased sharply” (Crocker, Osler Hampson, and Aall 2014; see also Clausen and Albrecht 2021).

Actors associated with liberal ideational aspirations also do not always invoke liberal norms and principles to justify an intervention. The United States used force without a UNSC mandate, for example, with the 2003 Iraq invasion. Also, since the UNSC has included the fight against terrorism and extreme violence to its responsibilities in 2001—while not resolving the UNGA’s problem of defining these threats (Rosand 2006)—the UNSC has passed ambiguous resolutions that mention the use of “all necessary measures” (usually code for the use of force) when determining a terrorist threat, but do not mention “acting under Chapter VII”. This is, for example the case of Resolution 2249. According to Akande and Milanovic (2015), that resolution “is constructed in such a way that it can be used to provide political support for military action, without actually endorsing any particular legal theory on which action can be based or providing legal authority from the Council itself.” Another example has been the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), which marked the first time counter-terrorism was included in UN peace operation activities—making the UN a party to the conflict (Karlsrud 2017). UN member states hotly debated this point, with many wondering whether it should be a UN responsibility at all.

Contestation is persistent but also leads to negotiated and complex outcomes such as resolutions. Despite these differences, even in a very contentious year such as 2022, fifty-four resolutions passed, one third of them not unanimously (Security Council Report 2023, 14); this was “the highest proportion of non-unanimous resolutions in the last ten years . . . For the first time since it was established in 2013, the mandate of the UN mission in Mali, MINUSMA, was not renewed unanimously. Russia and China abstained, citing as a concern, among other things, the prominence of human rights issues in the mandate” (Security Council Report 2023, 15). Since this quote was published, the Mali operation was ended.

Contesting Institutional and Legal Aspirations and Properties

Not only are the ideational properties of the order-making process continuously contested, but so are the institutional ones, both in terms of the rules governing the decision-making around the use of force and the interorganizational relationship between the UN and other crisis managers.

In terms of the legal framework around the global decision-making process around the use of force, international lawyers have observed “small shifts in the rules governing the use of force” (Brunée and Toope 2010, 271). In particular, the UNSC has been a target of this predominantly egalitarian and liberal contestation. UN member states other than the P5 want to be more equally represented in the highest decision-making body, which still reflects the geopolitical realities of the late 1940s and not any demographic or geopolitical changes related to decolonization and the end of the Cold War, for example. Several reform

processes have been established, some more successful than others. Overall, they enable the parallel existence of formal nonliberal decision-making structures and more liberal and inclusive informal ones. Contestation persists, further informing the nonlinear properties of dialectical ordering.

Initiatives took shape where different coalitions from around the world—whose regimes have been labeled democratic or authoritarian (e.g., the Group of Four or the Small 5)—along with a high-level panel tasked by the UN Secretary-General and an UNGA Open-Ended Working Group (OEWG) established in 1993, have all asked for and debated institutional changes, such as the enlargement of UNSC membership or changes in its working method. These debates brought “into the open a number of important issues regarding the Council’s working methods and seems to have been indirectly responsible for a slow but steady evolution in those methods” (Security Council Report 2007) that allows for greater inclusion of some states. Examples of these nonbinding changes are, for example, the UNSC’s reactivation of the dormant Informal Working Group on Documentation and Other Procedural Questions (IWG) in 2006. This launched a process of Notes. Notes are adopted by consensus and are drafted in aspirational terms (Security Council Report 2018). For example, Note 507 on the Security Council’s working methods (S/2006/507) addresses meetings outside the formal structures as a “flexible and informal forum for enhancing their deliberations” (so-called Arria-formula meetings), co-penholdership, and the ways in which the Council compiles its accepted practices and makes this document publicly available. This creates an institutional memory that goes beyond the P5. One former ambassador of an elected member of the UNSC observed that “the issue of reforming its working methods is much more important—and more urgent—than expanding the membership. Working methods sound obscure and boring—but that is exactly how the P5 like it. Technicality and obscurity have combined, over the years to give them a practical monopoly on how the Council organises its work” (Security Council Report 2008). “As divisions in the Council deepened, this format became increasingly popular as a way of discussing more controversial issues and of amplifying partisan views” (Security Council Report 2023, 12); these “Arria-formula meetings [can be seen] as a battleground for competing narratives” (Security Council Report 2023, 13)—and they continued to be used after Russia’s invasion of Ukraine. However, not much consensus exists around these issues that could bring about legal change (UN 2012).

While these decision-making changes are ongoing in the UNSC, the role of the UN as a crisis manager is becoming more and more contested. Especially since Russia first invaded Ukraine in February 2014 and occupied Crimea, before attempting to invade all of Ukraine in February 2022,¹² the UNSC has been more and more sidelined. This has effectively prevented the UN from launching new operations since 2014.¹³ Based on a procedural matter (which cannot be vetoed and only needs a simple majority), the UNSC could, however, convene an emergency UNGA session to condemn the Russian invasion. The motion passed with eleven votes in favor, one against (Russia) and three abstentions (China, India, and the United Arab Emirates). This underlines the argument that neither liberal, partially

¹²The invasion was deemed illegal by the International Court of Justice, although this judgment matters more to eventual reparations than to the use of force and its organization.

¹³On procedural grounds, this debate revived an old proposal made by Liechtenstein, enabling the UNGA to vote whenever there is a veto in the UNSC.

liberal nor illiberal reform, subversion, or reordering are globally embraced.

With more ROs and ad hoc coalitions emerging around the globe willing and marshalling resources to militarily intervene, more visions of order can be operationalized. With more diverse ROs conducting peace operations, additional space is created for different understandings of conflict management and order.¹⁴ In the 1990s, the UN Secretariat tried to orchestrate the relationship with other crisis managers. Nonbinding changes have occurred with regard to the UN–RO relationship.¹⁵ Since 1994, UN Secretary-Generals have been meeting with ROs on an annual basis. At the time, the UN was acting on the understanding that it could not handle the demand for peace operations alone, thereby emphasizing Chapter VIII of the Charter (Ban 2014). Many high-level reports and Secretary-General reports called for a stronger relationship between the UN and ROs at the time (Gray 2018, 390). For example,

DPPA [the Department of Political and Peacebuilding Affairs] has also developed with partner organizations a series of regular “desk-to-desk” dialogues designed to improve understanding of how the different institutions work, improve channels of cooperation, and develop recommendations in that regard. “Desk-to-desk” dialogues and regular communication and consultation are on-going with organizations including the African Union (AU), the European Union (EU) and the Organization of American States (OAS). DPPA also holds a similar annual staff-level meeting with relevant officers of the Organization for Security and Co-operation in Europe (OSCE).¹⁶

However, as observed by the 2015 Report of the High-Level Independent Panel on Peace Operations on Uniting Our Strengths for Peace, Political Partnership and People (2015, 28–9), ROs may be knowledgeable about regional conflicts but are also potentially biased toward certain conflicting parties: “regional and subregional entities bring long-standing relationships, depth of understanding and determination, and often a willingness to respond. However, they also bring interests, some of which carry potential risks to managing conflicts impartially.” Some ROs—such as the Economic Community of West African States (ECOWAS), the African Union (AU), the SCO, or NATO—have acted without a UNSC mandate or defined lower thresholds for the use of force (e.g., the AU’s Constitutive Treaty). If ROs want to engage without UNSC authorization, they can argue either in terms of (i) self-defense (Article 51), (ii) “residual authority” from previous UNSC mandates, as the United Kingdom and the United States did with respect to their Iraq intervention,¹⁷ or (iii) challenge the UNSC’s primacy more openly, as the AU, subregional African ROs, or Russia have done. It is difficult to resolve these tensions when ambiguities persist about the relationship between the UN and ROs, as well as about the use of force.

¹⁴For example, Lobel and Ramer (1999, 125) observed that the “‘contracting out’ mode leaves individual states with the wide discretion to use ambiguous, open-textured resolutions to exercise control over the initiation, conduct and termination of hostilities.”

¹⁵UN organs have refrained from asking UN legal experts to interpret the UN–RO relationship, thereby keeping ambiguity unsettled. Most parties deem it too political. UN legal advisors only give a legal opinion if asked to do so by an organ, i.e., they do not work for member state purposes. Interview with a Senior Legal Officer, Office of Legal Counsel, Office of Legal Affairs, United Nations, New York City, January 23, 2014.

¹⁶<https://dppa.un.org/en/partnerships-and-cooperation>.

¹⁷Interview with Senior Legal Officer, Office of Legal Counsel, Office of Legal Affairs, United Nations, New York City, January 23, 2014.

Since the Russian invasion of 2022, we have observed even less uniform and orchestrated legalization over time. Next to ROs, ad hoc coalitions have become the primary mode of launching military operations that intervene in armed conflicts and act on the basis of host governments’ invitation rather than seeking authorization from the UNSC. These ad hoc coalitions do not necessarily follow a liberal vision of order when fighting perceived terrorists, such as in northern Mozambique, eastern Democratic Republic of Congo, or Lake Chad (Reykers et al. 2023). Whether we observe a paradigm shift that not only sidelines the UN and its Charter completely, but also scales back liberal aspirations more permanently is too early to tell. For the moment, crisis management activities remain entangled in a dialectical fashion, where different visions of order coexist very uncomfortably with one another.

Conclusion

Who, when, where, and how to intervene in an armed conflict remain highly contested issues. As contestation among powerful actors persists, order-making in the policy domain of international conflict management has remained dialectical. The use of force in conflict management remains characterized by a “lack of agreed-upon definitions, criteria and thresholds for application” (Schmitt 2013, 42), and this legal ambiguity maintains a pluralistic political space where several visions of order uncomfortably coexist.

Ambiguity in international conflict management does not provide for a contained site of contestation or a predictable path of gradual ideational and institutional change—especially as organizational alternatives exist—but instead recognizes and opens the door for diversified regional and national interpretations and practices of ideas and organizations. When it comes to the use of force, ordering does not impose a (formalized) clear and specific division of labor between the UN, ROs, or ad hoc coalitions, e.g., based on comparative advantages. Legal ambiguities often permit actors to pay lip service to internationally codified norms (e.g., Chapter VII) while also pursuing regional projects. This is contrary to liberal assumptions of agreed upon basic rules that delimit the space and practices of contestation.

Resolving ambiguity is controversial and order(ing)-disrupting, especially as these ambiguities have been instrumentalized for decades and have reinforced nonlinear and dialectical processes. While dialectical order-making rooted in ambiguity persists, we nonetheless observe changing dynamics over time as actors try to pursue or impose their visions of order. The above discussion has shown that geopolitical actors in the Global North and the Global South pursued different liberal, partially liberal, or nonliberal agendas over time. Only when liberal agendas were pursued by powerful actors, did they even have a chance to change the ordering to a more robust order. Given shifting geopolitical and geoeconomic relations and China’s more assertive positioning on the international stage, it remains to be seen who, how, and where will pursue an agenda of inclusion in decisions-making structures without necessarily adhering to the protection of individual rights.

As long as actors engage globally with one another and legal ambiguity persists, liberal ordering aspirations and properties (among others) will continue to coexist and interact with others, both in terms of ideational content and procedural rules. This ongoing dialectical process of ordering provides a form of stability by enabling different visions of order in and over time.

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