



**UNIVERSITY OF NAIROBI**

**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

**THE ROLE OF THE UNITED NATIONS IN POST-COLD WAR  
INTERNATIONAL PEACE AND SECURITY: A CRITICAL  
ASSESSMENT OF THE CONCEPT OF COLLECTIVE SECURITY**

**BY  
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## DECLARATION

I, Jarso Gufu Boru, declare that this dissertation is my original work and has not been submitted for a degree in any other University.

Signed \_\_\_\_\_  
Jarso Gufu Boru

Date \_\_\_\_\_

This project has been submitted for examination with my approval as University Supervisor.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Dr. Ibrahim Farah

## **DEDICATION**

To my two daughters and wife for making my life complete and to my parents for having played a significant role in my social and cultural upbringing.

## **ACKNOWLEDGEMENT**

I wish to thank Allah (SWT) for having granted me good health for protecting me from harm during the entire study period. I extend my sincere gratitude to my supervisor, Dr. Farah, who dedicated his time reading and commenting on the progress of this project up to its completion. Many thanks to my family, wife, brothers and parents for their moral anchorage during the entire study period. I highly appreciate the help of all those who informed my research during the one-on-one interviews.

Allah blesses you all.

Jarso Boru Gufu

Brazil, November 2013.

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## **ABSTRACT**

This study will provide an overview of the role of the United Nations collective security system in post cold war international peace and security. This entails critical assessment of the underlying concept of collective security, and evaluation of the challenges and achievements of the system. The research will use a conceptual framework of collective security paradigm in analysing the problem. The central idea in this concept is that the cooperation of the states is sustained on the notion of 'one for all and all for one'-that an aggressor will be stopped by the superior force, that will come from the amalgamation of states powers. The study establishes that the creation of the universal collective security arrangement was not a panacea to the global security problem as expected. Rather the spirit of 'one for all and all for one' as professed by the proponents did not actualize, but instead states became more atomistic and egocentric in their approach to universal obligations. This situation rendered the United Nations collective security unable to effectively respond to international peace problems. The study obtained relevant data from primary and secondary sources to try and understand the problem. The data collection method applied was mainly desk study, library research; Internet based research, and participation in some relevant seminars. Data was also acquired from various primary sources through participation in various meetings of policy nature, and intergovernmental negotiation forums.

## **CHAPTER ONE: INTRODUCTION TO THE STUDY**

This study intends to critically appraise the role of the United Nations (UN) in post-cold war international peace and security. The research is premised on the assumption that the system of the United Nations was built on the principles of collective security. This arrangement obligates the contracting parties to pledge to stand together in confronting any state or organization that will attempt to disturb peace and security. This study will provide an overview of the United Nations collective security system by assessing the practicality of the underlying concept of collective security and also examine the challenges encountered by the system in tackling post-cold war peace and security problems.

The concept of collective security informed the formation of the functional subsystem of the United Nations organization. Ingrained in the Charter of the United Nations, it formed operational structure of rules and procedures of the organization. Under this arrangement the world leaders envisaged to prevent recurrence of the catastrophic wars that ravaged the world twice before, and try to replace the archaic political drives of the balance of power system with the new order.

However, the study notes that the conceptualization of this noble idea did not provide ultimate solution to international peace problem as anticipated. Empirical record has shown a different picture. To the disappointment of the founding fathers, the system lacked energy to handle its core function of maintaining international peace and security. As exemplified by the failure of the League of Nations, which was established under the Versailles Treaty in 1919, to maintain interstate peace. It proved incapable of preventing the occurrence of the World War II (WWII) of 1930-1945.

Albeit the challenges it faced, the concept of collective security has remained relevant to the present time. Additionally the advent of the League was invaluable in epitomizing the emergence



of the modern collective security system. After its exit in 1930, the United Nations took form. During this time the vigour and expectations were higher. The number of proponents of the idea had increased, making it more universal. However, the problem of maintenance of international peace and security remained persistent. Despite high level of modernization attained, with the additional impetus of stronger leadership of the United Nations Security Council (UNSC), the answer to the question of effective maintenance of international peace and security remained unanswered.

In the backdrop of this unfulfilled expectations and continued peace and security problems, this study will discuss in detail the role played by the United Nations collective security system to avert this unprecedented impediment to growth and social development of the states. It will particularly provide a closer look into the interventions and responses of the system to the emerging breed of post cold war threats to international peace and security.

## **1.1 BACKGROUND TO THE STUDY**

The entirety of United Nations collective security system (UNCSS) conception is a culmination of an international political process driven by the need for peace and stability. The search for a solution to international peace problems evolved from the time of the Peace of Westphalia of 1648 through to current international arrangements.

A modern form of these systems emerged after the advent of Westphalia Treaty that transformed the international political scenario by creating decentralized state entities. These new creatures assumed sovereign power on behalf of the people, and sovereignty became the basis on which states galvanized power and authority. That process of formation of states is conceived as a collective response to anarchy and the institutions were created to protect the survival of humanity from the effects of state of anarchy. Overtime the behaviour of states became a threat to the

survival of humanity as struggle for power and resources took effect. States evolved into untenable power seekers.

To mitigate the effects of raging anarchy, liberalists envisaged the possibility of cooperating and integrating states to form a universal collective security system. This was borrowed from ancient Greece society, in which a council was created to oversee peace and regulate actions by obligating parties to assume responsibility of not to destroy cities nor cut off their streams, in war or peace and if any should do so, members will march against the aggressor.<sup>1</sup>

However, realist philosophers refuted feasibility of states cooperation under anarchy. They argued that under anarchy states are preoccupied with security and power, and they do not entrust their security to anyone. They also argued that the anarchical situation is self-regulating through balance of power system; where power balances power through strategies such as the arms race, strengthen military forces, forming alliances and counter-alliances, which maintains system equilibrium, as witnessed in the Concert of European of 17<sup>th</sup> century.<sup>2</sup>

The outbreak of World War I revamped international political thinking; general antipathy was registered over the occurrence of unnecessary wars caused by balance of power system. The war discredited reliability of states as an instrument of peace and more so blamed realism for promoting unnecessary wars, which lead to a paradigm shift in ideological disposition and liberal-idealism was embraced.

The Liberalists championed the conception of collective security as the ultimate panacea to global peace. The idea was predicated on the hope that the application of reason and universal ethics to international relations can create more orderly, and just world. In addition, the new thinking

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<sup>1</sup> Bennett Leroy; *International Organizations; Principles and Issues*; a Simon and Schuster Co., (Englewood cliffs, New Jersey-1977) p145

<sup>2</sup> Croaker. C. A, T.O Hampson; *Turbulent peace; challenges of managing international conflict*: (Washington; U.S institute of peace 2005) p33-37

proposed management of international anarchy and war through international organizations and international laws, leading to the formation of the first institution of collective security named League of Nations in 1919<sup>3</sup>

However, within a period of two decades the arrangement under the League of Nations was unable to sustain itself. The defection of key members and unilateral wars resulted to collapse of the system; another round of international war erupt the WWII. This was one of the most horrendous wars that ever occurred owing to advanced weaponry inventions and use, such as the atomic bomb. This war further rejuvenated anti-war campaign.

The paradigm of idealism was met with accusations for failing to anticipate the outbreak of the WW II. The idealism was accused of naivety, legalistic, and highly moralistic for assuming that peace and progress is possible through human aspirations. Antitheist dismissed idealists approach as utopian thinking that neglects the harsh realities of power politics and humans' innate compulsion to put their personal welfare ahead of the welfare of others.<sup>4</sup>

Within that ideological confusion and post war anarchy the United Nations collective system was conceived. The system was highly welcomed at first; leaders termed it as new beginning, and receive it with a perplexing euphoria that blurred the realities of the task ahead. Actually this overshot the expectations, causing overestimation of the capacity and role of the UN in the post war era. Compared to past experiences, UN was expected to be a perfect making.

Unfortunately, the system of UN was disrupted by power struggle politics sooner than expected. The two major powers U.S and Soviet Union engage in power contest, a struggle that remained cold with minimal bloodshed between the parties, but instead the struggle paralyzed the working

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<sup>3</sup> Baylis, J (et al), *The globalization of world politics an introduction to international relations*, 3rd edition, (Oxford University press, New York 2001) p36-38

<sup>4</sup> Ibid

of the collective system. More interestingly the cold war continued an active proxy war in the protégé states. This was manifested in the outbreak of civil wars and intrastate conflicts. Also the contending powers used the UNSC (United Nations Security Council) as the theatre where their political disharmony was settled. As a result the veto-bound Council was handicapped and thereby UN interventions into conflict situation became unachievable. However, the members were able to salvage the UN collective system by devising a way around the veto blocks and instigating alternative peace enforcement mechanisms, and at least offered post-cold war tentative collective measures.

## **1.2 STATEMENT OF THE RESEARCH PROBLEM**

This study proposes to undertake a critical assessment of the challenges confronting the practice and the operation of the United Nations collective security system, with a focus on interventions into post-cold war peace problems. The major concern that motivated this research is the untenable state of international order and the constant failure of international institution in fulfilling its responsibility of maintaining peace and security. With regard to that therefore, the study will try to relate the theory and the practice of international collective security system, with a view of establishing the root cause of its failure.

The study notes that the UN peace and security intervention measures are established on the principles of the collective security. The concept was borrowed from theories of international political system, and it is understood as a security arrangement in which each party in the system accepts that the security of one is a concern of all. Thus, in this case the states being the parties to the arrangement, agree to join in a collective response to threats that breaches the threshold of international peace. Unlike other forms of security arrangements, it seeks to encompass the totality of all states globally and addresses a wider range of threats.

This concept also has a long history, and its implementation in practice has been challenging. Equally, the global peace and security problems have remained more stubborn and endemic albeit measures put in place to address them, which makes the world increasingly unsafe for human inhabitancy.

In this research work the assumption will be that international conflicts will be a major concern of the United Nations collective security, and the member states are expected to utilize this collective security mechanism to maintain peace and security. The study also recognises that the United Nations is a supranational establishment with a universal obligation to save generations of humanity from scourges of war as stipulated in its Charter, and the world expects this to be assured outrightly. Therefore, to meet this end the UN has to be seen acting swiftly when engaging a situation that is posing substantial threat to the humanity. The action of the collective security system has to be always expedient and effective enough. In order to prevent mass killings or gross violation of human right and avert intensive destruction of human development. In theory this is the rationale behind the creation of the UN collective security system, and the UN remains the only organization with universal mandate to intervene and stop any grievous threats of international nature at any time and place.

However, it is noted with concern that despite the system put in place, often people go through a disparaging situations, during war and conflict situations, mostly because they have nowhere to run to, particularly when the states fail to protect them, and when the UN intervention is not forthcoming. The most excruciating scenerio was portrayed during the Darfur and the Rwandan conflict. Whereby the armed conflict killed and displaced thousands while the world was watching. Moreover the ensuing UN intervention in those conflicts showed a complete departure from the expectations of the world. In Rwanda's case the world witnessed how the blue helmet United Nation forces on the ground were treated to bystander role as the massacre unfolded and in Darfur they (UN forces) too suffered casualties.

Ordinarily the UN interventions are either with limited mandate, or not fulfilled or delayed. The Rwanda and the Darfur cases is evidence of UN failure to protect lives. Notwithstanding these failures and under performance, the role of United Nations is continuously becoming instrumental as the global peace and security issues develop. With reflection on the background of this dilemma, this study will try to examine the role of the United Nations in the post cold war international peace and security in the context of the concept of collective security.

### **1.3 OBJECTIVES OF THE STUDY**

The overall objective of the study is to examine the role of the UN in post-cold war international peace and security and within the context of collective security. More specifically, the study aims to:

- i) Provide an overview of the United Nations collective security;
- ii) Investigate the practicality of the concept of collective security in the UN system;
- iii) Analyse the challenges as well as major achievements of the UN collective security system and within the context of the rapidly evolving peace challenges.

### **1.4 LITERATURE REVIEW**

This part of the research will review literature work that have discussed issues relating to the advent of the collective security concept, the functioning of the collective security system and the challenges encountered by United Nations collective system in maintaining international peace and security. In this review the study observed that there are three major debates that emerged, which discussed international collective security in detail. Here below those debates will be categorized as: the classical approaches to collective security; the antitheists approach to collective security; the liberal-idealist approach to collective security; the advocates of the institutionalization of collective security; and the paradigm of the 1945 Charter of the United Nations organization.

### 1.4.1 Collective Security: The Classical Approaches

According to the history of collective security, the peace of collective security was not an idea that burst unannounced onto the twenty first-century political stage. Bennet Reloy traced the practice of this idea to the Amphictyonic League, which Greek city-states assumed the obligation not to destroy any city of the Amphictyons nor cut off their streams, in war or peace and if any should do so, they would march against the aggressor.<sup>5</sup>

The study observes that an inchoate version of the collective security regime is assumed to have been developed around 14<sup>th</sup> to the 18<sup>th</sup> century, where collective security plans were drafted by publicists Europeans, requiring the monarchs to support each other against who sought to a higher power.<sup>6</sup>The same views actually generated in the contemporary variant of universal peacekeeping under the aegis of a permanent international organization.

In 1306-Pierre Dubious a French jurist talked about the ‘recovery of the Holy lands, where a formation of League of Catholic European sovereigns was witnessed. Arguing that the League used arbitration process to settle internal conflicts, and also used a joint coercive response against war makers. And, in 1462 George Podebrad-elected King of Bohemia called for formation of ‘cult of peace’ in a draft treaty calling upon European Catholic rulers to join him, to counter greater Turkey Penetration of Eastern Europe.<sup>7</sup> He called for an organization of catholic nations, functioning through an assembly that would have authority to initiate collective military action to block Turkey’s.

Freeman postulates that the early systems of collective security considered maintenance of stable international order through coercive measures as an ultimate objective. That military intervention

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5 Leroy Bennett, *International Organizations*; Principles and Issues, a Simon and Schuster co., (Englewood Cliffs, New Jersey-1977)p144

6 Joel, Larus, *From Collective Security to Preventive Diplomacy*, John Wiley & Sons Inc. (New York, London, Sydney; 1965) p4-19

7 Ibid

to preserve peace from time to time is a necessary enforcement mechanism.<sup>8</sup> This view was borrowed by the modern system, which has later contributed to misperception of the collective security. By synonymously using peace enforcement to mean collective security, the misplaced facts undermined the constitutional construct of collective security thus heightening the general expectations. Others misinterpreted collective security and hypothesized it in terms of maintaining international order, using any viable means.<sup>9</sup>

#### **1.4.2 The main anti-thesis of the concept of collective security**

According to the realists understanding international political system has been under a state of perpetual anarchy, where there is no central authority that imposes limits on the pursuit of states sovereign interests. They argue that in such situations, state relations are marked by wars and concerts, arms races and arms control, trade wars and tariff truces, competitive devaluation and monetary stabilization. Adding that international anarchy foster competition and conflict among states and thus inhibits willingness to cooperate even when they share common interest.<sup>10</sup>

According to the analyses of the international system by mainstream realist, the aspect of power dominance is prominently emphasised. They argue that the international politics runs on the aspect of balance of power, and international institutions are unable to mitigate on constraining effects of anarchy on interstates cooperation. They believe that the proponents of collective security have ignored this reality and naively assumed that peace and progress is possible through human aspirations. They dismissed idealists approach as utopian thinking that neglects the harsh realities of power politics and humans' innate compulsion to put their personal welfare ahead of the welfare of others.<sup>11</sup>

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8 Ademola Abass, *The development of collective security beyond chapter VII of the United Nations; in international law*, (Hart publishing 2004)

9 Freeman, *Arts of Power; United States Institute of Peace*; (United States Institute of Peace Press 1997) p47

10 Joseph M Grieco, "Anarchy and the Limits of Cooperation: A Realist Critique of the Nemes Liberal Institutionalism," *International Organization*, Vol. 42, No. 3 (Summer 1988), p485-508.

11 Charles A. Kupchan, *Concerts, Collective Security, and the Future of Europe*; Clifford A. Kupchan *International Security*, Vol. 16 No.1 (Summer 1991) pp 141-161. <http://links.jstor.org/sici? sici0162>



According to Barry Buzan the international collective security institutions can be the source of anarchy in the international system. If the international collective security will not provide overarching government to enforce law and order, the sovereignty entities will compete for survival within limited resources and imbalanced system, generating vulnerability, and states become more concerned with individual national safety than cooperation.<sup>12</sup>

Joseph Nye et al, supports the argument that the collective security system can be a proper means to maintain international peace. However, they add that the system has to be propped-up on the pillars of political power. According to this argument the powerful states leadership is a responsibility in the operation of international politics. They further argue that the future is largely in the hands of the great powers, because 'powerful states make the rules'.<sup>13</sup> Critics of this argument have contended that the hegemonic dominance has been the source of major wars in the balance of power system. Nonetheless, the study notes that this concept of powerful states leadership ended up informing the formation of the modern collective security institutions, which created structural imbalance in the system.

The study observes that powerful states parented most of international institutions that ended up enabling them control global political affairs. It is also important to note that presence of superpowers in any application of collective measures makes operations more vibrant and relatively effective; an example is the Yugoslavia case where USA invitation on humanitarian intervention boosted the operation, and in the Sierra Leon operation, the presence of British Armies bolstered mission capacity.<sup>14</sup>

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12 Barry Buzan; *People, States and Fear; An agenda for international security studies in the post-cold war era*; (ECPR Press 1991) p146-153

13 Joseph Nye Jr. S. and Donahue John D, *Governance in a Globalizing World, vision of governance for the 21st century*; Cambridge, Massachusetts, Brookings Institution. (Press, Washington DC 2000) p42

14 UN report by Secretary General on "*In Larger freedom*" *Towards Development, Security and human Rights for All*; (United Nations New York, 2005) p68-70

Realists criticized the conceptual basis of the collective security, arguing that collective security may be internally consistent as a theory for world order but impractical and faulty in its acceptance and application by sovereign states, it bent on protecting national interests against suspicious motives of other states.<sup>15</sup> Further argues that the practicality of some fundamental elements of the concept such as consensus on peace as a primary goal is not in the interest of all Nation-States, the situation may conflict with national interest's that demands equal or greater priority. For instance, in practice there are complex forces that influence each state's commitment to the impartial application of sanctions against an aggressor nation, where China and Sudan were trade partners, China vetoed against preferred sanction on Sudan because of its national interest tied in economic diplomacy between the two countries.<sup>16</sup>

According to Walter Lippmann the situation of the failed collective actions or failed collective intervention arises because of constraints by national interests on the unanimity of powerful states. Arguing that it is a trouble of collective security that when the issue is less than the survival of the great power nations the method of collective security will not be used.<sup>17</sup>

Adams Robert observes that as long as nations are governed by national interest rather than by collective principles and as long as states refuse to recognize that their friends may be aggressor, it will be impossible to mobilize the kind of united forces that would be necessary to make collective security work.<sup>18</sup> In support Adams Robert argues that as long as nations are governed by national interest rather than by collective principles and as long as states refuse to recognize that their

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15 Leroy Bennett; *International Organizations; principles and issues*, a Simon and Schuster co., (Englewood cliffs, New Jersey-1977) p144-156

16 Joel Wuthnow, *Beyond the Veto: Chinese Diplomacy in the United Nations Security Council*, (Columbia University 2011), [academiccommons.columbia.edu/catalog/ac:132019](http://academiccommons.columbia.edu/catalog/ac:132019)

17 Ernst B. Haas, *Dynamics of international relations*; Allen writings Rand Corporation Rubi, (McGraw hill Bk. Co. New York 1956) p641

18 Adam Roberts and Benedict Kingsbury, 2nd edition, *United Nations, Divided world, the United Nations roles in international relations*; (Clarendon press, Oxford; New York; 1993) p146

friends may be aggressor, it will be impossible to mobilize the kind of united forces that would be necessary to make collective security work.<sup>19</sup>

Charles Peguy in his writing argues that the Charter of the UN flopped, owing to the failure of the originators of the plan, not to have anticipated changing international environment and the emergence of new forms of conflicts, such as transitional conflicts, terrorism, and counter-terrorism. The constitution of the organization formed the basis of the preservation of the status quo over peaceful change. Where, provision for collective security was anchored on the idea of empowerment of the great powers to respond in concert to traditionally well-defined cases of international aggression.<sup>20</sup>

Hans Morgenthau observed that the collective security system fail because it is the proponents usually give too little attention to the political reasonableness of basic assumptions implicit in the collective security approach to peace. Further argued that during the formation of the League of Nations in 1919, the founders believe that the threat of collective coercion would out rightly act as a deterrent. He added that the security system established under the League was structurally and constitutionally weak to support asymmetric status quo.<sup>21</sup> The organization was dominated by few Western Europe powers of that time, including G. Britain, France, Soviet Union, Italy and only Japan is from outside Europe. The lock out of Germany and U.S.A opting out created structural imbalance where some formidable forces were not embedded in the system of preponderance power needed collective measures to maintain peace. Constitutionally it created option for interstate war in name self-defence.

Critics further argued that the League system as an 'incorrect epitaph'. Arguing that, the U.S.A opting out was irresponsible and favoured political laissez-faire by declining to share the burden of

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<sup>19</sup> Ibid

<sup>20</sup> Kegley, Charles, W. and Wihkopt Eugene R., *World Politics, Trend and Transformation*; (Thomson Learning Inc. USA 2004)

<sup>21</sup> Hans Morgenthau Hans J. And Kenneth w. Thompson, *Politics among Nations, struggle for power and peace*; (Kalyani publishers, New Delhi Lothian,2004) p494-497

collective peacekeeping. Deprived off much needed powers and leadership, by the council and assembly to initiate the covenant's program for basic security purpose. Further arguing that, it is a truncated version of the collective security system improvised and a substitute for the version so lavishly praised by early League enthusiasms.<sup>22</sup>

Joel Larus argues that the League did not offer what it stood for, because the mandates of the organization made it more or less like an international government without power and authority to enforce decision. The organ responsible for passing and enforcing decision, which is the Council, disintegrated in a short notice.<sup>23</sup> In 1939 Germany, Italy and Japan resigned and Soviet Union was expelled, and the Council was left with G. Britain and France.<sup>24</sup> Practically, the organization did not act according to this provision of collective measure but acted according to the interest of the powerful states.

### **1.4.3 The Idealistic Understanding of the institutionalization of the concept of collective security**

The study notes that the principal proponents of collective security idea are liberal-idealist, including Emmanuel Khant, Innis Claude, Woodrow Wilson, and Franklin Roosevelt among others. They believe that war and international anarchy are not inevitable and that strengthening of the institutional arrangements can reduce wars. They argue that war is a global problem requiring collective or multilateral, rather than national, efforts to control it. Adding that the international order should not rest on balance of power but on the preponderance of power wielded by a combination of states, acting as the agents of international society as a whole and that will later challenge those who will disturb the order of the system.<sup>25</sup>

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22 See Joel Larus, *From Collective Security to Preventive Diplomacy*; (John Wiley & Sons Inc. New York, London, Sydney; 1965) p.32-40

23 Ibid

24 Leroy Bennett; *International Organizations; Principles and Issues*; a Simon and Schuster co., (Englewood cliffs, New Jersey-1977) p34

25 Leroy Bennett; *International Organizations; Principles and Issues*; a Simon and Schuster co., (Englewood cliffs, New Jersey-1977) p341

Thomas Weiss argues that while the roots of the concept of collective security sends back several centuries through a long series of proposals for maintaining international peace and security, the central idea has remained the same: that the governments of all states would have to jointly prevent any of their members from using coercion to gain advantage, especially conquering another. According to him collective security system will not allow governments with impunity undertake forceful policies that would fundamentally disturb peace and security. Any attempt to execute such policies would be treated by all governments as if it was an attack on each of them.<sup>26</sup>

Thomas further argued that the phrase collective security has suffered imprecise references and misuse, that political debates have used the term to attribute it to describe regional defence coalitions such as NATO and Warsaw Pact policy actions. According to him it is not every joint effort of governments to preserve peace or avoid conflict or to build alliance against a presumptive enemy could be collective security. And the essence of collective security resembles nuclear deterrence and thereby a successful system would not require resort to force to enforce peace. Therefore, the ultimate objective of collective security is to frustrate any attempts by states to change the status quo with overwhelming force and maintain peace and security, unlike other forms of security arrangements.<sup>27</sup>

The concept of collective security can be said to have begun with the Prussian philosopher Immanuel Kant in his Second Definitive Article when he referred to a 'pacific federation' as a 'particular kind of league' that 'would seek to end all wars for good'. He saw the possibility of promoting and maintaining international peace through an extensive partnership of committed states. This is the key concept of collective security.

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<sup>26</sup> Weiss Thomas and Lynner Reinner, edited by George W. Downs, *Collective security in Changing World*; (Publisher University of Michigan Press-1994) p4

<sup>27</sup> Ibid

In his paper *perpetual peace* Kant faulted peace treaties with provisions for war, arguing that no treaty of peace shall be held valid in which there is tacitly reserved matter for a future war.<sup>28</sup> In reference to this argument the study notes that both the League and the UN provided for what they call 'self-defence'. Their constitutions did not outlaw war precisely. The members were given condition on which they can wage war. For instance article 12 of the League, stipulates that the members should not 'resort to war until three months after the award by the arbitrators.....' and in article 13(4), the members agreed that they will not resort to war against a member of the League, which complies with the judicial decision of the dispute. The UN as well tacitly admitted that war is a solution, under article 51.<sup>29</sup>

Innis L. Claude's contributed a lot to the development of collective security concept, in his article "*Collective Security as an Approach to Peace*" defined collective security system as a compromise between the concept of world government and a nation-state/multistate based balance of power system, where the latter is seen as destructive or not good enough to safeguard peace and the former is deemed un-accomplishable at the present time. Claude argues that while collective security is possible, several prerequisites have to be met for it to work.<sup>30</sup> According to him the feasible institutional arrangement of peace in a world of sovereign states, in which there is no centralized organ that can make laws and enforce laws, collective security meets the condition since it is a middle ground between global governance and multistate system and thus collective security is at centre of the continuum.

Innis Claude outlined the underlying principles of the practice of collective security as; that collective security system requires the policy decisions to be determined jointly by the parties, and also it requires formation of a multinational-armed force that can be employed in restoring

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28 Emanuel Kant perpetual peace 1975

29 Hans J Morgenthau And Kenneth w. Thompson; *Politics among Nations, struggle for power and peace*; (Kalyani publishers, New Delhi Lothian, 2004) p490

30 Innis, Claude, L., *Swords into Plow Shares: The Problems and Progress of International Organization*, (Published June 1st 1984 by McGraw-Hill Companies)

international peace and tranquillity. Further defined the collective security system as a system of security arrangements where all parties (states) are required to collectively provide security for all by the actions of all against any of the party (state) within the group who might challenge the existing order by using force.<sup>31</sup>

According to Woodrow Wilson collective security concept calls for a universal embracement of a common dogma of collective peace, which he believes will eliminate sources of international conflict. He proposed formation of a general association of nations under specific covenant, for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.<sup>32</sup> This concept was perceived to be form of collective security system captured under article 16 of covenant and Chapter IV UN Charter provision. He argued that this represents fulfilment of tempered inter-war experiences to the conduct of international relation. An approach very different from the tradition European devotion to Realpolitik or raisons d'état, where War was an instrument of policy. The new system committed members to avoid use of force in common interest and emphasised sovereign equality. This brought democracy in the conduct of in the conduct of IR as well as nation affairs.<sup>33</sup>

Frank Roosevelt advocated for the collective security system, arguing that it would be a masterstroke if all great powers honestly bent on peace and form a League of peace not only to keep the peace among themselves but also among other members and non-members too. He added that under collective security system all civilized and orderly powers have to insist on the proper policing of the world.<sup>34</sup> To him the collective security institution is meant to seek a rule based international society rather than acquiescence in anarchy or law of jungle. And provide condition under which justice and respect for the obligations arising from treaties and other sources of International Law (I.L) can be maintained and achieved under International Court of Justice (ICJ).

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31 Joel Larus, *From Collective Security to Preventive Diplomacy*, (New York, London, Sydney; 1965)

32 Collective security; America's Top-tier LLM Online: <http://www.answers.com/topic/collective-security-2#ixzz22NcrhLx>

33 Kennedy Hickman, World War I: *The Fourteen Points*; About.com Guide <http://militaryhistory.about.com>:

34 Joel, Larus: *From Collective Security to Preventive Diplomacy*; John Wiley & Sons Inc. (New York, London, Sydney; 1965) p4-19

The UN General Assembly encouraged the progressive development and codification of I.L article 13(1) ILC 1947 respect for obligation will promote justice as well as reflect.<sup>35</sup>

Palmer and Perking, argued that the collective security system implied at Dumbarton Oaks and San Francisco meant collective security against danger to peace from the middle powers and small states and collective insecurity in the face of aggression by any of the world powers.”<sup>36</sup> This view informed the basis behind anchoring of the UN collective system to the concert of powerful states.

Dag Hammarskjöld supported collective security emphasizing that if permitted to evolve according to the needs of the times, the organization could help meet the requirement of a world plagued by conflicting ideologies and competing interests.<sup>37</sup> Animated by deep conviction supported by the public opinion and numerous manifestations of great associations of educate people on the precepts of the organization to prevent recurrence of terrible disaster, which imperilled civilization and drenched the world is deemed possible.

Kenneth Waltz Thomson 1979 a structural realist reviewed realists stand on cooperation and added global level analysis that interstates conflicts persist due to anarchical nature of global society. Arguing that, international structures emerged from the interaction of states, which constrains states from taking certain action while propelling them towards other actions.<sup>38</sup>Waltz added system level analysis of the international security problems, which states that the international structure forms the theatre of states behaviour that constrains them from taking certain action while propelling them towards other actions.<sup>39</sup> The theory provides that in an anarchical situation the states feels insecure and vulnerable and therefore there is need for a mechanism to give security assurance.

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35 Joel Larus; *From Collective Security to Preventive Diplomacy*; John Wiley & Sons Inc. (New York, London, Sydney; 1965) p51-55

36 Stromberg Joseph R; Mises Institute; *The United Nations Charter and the Delusion of Collective Security*;  
<http://mises.org/journals/scholar/Stromberg.pdf>

37 Joel, Larus; *From Collective Security to Preventive Diplomacy* (New York, London, Sydney; 1965) p.4-19

38 Charles Kegley. W., and Wihkopt Eugene R., *World Politics, Trend and Transformation*; (Thomson Learning Inc. USA 2004) p43

39 Croaker C. A, T.O Hampsun and P.A (Ed), *Turbulent Peace; Challenges of managing international conflict*: (Washington; U.S institute of peace 2005) p37



Robert Keohane and Lisa Martin in support of institutionalism they argued that institution matters and thus it shapes and defines the actor's expectations. However, traditional realist contest this view and argue that institutions have no direct effect on state behaviour and operate largely at the margin of international relations, and therefore states choose to obey them, if they wish.<sup>40</sup> Besides underlying scholarly divergence institutions are becoming popular channel through which international community address global issues.

According to Charles Kupchan and Clifford Kupchan collective security means placing the world peace on regulated, institutionalized balancing, predicated on the notion of all against recalcitrant one, as opposed to unregulated, self-help balancing, system predicated on the notion of each for his own. They further argued that the authority should lie at the universal body of the system, and the behaviour of the main actors should be guided by norms and rules, which creates obligations and opportunities for the members.<sup>41</sup> In an article '*Mixing Oil and Water*' they argued that the institution could cause peace. They argued that international institutions provide a system of authoritative rules at the global level. This argument added to an important aspect of the legacy of the institutionalization of collective security that lived on in the UN collective system. This entails the concept of collective security entrenched in the international organization with both moral right and the legal competence to discuss and judge the international conduct of its members. The Charter borrowed substantial codification of League procedures and cognized developments of its nascent ideas.<sup>42</sup>

According to Thomas J. Biersteker, collective security concept assumes that in a world, where every government is prepared to use force (anarchy) to gain its will, restraint should evolve from

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40 Peter J. Katzenstein, Robert O. Keohane, and Stephen D. Krasner; *International Organization and the Study of World Politics*; <http://www.economicpolicy.eu/Katzenstein1998IOandstudyofworldpolitics.pdf>

41 Charles Kupchan and Clifford Kupchan, *International Security, the Promise of Collective Security*; vol. 20 No. 1(Summer, 1995), pp52-61; <http://www.jstor.org/stable>.

42 John. J. Measheimer; *International Security; A Realist Reply*; Vol 20(1), Summer 1995 pp. 82-93 [mearsheimer.uchicago.edu/pdfs/A0022.pdf](http://mearsheimer.uchicago.edu/pdfs/A0022.pdf).

anticipation of the results of superior power. A preponderance power created on the basis of one for all and all for one notion.<sup>43</sup> The institution of the United Nations collective security fits well into this description, because under the UN the peace plan is supported on the provisions of the Charter of the UN, which spells out the norms and standards and the General Assembly and UNSC forms the forum that executes decision on peace and security issues.

Roland N. Stromberg observed that the institutionalization of collective security is a call from the common man and woman, journalists and moralists' popular politicians as opposed to professionals exert. It was an outcome of protest against the intolerable existence of world war and a call for assurance that such wars are not permitted to happen again. Noting that the League of Nations was the first experiment of collective security institution formed through popular outcry. Even though it failed to stop WWII, due to structural deficiency but it was a breakthrough for institutionalization of modern system of collective security. The failure of the League and the subsequent war strengthened the spirit of the leaders to make a more stable and effective institution. The powerful states negated League formation, but took the front line in the UN formation, and took centre stage.<sup>44</sup>

According to Robert Keohane and Joseph Nye the institutionalization of the UN and its Charter borrowed a lot from classical measures of collective security. The philosophical expressions of those early European political systems and other multilateral treaties contributed much to conceptualization of the modern collective security system. It is observed that the influence of old systems on the UN collective security system was not only a boon but also a bane. The study notes that medieval measures employed in Europe were ill-fated attempts of the great powers to preserve jointly the tranquillity of Europe, and thus the League of Nations.<sup>45</sup> These approaches were perceived more parochial in character and exclusive, a problem that affected modern collective

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43 Thomas J. Biersteker; *Global Governance*; Forthcoming in Myriani Dunn Caveltly and Victor Mauer (eds) Routledge Companion to Security: (New York and London Routledge Publisher, 2009) p6

44 John. J. Measheimer; *International Security: A Realist Reply*; Vol 20(1), Summer 1995 pp. 82-93 [measheimer.uchicago.edu/pdfs/A0022.pdf](http://measheimer.uchicago.edu/pdfs/A0022.pdf).

45 Joel Larus; *From Collective Security to Preventive Diplomacy* (New York, London, Sydney; 1965) p4-19

systems. However, they noted that some occidental features are necessary tools of security systems, which includes power centralization.

They maintained that power has to provide leadership to the collective security system, arguing that for the UN collective security system to stand it has to meet the basic conditions of the prevailing international political system. That the system should be inclusive of special interest of the powerful states, since the preponderance power of the collectivity comes from powerful states. The founders of the UN collective security system borrowed this thinking of hegemonic leadership and placed the power of the collectivity under the custody of the major powers, however, the system did not augur well with the world order of the time. The power struggle between the two major powers commenced just after the formation of the UN, which paralyzed UNSC for over 40 years.<sup>46</sup>

#### **1.4.4 The 1945 UN Charter**

The study observed that the UN collective security was viewed as an advanced system that corrected the mistakes of the League of Nations, and established a new international order free from wars. According to the founding fathers the idea was envisaged to remove anti-cooperation behaviour of members including aggressive measures such as unilateral actions, exclusive alliances, competition for spheres of influences, and balance of power among other political expediencies that affected functioning of the League. Coincidentally interstate wars reduced significantly after the formation of the UN. But critics argue that this was not purely the effort of the UN per se, but rather the increased democratic space in the world impacted significantly on the states behaviours. Whereby, the argument that democracies don't fight each other holds and others arguing that the modernization and interdependency of state system lessened interstates wars.<sup>47</sup>

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<sup>46</sup> Charles Kegley W., Jr., ed. and Wihkopt Eugene R. *World Politics, trend and transformation*; (Thomson learning Inc. USA 2004) p42

<sup>47</sup> Baylis, J (et al), *The Globalization of world Politics an Introduction to International Relations*; 3rd edition, Oxford University press, (New York 2001) p413

The study observed that the Charter of the UN, just like its predecessor system missed on the basics of the collective security concept. The Chapter VII article 24 of the Charter placed the primary responsibility of maintaining international peace and security under the United Nation Security Council organ. The Security Council composed of 15 members' states, including five permanent members of the powerful states that are, U.S.A, Britain, France, China, and Russia and 10 non-permanent members. The decision of the Security Council is binding, and must be passed by a majority of nine out of the 15 members with concurrent vote of the five permanent members. The concurrent vote of the P5 is what makes the veto power over any decision of the Council. Therefore, UNSC has the sole mandate of enforcement of peace, and they approve intervention into an international crisis.<sup>48</sup>

According to Franklin D. Roosevelt the plan of collective security entails that the four major powers the United States, the Great Britain, Soviet Union, and China (France was added later) should act together as policemen to keep the peace. To him the small nations were to be disarmed and if any one of them defied the policemen, be bomb into submission, this notion informed the Charter.<sup>49</sup> He further argued that the power needed to commend peace throughout the world could best be assured by cooperation of the powerful states with sincere desire of peace and have no thought themselves of committing aggression. His ideas were married into the UN collective system, which was translated as collective action against belligerents. The country guilty of attempting to gain its ends by war will be forced to desist by economic and military action of all the rest.<sup>50</sup>

The Charter considered the great power states cooperation as a solution to international peace and security matters, putting under their custody, through permanent membership to the Security Council. The permanent members of the supreme organ of the organization composed of China,

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48 The Charter of the United Nations New York UN 1945

49 Bennett Leroy; *International Organizations; Principles and Issues*; a Simon and Schuster co., (Englewood cliffs, new jersey-1977) p1-17

50 Iloel Larus; *From Collective Security to Preventive Diplomacy* (New York, London, Sydney; 1965) p4-19

France, Great Britain, former Soviet Union (Russia), and U.S.A, the only members in UN who enjoyed the veto power. The argument of the founders was that the Council was constituted with the aim to guarantee that all of the powerful states would share responsibility for preserving peace.<sup>51</sup>

According to Brad Roberts, the original concept of collective security as professed by Woodrow Wilson and others operates in subtle, in that mechanism existed but patently not. The collective enforcement concept is more subtle and places responsibility where power lies, however, the veto power was used to protect P5 and their allies. He described the system of the UN as 'an alliance of great-power embedded in a universal organization'-if the alliance is inoperative the Charter cannot operate as expected. To him it is the national interests that lead the collectivity, and the political leaders pay only lip service to collective action. The result is cooperation in dilemma, the system gets trapped in the mid of competing national and the collective interest. Thereby the Leviathan institution suffers the inability to enforce its decisions in critical situations, even without the cold war excuse. In addition, the persistence of the trend derails the credibility and relevance of the organization as an agent for maintaining international peace and security.<sup>52</sup>

Baylis, J (et al), notes that aggression was erroneously assumed synonymous with the first use of military force by one nation against another. Further adding that the Charter superficially brushed through the need for collective action in the preamble, article 1(1) which states—to maintain international peace and security, the UN will take effective collective measures to that end, for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace.<sup>53</sup> However, it undermined concept of collectivity and subjugated the organization to the mercy of the power politics, as revealed by article 39 of the Charter, which

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51 Charles W. Kengley and Wihkopt Eugene R; *World Politics*, trend and transformation, (Thomson learning Inc. USA 2004) p63-66

52 Roberts Brad, *Order and Disorder after the cold war*; (Washington Quarterly 1995) p38-41

53 Adam Roberts and Benedict Kingsbury, 2nd edition, *United Nations, Divided world, the United Nations roles in international relations*; (Clarendou press, Oxford; New York; 1993) p146

places entire responsibility of collectivity and definition and determination of aggression on the shoulders of the Security Council.<sup>54</sup>

Adam Roberts argues that it is certainly difficult for collective security system driven on the concert of powerful states to be feasible. Incidentally, the superpower based institutions of UN system collapsed even before they were put to test. The veto based decision-making system composed of UNSC, Military Staff Committee (MSC), was totally impaired, and the operation of collective security as well. The MSC is composed of the military Generals from the permanent members provided by article 47, to provide advice and assistance to the Security Council in matters relating to requirement of military services and the provision for standing force. In 1946, Security Council directed permanent members to instruct the chiefs of staff to appoint representatives to Military Staff Committee. The Military Staff Committee members unable to agree on what kind of force was required and whether each member should provide the same size of contingent consequently became a non-entity.<sup>55</sup>

The study notes that the Charter in article 2(7) dilutes the collective security agenda expressed under article 1(1) by advancing the principle of non-interventions in the matters essentially within the domestic jurisdiction of states.<sup>56</sup> While millions of people could be dying in the domestic, conflicts UN will wait for invitation by the state or seeks the consent of the party to intervene perceived domestic crisis. In Darfur crisis owing to Sudan resistance to international intervention genocide and mass displacement occurred before international attention was effective. Government led offensive was witnessed through proxy militia called Janjaweed. The AMIS (African Mission in Sudan) Ndjamen humanitarian ceasefire was an ad hoc measure according to

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54 Baylis, J (et al), *The Globalization of world politics an introduction to international relations*, 3rd edition, Oxford University press, (New York 2001) p413

55 See Article 47 of the UN Charter; *United Nations Publications* 2006

56 Article 2(7) and article 1(1) of the *United Nations Charter 1945*

analyst than a systematic measure with limited mandate, and equipment, constantly exposing peace-making forces to unnecessary damages.<sup>57</sup>

The Charter sanctioned the notion of sovereign equality and national integrity, under article 2 (7) of the Charter, which assured non-interference and sanctioned unconditioned sovereignty. The study notes that the unconditioned sovereignty is highly contested by scholars. The view that the states are independent supreme authorities within their territories, and the perception of sovereignty as an instrument of authoritative control is a misplacement of fact. An argument professed positivist like John Austin under command theory stated that the power of the sovereign is supposedly not limited by justice or any ideas of good and bad, right or wrong.<sup>58</sup>

This notion was interpreted by leaders as sovereignty implied that it is free from any restraints and that there is no authority above it; motivating states to choose actions that are sometimes unacceptable under international laws but serves its individual interest. For example, United State of America occasionally flexes its military muscle and punishes other states that they consider rogue state. And the UN was unable to restrain U.S.A and allies from invading Iraq in 2003; because of the huge ratio of USA contribution to UN in terms of resources, the decision of the UN is largely in U.S favour. For example, USA paid its accrued balanced of subscription owed to UN before attempting to justify its aggression against Iraq.<sup>59</sup>

Paul Taylor and Devon Curtis added that, the principle of territorial sovereignty has had adverse effect on the functioning of United Nations.<sup>60</sup>The United Nations advanced the principle of sovereignty and recognized states as equal entity in the international society. The understanding

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57 David Curran and Tom woodhouse; *International Affairs, in journal of Cosmopolitan Peacekeeping in Sierra Leone*; Vol.83, No.6 November 2007, pp 1055-1070

58 William Zartman et al; *Sovereignty as a Responsibility, conflict management in Africa*; (the Brookings institution, Washington DC1996) p2

59 UN report by Secretary General on "In Larger freedom" *Towards Development, Security and human Rights for All*; (United Nations New York, 2005) p43

60 Charles Kengley, W. And Wihkopt Eugene R; *World politics, trend and transformation*; (Thomson learning Inc. USA 2004) p76

that state recognizes no higher authority than them and that there was no superior jurisdiction, provided a defensive ground to the irresponsible and greed leaders to their unbecoming behaviour.

Hans Morgenthau contested the view of absolute sovereignty, that sovereignty is not freedom from legal restraint. So long as those legal restraints do not affect its quality as the supreme lawgiving and law-enforcing authority, the quality of legal restraints does not affect sovereignty.<sup>61</sup> Sovereignty is not freedom from international regulation of all those matters, which are traditionally left to the discretion of the individual nations;<sup>62</sup> or just dismissed as UN-charter puts in article 2 (7) as the matters within the domestic jurisdiction of a state.

The Chapter VII of the Charter outlines the intervention mechanism, article 39 provide pre-emptive measure. In case pre-emptive deterrence fails to resolve the dispute, the Council investigates to verify the magnitude of the dispute, whether the threat to international peace or is breaching international peace is significant. However, the study observed that the system of the UN collective security lacks proper monitoring systems and it is very slow in response due to some legal hindrances. For the warning information the UNSC rely on the information from disputants and the media, and after which the process of verification takes place. The UNSC can sit under emergency circumstances, where any member can request for a meet to consider an urgent matter.

Article 41 is applied if the deterrence failed, and it provides for the application of sanctions. In case the problem persists or is protracted further, the Council takes the toughest step, which entails the application of the collective measures. The Council may call upon the members to apply such measures as complete or partial application of economic and trade sanctions, travel ban, communication interruption or severance of diplomatic relation. Article 42 gives the ultimate use of force, providing that...*in the event the above measures proven inadequate, the UNSC may*

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61 Malcolm N. Show, *International Law*; 4thed, A Grotius Publication, (Cambridge University Press, United King-1997) p854

62 Hans J Morgenthau and Kenneth W. Thompson; *Politics among Nations, struggle for power and peace*; (Kalyani publishers, new Delhi Lothian, 2004) p339



*direct the UN members to take such action by air, water, land forces as may be necessary to resolve the peace problem, as article 42, this is called collective enforcement article.*<sup>63</sup>

The study notes that the application of the collective security under the Charter first failed in 1950. When the veto embedded dream of unanimity of the superpowers failed to authorize intervention into the Korean War. The first veto power was used by the Soviet Union, where they boycotted a Security Council meeting that was to pass resolution to resolve the dispute. In protest of disqualified representative of the Republic of China from seating in the council meeting following its partisan, the Russia invoked substantial veto, which invalidated the decision of the Council. To resolve the stalemate, on 3 November 1950 the General Assembly circumvented the veto by passing the Resolution Uniting for Peace (RUFPP), which introduced a new system that mandated an agent such as NATO or a regional security arrangement to enforce peace on behalf of the UN.<sup>64</sup>

Prof. Arnold Wolfer noted that the practicality of collective enforcement under the Charter with reference to Korean War indicated that the Korean intervention represents a radical break from the traditional foreign policy of state and as for the UN; it fulfil the expectations widely held for collective security.<sup>65</sup> Further argued that Korean War intervention digressed from the purported measures and created two varieties of collective security. The first one is collaborative peacekeeping operations and the other one is genuine collective security operation and collective defence action. The U.S response is more accurately evaluated as containment under the convenience rationale of the UN policy action.

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63 The Charter of the UN, New York 1945, UN

64 Balys, J (et al), *The Globalization of World Politics an Introduction to International Relations*; 3rd edition, Oxford University press, (New York 2001) p 421

65 Ibid

#### **1.4.5 Literature Gap**

The study reviewed relevant literatures on the conceptualization of the collective security system. The discussion was placed under four major debates. This involved debates on the medieval collective security approaches, which brought forward the modes and concepts of the prehistoric security cooperation. Also, reviewed was the realists understanding of the concept of collective security in relation to the views of the advocates of institutionalization of the collective security. And, lastly, the study reviewed the UN version of collective security as conceptualised under the Charter.

Based on the literature reviewed, the study notes that, the collective security concept is one of the most under-researched areas of study. Besides that, also, the existing literature has focused more on the intervention aspect of the maintenance of international peace and security and overlooked the component of defining actual threat to international peace and security. Especially the aspect of the post cold war threats to international peace and security is not well synthesised in the reviewed literature. This gap clearly reveals the missing link between the maintenance of international peace and the understanding of the international peace and security problems.

#### **1.5 JUSTIFICATION OF THE STUDY**

This study was keenly selected according to prerequisites of academic program of the M.A international studies. Study on this topic has never been done before this, at the Institute of Diplomacy and International Studies of the University of Nairobi.

This study is necessitated by the critical need to understand the functioning of the United Nations collective security system in order to contribute to the continuing debate on the creation of a peaceful and prosperous world through the establishment of effective global mechanism. Similarly, driven by the need to understand critically the mechanisms employed by the United Nations in maintaining international peace and security and with a view to uncover the sustainability of that

fact and relevancy of the system. Moreover, this will help inform the policy makers on the importance of cooperation as a means to achieve a durable peace and security globally.

This study was also justified by the need to assess the practicality of the concept of collective security in the context of the post cold war international peace and security. This will be done through comprehensive and expansive discussion on the UN collective security system, to unveil the gaps in the theory and practice of collective security. This will help to trace theoretical origin of concept in the academic world and give new energy and inspiration to the researchers to continue the study on the collective security approach.

Additionally, this work was motivated by limited scholarly work on collective security, after noticing a declining attention this concept is receiving from international relations scholars. This study identified this phenomenon as a major obstacle to the progressive evolution of the collective security system, which thereby impacts negatively on the grand mission of international community of searching for permanent solution to global peace problems. Therefore this study will contribute to the academic maturity of this concept by updating the idea along the changing global issues. Otherwise, the limited study of the concept will blunt feasibility of this concept.

The research will further expound the debate beyond traditional conception and integrate the idea to the emerging peace and security issues, including the role of non-state actors and non-military values in the international system. This will also help the concept to appreciate new forms of threat to peace and security such as civil and ethnic conflicts, aggression against individual socio-political and economical right, and civil rights of the people state agencies and people's right to basic needs (poverty and inequality) right to clean environment (humanitarian aspect of environment). In a view to help the concerned institutions understand and manage the resultant problems effectively.

This research will also attempt to correct some misplaced concepts and facts about collective security. This includes the traditional importance attached to the issue of domestic jurisdiction, which needs to be considerably evaluated in a changed international context. In which sovereign states are no longer the only subjects of international law and eventually the states are not the outright providers of security. The paper will contribute to debate on the effects of change on international peace and security and give academic strength to the importance of having a proactive system that can strategically change with time. For example, the paradigm shift of the security concept understanding, from state-centric view of security to a more universal and humane view of international security is a change that escaped many who are paying dearly.

The study will also try to unveil gaps and shortfalls of the international collective security system, to equip the policy makers with necessary information and tools to address the intricacies contributing to the failure of the peace plans. The study will contribute to the new perspective of international peace and make an input in the process of peace and security management. The research will try to reveal other challenges to peace, which did not have much attention before; for example, issues such as violation of individuals' rights were a major cause of disturbances in State relation today. This has allowed a wide-ranging view of security to include peace, freedom, health, justice, development environmental security and so on as security the narrower view based on safety or protection from war and conflict. Nevertheless, the principle subjects along with international organizations, non-governmental organizations, and individuals, who are also acknowledged to have rights and obligations under the law of nations. Nevertheless, today there is a rising need for United Nations to include in its agenda and reinforce the fundamental needs of peace, security, and justice for the people, issues that have lost ground under the traditional national security interest.

This will enable the United Nations to reflect on the need of the world today and have the picture of the future in mind other than dwelling in the prehistoric ideas that hold no water in the modern

era. And, try to initiate a paradigm shift in the system and bring it closer to the people who require its services. In the end, the research will be able to point out where the contradiction lies as far as international peace and security is concerned and able to recommend or suggest a way forward. Notably, it is in the plan of this work to criticize the working of the collective security system under UN for the sake of improving on what already exists.

## **1.6 HYPOTHESES**

The study is guided by the following three hypotheses:

- International peace and security can be effectively maintained through a strong UN collective security system provided that member states are committed to their national and international obligations;
- Current realities in the international system can deny the applicability of the principles of international collective security;
- For many member states, international anarchy is a self-regulating phenomena that needs no a mechanism to manage it.

## **1.7 CONCEPTUAL FRAMEWORK**

The study will use the concept of collective security to analyse and understand the challenges facing the United Nations in the maintenance of international peace and security in the post-cold war era. The concept originated by liberalist school of thought, who proposed to replace the balance of power system with a collective security system as a measure to end war era, to establish a regulated system.

The underlying logic of collective security is two-fold. First, the balancing mechanisms that operate under collective security prevents war and stops aggression through deterrence that is more robust by ensuring that aggressors will be met with an opposing coalition that has preponderant power rather than merely equivalent power. Second, a collective security

organization, by institutionalizing the notion of all against one, contributes to the creation of an international setting in which stability maintained through cooperation rather than unregulated competitive system.<sup>66</sup> The security cooperation of states forms the institution of international organization that will regulate states behaviour according to international law and the believed that war and anarchy are never inevitable, and the order can be maintained by strengthening the institutional arrangements.<sup>67</sup>

The collective security program was initiated by the liberalists' scholars including Immanuel Kant, Innis Claude, Thomas Jefferson, and supported by the political discourse of the leaders such as President Woodrow Wilson and Franklin Roosevelt who through public policy initiative contributed to the institutionalization of the collective security. Immanuel Kant strongly supported the idea of collective security in his work of the perpetual peace (1795). Accordingly, he recommended creation of a federation (League) of the world's states that will ensure perpetual peace. The states will form League of peace (*foedus pacificum*), and which would be distinguished from a treaty of peace (*pactum pacis*) by the fact that the latter terminates only one war, while the former seeks to make an end to all wars forever.<sup>68</sup> Through such a federation, the majority of states could unite to punish any one state that committed aggression. This would safeguard the collective interests of all the nations against the narrow self-interest of one nation that might otherwise profit from aggression.

Other contributors to the concept of collective security are the mainstream of international relations theorists. These theories include realism, neo-liberalism, neo-realism and transnational interdependence theory of globalization. The elements borrowed from realism theory includes, the principles of the enforcement of peace, creation of central enforcement authority, and the use of

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66 Hassan Ulusoy, *Collective Security in Europe*, Hassan Ulusoy PhD candidate at METU, is a First Secretary at the Turkish Ministry of Foreign Affairs.

67 Charles W Kengley (et al), *World Politics, Trend and Transformation*: (Thomson learning Inc. USA 2004) p423

68 Immanuel Kant, an article on *perpetual peace* 1795

preponderant power to overwhelm aggressors to achieve compliance. Realist scholars like Thomas Hobbes and Hans Morgenthau enabled successive conceptualization.

The modern theories of international relations which supported the construction of the concept of collective security by adding new and dynamic ideas include neo-realism led by the work of Kenneth Waltz 1979. Waltz added system level analysis of the international security problems, which states that the international structure forms the theatre of states behaviour that constrains them from taking certain action while propelling them towards other actions.<sup>69</sup> The theory provides that in an anarchical situation the states feels insecure and vulnerable and therefore there is need for a mechanism to give security assurance.

Neo-liberalism contends that states are not the only actors in the international arena. There are others such as individuals, non-governmental organizations, civil societies and international organizations, which can penetrate international borders and interact with each other and states too. They also emphasized the need for interstate cooperation on a common interest to create a global community.<sup>70</sup> They base the concept of international security on a common interest in security and peace being the collective good to be sanctioned collectively.<sup>71</sup> The collective good benefits will be enjoyed by all members regardless of their contribution or size, but needs effective governance for it to prosper and eradicate chances of free riding. The transcending nature of the particular interest of sovereign states and the recognition of that common interest carries with it the aspirations to create a communal framework to replace the need for unilateral national security measures.

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69 Croaker C. A, T.O Hampson and P.A (Ed), *Turbulent peace*; challenges of managing international conflict: (Washington; U.S institute of peace 2005) p37

70 John Baliys, (et al); *The Globalization of World Politics an Introduction to International Relations*, 3rded, (Oxford University press, New York 2001) p.29

71 Joshua Goldstein Joshua; *International Relations*, (fifth Ed); New Delhi; Pearson Education Inc. 2003;p221

The transnational interdependence theory of globalization added more value to the concept of collective security by emphasizing further on the importance of cooperative action against the global security problems. The proponents of the school are Robert O. Keohane and Joseph Nye.<sup>72</sup> They criticized the mainstream international relation theories for over simplifying the world politics and having constant factor analysis. The old school selected states as single important actor in the world stage and accordingly missed some fundamental aspects affecting international security that does not depend on borders, for example gender, trade, environmental issues, and further missed the role of non-state actors in the international peace and security.<sup>73</sup>

The study will use a broader concept of security to analyse security issues that will encompass almost all security aspects as professed by Barry Buzan. Currently different security concepts such as human security and international security, purposely developed to address global security issues, which have a different focus in analysis, but highly interconnected and interdependent in issues, but they all share the same purpose and objective. Almost all international security issues are the driving force to the security cooperation of states, because most of these security aspects obey no borders and have enormous and negative effects on the welfare of the tradition states. Some of the emerging multifaceted security problems require multifaceted approach include climate based security problems, human security, economic based security issues, and cultural based security issues.

## **1.8 RESEARCH METHODOLOGY**

The research will obtain all relevant and available data from primary to secondary sources to understand the problem under this study. However, secondary data will be more prominent, owing to its adequacy and convenience of time and resources. Due to limitations of primary data based on cost, time and bulk the research preferred to synthesize secondary data relevant to the study.

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<sup>72</sup> Joseph S. Nye Jr. and John D. Donahue, *governance in a globalizing world, vision of governance for the 21st century*; (Cambridge, Massachusetts, Brookings Institution. Press, Washington DC 2000)

<sup>73</sup> Palmer Howard Perkins, *International Relations, the world community transition*; 3rded, (A.I.B.S Publishers and Distributions Krishna nagger, New Delhi 2004)



The study will explore and critically analyse United Nations publications. Scholarly journals and Internet data will form part of the foundation of the study. Other materials will encompass scholarly essays, academic journals and books by renowned scholars in the field of peace and security. Other works to be reviewed will be governmental policy papers on peace and security, United Nations documents, such as the United Nations Charter and other international agreements and global Conference papers on peace and security and audio and seminar presentations will be examined. Grey or unedited materials will not be ignored but with care will be reviewed, including Internet information, newspapers, magazines, and newsletters, to ensure exhaustive analysis of the problem.

The data collection method will be mainly desk study, library research; Internet based research, attendance of some relevant seminars and review of the relevant material to gather secondary data. Data will also be acquired from some primary sources through discussions in meetings, policy formulation meetings, attended some government negotiation forums interviewing of about five persons from UNON (United Nations Office Nairobi), five persons from the Ministry of foreign Affairs through the unstructured questionnaire system. The sample size target of about ten will be more representative of the population. Primary data collection will be very important since it gives researcher opportunity to be in touch with the critical issues and able to conceptualize and operationalize the objectives of the research. The problem of acquiring primary data is that due to limitations of time and resources the primary data will not be adequately researched. The problem with secondary data is that it is not reflective of the current issues on the ground, and it requires more time to analyse voluminous books to get relevant data. Also it is not easy to get relevant and standard data from all the data banks such as libraries, computer Internet and other resource centres.

The study will use variant tools of analysis including comparative analysis, dialectic analysis, and philosophical exposition among others to elaborate the international political and economical

interactions based on security. The study will also employ critical reflection on the data collected from the field. This is important as it incorporates the researchers input to the study. This allows critical appreciation of the concern areas of the study and related problem.

## **1.9 CHAPTER OUTLINE**

The study is structured around the following five (5) chapters:

Chapter One: Introduction to the study;

Chapter Two: The role of the UN in post-Cold War peace and security: An overview

Chapter Three: The role of the UN in post-Cold War peace and security and the concept of collective security;

Chapter Four: The role of the UN in post-Cold War peace and security: A critical analysis;

Chapter Five: Conclusion

## **CHAPTER TWO: THE ROLE OF THE UN IN POST-COLD WAR PEACE AND SECURITY: AN OVERVIEW**

### **2.1 INTRODUCTION**

In the preceding chapter the study introduced the research topic as critical assessment of the effectiveness of the United Nations collective security, in maintaining international peace and security in post cold war time. The paper further outlined three main objectives of the study and reviewed relevant literature work of the main scholars of collective security and identified the conceptual framework of the study and thereby provided a testable hypothesis of the study.

In this chapter the discussion will be based on the overview of the theoretical basis of the collective security concept. This entails unveiling of the historic routes of the concept, defining the main principles and reviewing the assumptions of the concept. The chapter will further venture into assessing the practical aspect and operational conditions of the concept and further outline the flaws and limitations of the doctrine.

### **2.2 DEFINITIONS AND DEBATES**

The international collective security is a concept introduced by liberalists into the international political system with the aim of mitigating the effects of the international anarchical condition. The proponents advocated for the creation of collective arrangement, formalized through cooperation of sovereign states, for the purpose of maintaining international peace and security in the anarchical situation.

The paper has established that the collective security is simply an idea that any country attacking any other country is tantamount to its attacking all other countries, whose duty is to oppose the attack. The concept of collective security is a sort of social contract among states, whereas the system of balance of power is a mechanism in itself with a measure of laissez-faire, and supposed

to prevent any state from increasing in power enough to be able to upset the status quo. The collective-security goal is stability and peace, while the system of balance of power is expected to maintain the status quo (especially that of the great powers), if need be by resorting to war—with limited objectives—in order to maintain the geopolitical balance.<sup>74</sup>

The security arrangements entered into by the states obligates them to provide security collectively for each other by taking united actions against any aggressive party (state/s) that might challenge the existing order by force. The idea was introduced by political idealists, basing their argument on the historical record of security cooperation. This informed the formation of modern security arrangements. These are the arrangements under which peace and prosperity are purportedly to be defended as a common goal. This is based on a strategy aimed at managing peace in the perpetual international anarchy. This concept was conceived on the basis that aggressors might not be stopped by peaceful means alone, unless met with force that is more superior. Equally, under the collective security system, use of force is not ultimate, and if used it is not meant to vanquish, but only for the purpose of deterrence. New studies have revealed that the use of threat of sanctions is more effective than execution of sanction; therefore, the preponderance power of collectivity is suppose to act as a tool of deterrence against bad practice.<sup>75</sup>

Innis Claudes explained the concept of collective security as a balancing mechanism that operates under universal organization to prevent war and stop aggression far more effectively than the balancing mechanisms that operate in an anarchic setting. The system works through collective security organization which is formed by institutionalizing the notion of all against one, and it contributes to the creation of an international setting in which stability is managed through cooperation rather than through competition.<sup>76</sup>The state behaviour is guided by the understanding that states will be met with overwhelming force if they show aggression, and because they believe

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<sup>74</sup> Leroy Bennett; *International Organizations; Principles and Issues*, a Simon and Schuster co., (Englewood cliffs, New Jersey-1977)p143

<sup>75</sup> Innis Claude L., *Swords into Plowshares: The Problems and Progress of International Organization*,

<sup>76</sup> Joseph R. Stromberg Moses; *Institute of the United Nations Charter and the delusion of collective security*; [www.Stromberg@mises.org](http://www.Stromberg@mises.org)

that, others will co-operate with them in resisting aggression. In that way collective security mitigates the rivalry and hostility of a self-help world.

The practice of collective security requires policy decisions to be determined jointly. Provisions are to be made for an international body to establish multinational-armed force that can be employed to provide deterrence force and restore the continents peace and tranquillity. In addition, collective system requires all states to cooperate and collectively provide security for all by the actions of all against any states within the group, who might challenge the existing order by using force. The ultimate objective of the system is to frustrate any attempts by states to change the status quo with overwhelming force.<sup>77</sup> A change in the status quo meant a change to the world order of independent sovereign states. The worldwide guarantee of the political integrity of all states epitomizes our contemporary version of the collective security idea. The collective security system is supposed to project all global security threats as a matter of international concern and be handled by collective effort of the members.

Historical records have shown some successes in collective security management of peace. A good example is the philosophy used by the Concert of Europe of 1815 that helped to prevent great-power war for almost one century. The Concert merged system powers of the time, which ensured great-power equilibrium through balance of power. Members agreed to consult and take joint action in response to threats to peace and stability.<sup>78</sup> However, critics argue that at least in theory collective security makes for deterrence that is more robust by ensuring that aggressors will be met with an opposing preponderant power of the coalition.

### 2.3 MYTHS AND FACTS ABOUT COLLECTIVE SECURITY

The study has notes that there are extensive distortions in the understanding of collective security concept that are attributed to divergent theoretical conception. A number of scholars and policy

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<sup>77</sup> Hassan Ulusoy, *collective security in Europe* Hassan Ulusoy PhD candidate at METU, is a First Secretary at the Turkish Ministry of Foreign Affairs

<sup>78</sup> Joel Larus; *From Collective Security to Preventive Diplomacy*, John Wiley & Sons Inc. (New York, London, Sydney; 1965) p32-40

makers have used the phrase collective security to explain several policy issues involving security cooperation. Mixed conception has caused confusion in application as well and in the process undermining the fundamental basis of the universal system of security. In this respect, this study will attempt to reveal some practice and concepts that have provided confusing direction on the understanding of collective security.

Its proponents asserted that the collective security approach is not a panacea, neither is it an assurance against all forms of threats to security. It is neither anarchy nor a concept of world government.<sup>79</sup> This means that the prevailing anarchy as posited by the security analyst is engendered by the multistate system, but not sanctioned by collective security system. The ultimate objective of collective security is to frustrate any attempts by states to change the status quo with overwhelming force, acting as pre-emptive rather than vanquishing force.<sup>80</sup> However, critics like Walter Lippmann argue that, the method of collective security system is as terrifying to the policemen (the UN) as it is to the lawbreakers (Aggressors).<sup>81</sup>

Collective security is not a synonym for an enforcement mechanism for all violations of international law. The perception that it is an enforcement mechanism is what created the overwhelming euphoria of expectations during the UN formation.<sup>82</sup> However, the collective security system can create condition under which justice and respect for the obligations arising from treaties is maintained. Severally states have threatened to invoke use of collective security action for violations of all international norms. This must not be misconstrued to apply to any multilateral intervention and is not a form of assurance to be used as an enforcement mechanism for the whole body of international law.<sup>83</sup> However, because collective security has always been described in ideal terms, application has been challenging. It has never been defined by treaty or

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79 Ernst B. Haas, *Dynamics of international relations*, Allen writings Rand Corporation Rubi, (McGraw hill Bk. Co. New York 1956) p461

80 Ibid

81 Ibid

82 Claude, Inis, L., *Swords into Plow Shares: The Problems and Progress of International Organization*,

83 Marshall A. Perler and Spence J.E; *Positive Diplomacy*, (IPs witch Book co.1997) p55

by the supreme international tribunal functioning at The Hague since 1922, and therefore, it is always in danger of being misinterpreted and hijacked in the quagmire of power struggle politics.<sup>84</sup>

Some regional and security organizations are ordinarily understood as a collective security organization. The supposition of the collective security scholars posits that for a system to qualify to be collective security system conditions such as consensus and commitment to peace and collectivity response is fundamental. The displacement of the theory can be confused with collective defence, security community and alliance systems, which are designed according to the balance of power and individual states/group security.<sup>85</sup> The essential conditions of collective system does not exist in those selective arrangements, for example the collective defence and alliances, they all lack universality and they are regional based which limits their mandate. The balance of power system applying to the later systems was displaced by collective security after its inadequacy under the concert of European and the League of the Nations.

It also differs from unilateral or collective defence use of force, not in terms of numbers, but rather in terms of authority and purpose. Irrespective of the number of states involved, unilateral force is the result of a unilateral decision and is designed primarily to achieve goals personal to the acting state(s). Collective security system use of force, by contrast, is the result of the decision of a competent international organization and is taken on behalf of its representative community at large. Collective security action is taken to mean collective use of force carried out in accordance with Chapter VII of the Charter, which has mandate and consent of the all members, thereby giving its actions collective legitimacy.<sup>86</sup>

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84 Hasan Ulusoy, *Collective Security in Europe* HasanUlusoy PhD candidate at METU, is a First Secretary at the Turkish Ministry of Foreign Affairs.

85 Leroy Bennett; *International Organizations; Principles and Issues*, a Simon and Schuster co., (Englewood cliffs, new jersey-1977) p144-145

86 Innis Claude, L., *Swords into PlowShares: The Problems and Progress of International Organization*,

In essence, the collective security system is supposed to be a compromise between the concept of world government and a nation-state based balance of power system. Where the latter is seen as destructive or not good enough to safeguard peace and the former is deemed un-accomplishable in the multistate international system.<sup>87</sup> Therefore, collective security remains the most viable method of controlling war in a world of sovereign states. The states being unable to surrender enough national sovereignty to form even a limited world government and facing the crumbling world, apparently the widely acceptable idea becomes collective security system to bridge between the anarchy and world government.<sup>88</sup>

#### 2.4 BASIC CONDITIONS FOR THE OPERATION OF COLLECTIVE SECURITY SYSTEM

The effective working of collective security arrangements depends on some stringent conditions. Such stringent conditions also constitute the fundamental principles of the concept. These comprise the following; the first principle is the principle of universality, which calls for universal membership of the system, where the international power structure is widely dispersed. This condition allows effective application of preponderance power of collective system to counter balance any aggressive force.<sup>89</sup> In practical terms there is no time that all states will have equal capability, in terms of economic and political power. However, universality under international collective security system entails that members can have equal power and authority and thus combined power of the collectivity, or all member states except the aggressor, will be great enough to overwhelm the aggressor. Otherwise, in hierarchical power distribution superpowers take dominant presence over others and reduce the odds for effective action.

Proponents argue that relatively even distribution of power creates a symmetric balance, with levelled interaction, achievable through a universal membership. While limited membership undermines universality of the system and restricts the amount of resources available for effective application of collective measures such as sanctions and embargo. The deterrence is assured by the

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<sup>87</sup> Hassan Ulusoy; *Collective security in Europe*; www.collectivesecurity.com Hasan Ulusoy., op. cit.,

<sup>88</sup> Ibid

<sup>89</sup> A.F.K Organski; *The World Politics*, 2nd edition University of Michigan; (Alfred A. Knopf, New York 1968) p468



notion that the overwhelming power stands ready to be used against it, an aggressor will either sheathe its sword or go down in defeat.<sup>90</sup> Similarly, limited membership promotes structural weakness and enhances defection of members. Moreover, universality will enable impartiality in the decision-making process through equal representation, and gives equal chances to all voices to be heard in the global forum.

The second principle is the indivisibility of peace. This means that threat existing to peace should be perceived as a threat to every member and that peace is assured collectively and guaranteed as a priority in day-to-day life. Maxim Litvitov a Russian delegate to the UN forming conference made recommendations to plan that peace must be indivisible. This implies lasting willingness of all member states to act and suffer in defence of collective security. The establishment of the collective security system requires all interested nations share in primary interest maintaining of peace, and peace be viewed as indivisible and the threats to peace anywhere be treated as the concern of all members of the system. That preventing aggression is a value that overrides all others in international relations. The commitment of the members to the arrangement of collectivity should be concomitant to the consensus decision on peace and security matters and ready to act in concert at any time.<sup>91</sup>

Indivisibility of peace will provide a condition for automatism of collective action in which all states are equally interested in stopping aggression from whatever source it comes. This principle requires that in any armed combat, members agree on which combatant is the aggressor and reach this agreement immediately since rapid and united action is necessary if aggression is to be brought to a halt before extensive damage is done. As Woodrow Wilson stated, there can be no 'ifs' or 'buts' violation of the prohibition of force must be regarded *ipso facto* as an act of war. Collective security must be a mechanism that acts like a mousetrap that springs automatically

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<sup>90</sup> Leroy Bennett; *International Organizations; Principles and Issues*, a Simon and Schuster co., (Englewood cliffs, New Jersey-1977) p144-145  
<sup>91</sup> Ernst B. Haas, *Dynamics of International Relations*, Allen writings Rand Corporation Rubi, (McGraw hill Bk. Co. New York 1956) p462

when tested, that neither friendship nor economic advantage will stand in the way of action against an aggressor. That all nations agree in advance and react promptly against threat to peace and organized in such a way that can provide the procedures for collective response to threats.<sup>92</sup>

Effective response of the collective action requires that universal interest be upheld above alliances and historic friendship and agreement on the identification of aggressor and victim achieved quickly and unconditionally. Because the system cannot harbour eternal friends or everlasting foes, and regardless of who are the aggressors or the victims, the system must be unbiased and concentrate solely on the act of aggression. Collective security, therefore, is different from a collective defence system like the North Atlantic Treaty Organization (NATO), which will only attack against external enemies but never members within the alliance.<sup>93</sup>

Under the system, all states are free and able to join in action against an aggressor. This condition assumes that all states accept a universal definition of “aggression” and can recognize such acts of aggression instantly.<sup>94</sup> Moreover, this necessitates procedures for the determination of aggression as an impartial process entrusted by all to a universal institution, to make the final (but largely forgone) determination.

Lastly, the system needs to be permanent for the sustainability and reliability of the solutions and needs to have generality in approach to issues to address the wider scope of issues. The system must be permanent, abstract and general as opposed to *ad hoc*, expedient or particularistic.<sup>95</sup> The collective security system must be institutionalized for international security against all dangers. This element is closely related to automatism in collective action and anonymity of aggressor and victim. In other words, the system cannot be whimsical or hesitant.

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92 A.F.K. Organski, *The World Politics*, 2nd edition university of Michigan; (Alfred A. Knopf, New York 1968) p468

93 Charles W Kegley (et al), *World Politics, Trend and Transformation*, 6th edition (Martins press New York, 1997)p454

94 Hasan Ulusoy PhD candidate at METU; *collective security in Europe*, First Secretary at the Turkish Ministry of Foreign Affairs

[www.collectivesecurity.com](http://www.collectivesecurity.com)

95 Ibid

## 2.5 THE LIMITATIONS OF THE CONCEPT OF COLLECTIVE SECURITY

The antithesis argues that collective security is feasible only when it is unnecessary and it works when it is not needed.<sup>96</sup> This expression signified that the whole concept of collective security is crippled by a fundamental paradox that a collective security system can only be successful in a world that is already peaceful. This argument can hold given that the collective security system is not a replacement for state system and also since the system cannot control the behaviour of states, everything is in the hand of states. States actions are motivated by their interest and if their survival is under threat states will act accordingly, even though collective security can give a framework under which even the weak states can defend their security interest.

The study notes that the collective security system suffered flawed conceptualization. The proponents of the collective security system did not adequately explore issues affecting international security, thereby restricted the concept to interstate relation. However, today, security issues have changed in all aspects, including the number of actors in the international arena increased, the role of actors changed and the core values of the system changed among other things. If analytically understood the original concept of collective security ignores the significance of some aspects of security such as the role of non-state actors in international security, and narrowed down the scope of threats to security to only aggression against the sovereignty of the state. Nevertheless, new forms of threats to peace and security such as international terrorism and weapons of mass destruction (WMD), generated by non-state actors and non-military factors, have emerged in recent years as the most significant security threats to the international order.<sup>97</sup>

Additionally the concept makes certain blanket assumptions about the international political system, such as the indivisibility of peace, that aggression anywhere is a threat to all states

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<sup>96</sup> Ibid

<sup>97</sup> Andrea Charron: *Expanding the UN's Collective Security System: Do the Responsibility to Protect and the Duty to Prevent Conform to its Ideal Elements*. Royal Military College of Canada [www.postcoldwarcollectivesecurity.com](http://www.postcoldwarcollectivesecurity.com)

everywhere. This is not true in reality. Powerful states needed not to fear attack from any, but a small handful of small states until recently. State participation in collective response is an issue of foreign policy decision that has to be considered rationally and therefore the question of national interest arises as the benchmark for the action taken. The strategies with which states pursue its national interest are guided by some critical factors to determine nature of its action. For example, factors such as geographical location makes states vulnerable to external shocks. Usually states are unwilling to make a priori commitments that it will fight on the side of anyone attacked anywhere in the world if its own interest are not at stake. It is also proved that weak states often take refuge in neutrality than to engage powerful states in the name of collective security. For instance, when Italy attacked Ethiopia, France and British were reluctant to move against her. Also the Russian invasion of Georgia in 2008 did not receive assistance from either the UN or neighbours.<sup>98</sup>

Similarly, universal ability to oppose aggression or performing any international obligation has been severely affected by national interest issues, which is influenced by a number of factors including geographical location of the state. For example, the protracted war in Syria is a case that has not got critical attention from powerful nations. The main reason is that the strategic ties supersedes collective obligation.<sup>99</sup> However, in reality, allies do not oppose each other. The economic tie between China and Sudan was enabling Sudan to escape sanctions preferred against it by the Security Council because China vetoed the decision.

It is also a mistaken fact, to believe that peace and security are universal goals of all nations overriding all others. In practice, multilateralism tends to receive minimal attention. This is evident in the way international community is reacting to some security issues like the protracted war between Israel and Palestine, a case that has scantily received multilateral intervention. Factually, if the interests of the great powers are not directly threatened collectivity might not

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98 A.K. Organski: *The World Politics*, 2nd edition University of Michigan; (Alfred A. Knopf, New York 1968) p413

99 Ibid

respond and aggressors may be left to devour their victims undisturbed. For example, in Rwanda 1994, the USA president Bill Clinton and UN Koffi Annan regret their slowness until today.<sup>100</sup>

The plan of collective security stresses the fact that the aggressors are dependent upon other nations following growing global interdependence, in terms of economic development, and security wise. Thus, the aggressor can be easily contained through sanctions on trade, transport, and communication, or severe of diplomatic relations. However, interdependence is two-way, and states are dependent upon the aggressor and thus unable to break away completely.

The principle of universality demands for balanced international system, but ordinarily the international system is always based on power hierarchy, where superpowers set the order and others follow. For example, depending on the number of powers competing the international system is run on unipolar, bipolar, or multipolar. However, collective security balance is achievable if the UN system adopts and entrenches equality of membership properly. Otherwise, with five members having more privilege and powers than other members do an asymmetrical relationship created

Unclear identification of aggression by international legal systems, have also led to flawed assumption of aggression as synonymous with first use of military force by one nation against another. For example, it was Japanese planes, which attacked USA first without prior alert in 1941. They bombed American fleet at Pearl Harbour, which triggered US attack in retaliation. The UN uses the same concept to invoke intervention today.<sup>101</sup> The only aggression considered under the institution of collective security is war against sovereign equality, and war was narrowly viewed in disregard of the manifold causal of recent wars.<sup>102</sup> In the process, the vaguest definition preferred for aggression has fundamentally affected other functional areas including identification of aggressor, and agreement on aggressive actions and identity, thereby affecting effectiveness with

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100 BBC article 26th March 2004; The UN Chief's Rwanda genocide regret.

101 A.F.K. Organski ; *The World Politics*,1968; op.cit.,

102 Croaker & T.O Hampson and P.A ( ed), *Turbulent Peace; the challenges of managing international conflict*; (Washington; U.S institute of peace 2005) p32

which the institution has to respond to crises. Thereby the principle of CSS that all nations will agree on the identity of the aggressor was declared infeasible.

In the absence of a clear definition of aggression and aggressive acts can be disguised and even when they are committed openly, claims and counter claims can be launched as to which side starts it all. A complex case of identification of aggressor presented to the UN, which has remained unravelled, includes Israeli-Arab relationship that has remained steadily hostile for decades. Israel insisted she wished to live in peace with her neighbours, whereas some Arab leaders have stated officially and categorically that their aim is to erase Israel from the map. The question is does such stated intention count? A more recent problem caused by a vague definition of aggression that blurred identification of aggressor was the 2003 Iraq war, which was instigated by a claim of the existence of weapon of mass destruction (WMD) by the USA. The USA launched pre-emptive war to stop the said rogue state from arming itself with WMD.<sup>103</sup> But later there was no substantial evidence of WMD, and the war of intervention had ravaged the life of Iraqis.

Agreement on the identity of the aggressor is rarely unanimous as foreseen by proponent of collective security. A position on which nation is the aggressor in an international squabble has not been achieved adequately. Accused nations themselves almost invariably deny the accusation and claim to be provoked by the aggressive action of the opponent. The communist North Korea denies aggression against South Korea, claiming attack came first from South Korea.<sup>104</sup> Based on this it is factual that historians have not conclusively agreed on who might have started WWII and WWI, and that is why philosophers have argued that WWI was unnecessary.<sup>105</sup> The final verdict of history has relied on who writes the account of the events and mostly the aggressor will depend on who wins the war. In the Abarkasia war, Russia invasion was ignored because Russia believed it

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103 John Baylis and Steve Smith, *The Globalization of World Politics, An Introduction to International Relations*, 3rd edition, (Oxford University Press, 2003)

104 A.F.K. Organski ; *The World Politics*, 1968, op.cit

105 Charles Kengley, W. And Wihkopt Eugene R, *World Politics, trend and transformation*, (Thomson learning Inc. USA 2004)

was within its right to defend itself.<sup>106</sup> The vagueness has undermined universal action in stopping aggression as proved by the realities of international politics. International relations history indicates that aggressors have never found themselves friendless, for instance China opposed further sanctions on Sudan according to a BBC report on 29<sup>th</sup> May 2007.

## 2.6 CONCLUSION

The study reveals that the concept of the collective security is a security plan based on the notion of all for one and one for all. This plan is based on principles of universality of membership and indivisibility of peace and obligates members through a contract to collectively stand together and oppose aggression initiated against any member. The proponents assert that the collective security plan is neither an ultimate panacea to peace problems, nor is it an assurance against all forms of threats to security. And also collective security is not a synonym for an enforcement mechanism for all violations of international law. However, the study indicates that due to distorted misapprehension of this concept it has always been described in ideal terms, and this has overshoot the expectations and thereby making application of the concept challenging.

The review of the concept of collective security indicates that practicality is far fetching in the changing world of multistate system. This is because in reality the notion of 'one for all and all for one' is technically infeasible. The practice entirely depends on the states commitment to international obligations, which in turn becomes an aspect of the foreign policy decision of the individual states. It is also noted that the theoretical assumptions of the concept are impractical. For instance the functional basis of the concept is founded on the assumption of indivisibility of international peace. This implies that a threat to peace in one place is regard as threat to peace in every place and that peace assured collectively. This argument cannot hold in reality, because in practise a war between two states, for example in Africa, hardly impacts on other parts of the world.

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106 Economist Magazine article: *NATO and the invasion of Georgia*: 21st August 2008. <http://www.economist.com/node/11965287>

# **CHAPTER THREE: THE ROLE OF THE UNITED NATIONS IN POST-COLD WAR INTERNATIONAL PEACE AND SECURITY AND THE CONCEPT OF COLLECTIVE SECURITY**

## **3.1 INTRODUCTION**

In Chapter 2 the study provided detailed review of the concept that informed formation of international mechanism for maintaining peace and security. The review entailed critical assessment of viability of the concept in question and the possible challenges encountered in operationalizing of the concept. The review also captured the application aspect of the concept of collective security in forming United Nations mechanism. And further outlined the basic principles of collective security and the condition under which those principles can be effectively implemented.

In this Chapter the paper will discuss the application of international collective security concept under the system of the United Nations. The study will look into selected cases of the UN collective intervention into international disputes. In order to have a better understanding of the application and operation of the plan of collective security, the chapter will provide a brief review of the nature and condition of the international political system.

## **3.2 BACKGROUND**

The international relations theorists have maintained that, global systemic changes are responsible for the behavioural formation of international institutions and by extension affect the functional roles of the same institution. With regard to construction and operation of the UN collective security system, the study considers that, having been construed in the post-war anarchical condition, the system inevitably reflects the exigencies of wartime. Therefore, its formation reflects the pattern of the power arrangement after war. And in the formation process of the collective security system the victor states took the centre stage and steered the codification of the rules of the system according to their interest.



During the formulation process the power competition took precedence over cooperation, leading to creation of imbalanced arrangement. Notably, the system created, favoured the incidental alliance of powerful states. Under auspices of universal organization, they formed what they called required unity of the permanent members of the United Nation Security Council. This thinking was informed by the understanding that the concert of the powerful nations for peace is indispensable. Organizers thought that the great powers unanimity was attainable and would effectively maintain peace among small and medium power states.<sup>107</sup>

However, just after its formation, the UN system was caught up in a political turbulence of power struggle of the famous cold war politics. The wrangle literally engineered a new and fundamental transformation of the international system. The power structure was changed from bipolar to unipolar, following collapse of one power centre that is the east communism under Soviet Union, and the west led by the USA emerged as new centre of global power. The emergence of the single power dominance led to resurgence of hegemonic power politics, which negatively impacted on the working of the UN system, due to conflicting interest of the imperialism and international obligations.

The study further notes a new phenomenon that emerged on the international arena after cold war period (Post cold war). This was marked by a drastic decline of traditional interstate wars, and increased intrastate conflicts, especially in the third world states. The intrastate conflict became rampant and endemic in 1990s, at one point the frequency increased tremendously, in 1960, 103 intrastate conflicts recorded against 22 interstate conflicts.<sup>108</sup> In explaining this scenario scholars of conflict management study argued that such situation have resulted from collapsed of institutions of governance, both at national and international level. This implies that the failure of

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107 See Chapter one: Literature Review

108 Paul D. Williams, *Thinking about Security in Africa; International Affairs*, Volume 83 (6), November 2007 (1021-1038)

institutions of governance exposed the fragile states to external and internal shocks, where the struggle for regime survival took precedence. The underlying inequalities and inadequacies within the weak states were exposed, erupting into dysfunctional conflict.

The study observed that during cold war the decolonization process of small states took place in 1960s, which was carried out in a way that privileged statehood over justice.<sup>109</sup> Above any test of viability, and without considering existence of a national-hood, or adequate economic performance, defensibility, or a prospect for achieving justice for citizens, states were created.<sup>110</sup>

The UN extended unconditional right of independence to the putative states. This process led to the emergence of a new form of threat to international peace and security, as new states collapsed under pressure of change and survival. During the cold war wrangle the injustices and other underlying inadequacies remained inactive. The proxy wars conducted by the powerful states provided support in terms of finance, weapons and tactics to the differing factions. When Cold war icons fell in 1990, the support declined, and states were orphaned, but the small arms were in abundance and accessible within the dilapidated states. This led to rise of widespread-conflict of the self-determination nature manifested in form of coup and counter-coups, especially in Africa and Latin America.

During the same period of the cold war rivalry, a vacuum developed in the international order; the UN Security Council collective system became inactive. The Council, which is the central structure of collective security mechanism-was incapacitated by the permanent members' inability to achieve unanimity in decision-making. A crisis that resulted from conflict of interest between the members of the Council. They used powers and privileges accorded to them through the Charter of the UN that is the power to enforce international peace and security decisions and power to veto decision. The antagonists' executed their action through application of containment

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109 Charles Kengley (et al) *World Politics, trend and transformation*, (Thomson learning Inc. USA 2004) p113

110 William Zartman et al; *Sovereignty as a Responsibility, conflict management in Africa*, the Brookings institution, (Washington DC1996) p2

and deterrent policies, using veto power to revoke decisions affecting their interest. And this tendency of misuse of veto power actually went beyond cold war rivalry to post cold war, today China prominently uses veto power. This has caused a situation of indecisiveness and uncertainty in the international scene.

### 3.3 THE OPERATIONAL METHODOLOGY OF THE UN COLLECTIVE SECURITY SYSTEM

The UN collective security was established on the principles and procedures of the Charter, which guides the implementation of the policy actions. This system was developed on the basis of the ideas that emerged from the doctrine of collective security. The scholars of the collective security defined the concept as a type of coalition building strategy in which member states agree not to attack each other and rather defend each other against an attack from one of the others, if such an attack is made.

The collective security speck in the principle is the phrase "*an attack against one is an attack against all*", which differentiates universal collective system from "*collective defence*" which is a coalition of nations, where members agrees to defend its own group against *outside* attacks.<sup>111</sup> The world leaders borrowed this plan from ancient peace initiatives and the Woodrow Wilson declaration of the fourteen points, helped foster the UN collective security system. Originally under the system of UN, collective security was perceived as referring to solely the peace enforcement plan, however, as explained later in this study, you notice that the scope of the collective security measures is wider than that.

The Charter explains that the functional objective of the UN collective security in article 1(1) of the Charter as collective measures aimed to save succeeding generations of humanity from the scourge of war. The article defined collective security as an effective collective measure taken by the members for the prevention and removal of threats to the peace, and for the suppression of acts

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111 See Chapter two: *Basic Conditions for the Operation of Collective Security System*

of aggression. The article further explains that the action taken in adjustment and settlement of international dispute situation has to be in conformity with the principles of justice and international law.<sup>112</sup>

The Charter under article 24 further sanctions the United Nations Security Council (UNSC) as the principal organ. And conferred the primary responsibility of maintenance of international peace and security up on the Council. In the same context it demands that the member states agree that the decision passed by the Council on peace and security is mandatorily abiding. This will further obligate the members to agree to accept and carry out the decisions of the Security Council through article 25 of the Charter. According to the Charter the other organs (Secretariat, General Assembly, ECOSOC, the Trusteeship Council and ICJ) of the United Nations can only make recommendations to governments, and the UNSC is the only organ capable of passing resolutions that are legally binding on all member states.<sup>113</sup>

In order to fulfil its responsibility of maintaining international peace and security the Council acts and approves intervention measures in order to contain a conflict situation. The intervention commences once the matter has been listed on the agenda of the Council meeting, then the Council will assess and approve it as a problem that needs international solution. The first action will be to direct a comprehensive investigation of the problem. Depending on the condition of the crisis and the harmony of the interest involved the Council might first consider exploring pacific means to settle disputes under Chapter VI of the UN Charter. Recommending to the parties that they reach an agreement through peaceful means, such as call for ceasefire or truce, and mediation, among others. It may appoint special representatives, direct the Secretary-General to

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112 See Chapter one: Literature Review:

113 Sahar Okhovat, *The United Nations Security Council: Its Veto Power and Its Reform*, CPACS Working Paper No. 15/1 December 2011 The Centre for Peace and Conflict Studies The University of Sydney NSW 2006 Australia

appoint special representatives, and or set some principles for the peaceful settlement of the conflict.<sup>114</sup>

In the event fighting persists the Council tries to secure a ceasefire, by approving intervention by a peacekeeping mission to help the parties maintain the truce and to keep opposing forces apart, sometimes create a buffer zone for the transmission of humanitarian services. The Council can also take measures to enforce its decisions under Chapter VII of the Charter. It can also impose economic sanctions or order an arms embargo. That is in the initial course of intervention, the Council may call upon the members to apply such measure as complete or partial application of economic and trade sanctions, travel ban, communication interruption or severance of diplomatic relation, provided by article 41. The Council also has authority to direct the member states to use 'all necessary means', including collective military action against the aggressor under article 42.<sup>115</sup> This article provides the apex of the UN collective measure. In the traditional view UN measures stops at this point, unfortunately no disputes has stopped or may have subsided at this point, but rather some conflicts continues in a changed form and dimension, an example is the Somalia conflict, and the Democratic Republic of Congo, which are still hot and fierce in spite of several international interventions.

In practice the UN intervention is not as smooth and simple as explained above. The process of decision-making and implementing is highly challenged by the disagreement and lack of commitment of the members. When the UNSC plunged into veto-caused crisis during the cold war period, a situation emerged, better known as anarchy or lack of overarching legitimate organ/institution of governance. The UN collective security went into inaction, following veto invoked, in 1950 by Soviet Union against collective actions to stop Korean War. From a realism view, such period of vacuum of power are highly susceptible to war caused by uncertainty of

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114 See Chapter one; Literature Review:

115 Ibid

security, but Barry Buzan rules out possibility of war in international anarchy. He argues that the presence of regulating regimes such as international law, International Court of Justice, International Criminal Court, and thereby benefits of economic cooperation reduce propensity for conflicting relations.<sup>116</sup>

However, the situation subsequently impaired UN collective security system, and also, destroyed some institutions such as MCS (Committee Military Staff), which are critical in application of collective security. To salvage the system, the G.A (General Assembly) passed a resolution, to circumvent veto obstruction and sanctioned UN interventions. The members invoked article 10 of the Charter, which provided a vent for alternative means, which lead to invention of Peacekeeping mission. The article provided that *in case a threat to peace, breach of the peace, or act of aggression is suspected, the General Assembly shall consider, immediately the matter with a view of making appropriate recommendations to members for collective measures.*<sup>117</sup>

Using provisions of article 10, the G.A passed a Resolution Uniting for Peace (RUFPP) on 3 November 1950, which granted G.A power to permit peace enforcement, conditioned on Council approval. However, the working of proposed mechanism was subjected to the limitations of G.A powers, since the G.A can only discuss and recommend to UNSC, on any issue pertaining international peace and security.<sup>118</sup>

### 3.4 THE UN INTERVENTION CASES IN POST-COLD WAR PERIOD

At one moment the UN collective security was grappling with the challenge of maintaining international peace and security on one hand and attempting to ensure its survival on the other. The study links this situation to overdependence of collective system on the political will of the

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116 Adam Roberts and Benedict Kingsbury, 2nd edition, *United Nations, Divided world, the United Nations roles in international relations*; (USA Oxford University Press 1993) p65

117 Article 10 of the *Charter of the United Nations and Statute of the International Court of Justice*

118 Adams Roberts and Benedict Kingsbury, 2nd edition, *United Nations, Divided world, the United Nations roles in international relations*, (Clarendou press, Oxford; New York; 1993)p66

powerful states. Following the institutional impairment suffered the system lost capacity to ensure effective enforcement of peace. The permissive peace enforcement mechanism took effect through moral authority of G.A, but this further subjected the system to the mercy of the dominant power interest. Further to that the question of whether the emerging threats to peace and security, can be considered, as a matter of international concern and at what level of magnitude a threat becomes an aggression, remains unresolved.<sup>119</sup> Today the real threats to international peace and security are no longer confined to violations of state sovereignty for which the UN collective security system was created. Rather, genocide, massive violations of human rights, civil conflicts, terrorism, and weapons of mass destruction (WMD) represent immediate international security threats that are beyond the scope of any one state.<sup>120</sup>

Here below the study will critically look at some typical cases of post cold-war collective security intervention, which includes intervention into the 1991 Iraq-Kuwait War and the intervention into Darfur war (Sudan) 2001-2006. These two cases have completely different characters, in terms of dimension, the nature and type of the problem. Equally, the intervention differed, and therefore this gives the research an opportunity to assess the correlation between the policy and the practice of the UN collective security system.

### **3.5 THE 1991 IRAQI-KUWAIT WAR**

At one moment the UN collective security was grappling with the challenge of maintaining international peace and security on one hand and attempting to ensure its survival on the other. The study links this situation to overdependence of collective system on the political will of the powerful states. Following the impairment of the system as caused by veto crisis, the UN lost capacity to ensure effective enforcement of peace. The permissive peace enforcement mechanism took effect through moral authority of G.A, but this further subjected the system to the mercy of the dominant power interest. Further to that the question of whether the emerging threats to peace

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119 A.F.K Organski, *The World Politics*, 2<sup>nd</sup> edition university of Michigan; (Alfred A. Knopf, New York 1968) p460

120 Hasan Ulusoy, *collective security in Europe* HasanUlusoy PhD candidate at METU, is a First Secretary at the Turkish Ministry of Foreign Affairs.

and security, can be considered, as a matter of international concern and at what level of magnitude a threat becomes an aggression, remains unresolved.<sup>121</sup>

The study selected this case because of the timing, which is of importance, since it marks a symbolical departure from Cold-war realm, and also important because it is an interstate war taking place under the new international order. During this period the UNSC showed a strong recovering from inaction, following a unanimous vote for resolution 678 invoking peace enforcement Chapter, in Nov 1991, authorizing use of force against Iraq invasion. Even though China absented itself, while Cuba and Yemen, voted against.<sup>122</sup> In the implementation of the resolution, mainly the US and its allies conducted operation desert storm I-intervention regarded to be legitimate under permissive enforcement resolution-RUFPP.

This case was considered most successful intervention since the formation of the UN collective security system. But still, the contracting of NATO and allies indicates that besides recovering from veto crisis, the Council still faces difficulty of commitment of the states to the intervention or implementation of peace enforcement, which largely remains indefinable. Study has shown that if NATO or US is not supporting, the UN peace enforcement will not materialise. This happened to Rwanda 1994, when US president Bill Clinton adopted isolationist policy after US suffered severe casualties in Somalia intervention in 1993. The Charter obligates the members to support enforcement of peace and security that the governments of all the states have to join to prevent any of the members from using force to gain advantage over the other states. But many interventions usually fail because is either too late or is applied incomplete. And not all states comply with application of the Chapter VII or enforcement of peace, when economic and diplomatic sanctions

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121 A.F.K Organski, *The World Politics*, 2<sup>nd</sup> edition university of Michigan; (Alfred A. Knopf, New York 1968) p460

122 Marjorie Ann Browne; *Report for Congress on the United Nations Security Council-Its role in the Iraq Crisis: A brief Overview*; Updated March 18, 2003: CRS Web



were applied on Iran and North Korea to stop their nuclear weapon ambition, it turns out that it was only US and its allies who seriously committed to the application of the sanctions.<sup>123</sup>

### 3.6 THE 2004 – 2007 DARFUR CONFLICT

The Darfur case involves a war that escalated to international level in 2003. The Darfur war is an endemic resource based conflict triggered by perceived inequality, where the regional tribes and races, fought for access to basic needs and services. This was mainly between Arab communities and non-Arab Africa tribes. An intercommunity conflict extended to full scale war when the people, who felt marginalized for long formed rebellion forces named (SLM) Sudan Liberation Movement/Army, and (JEM) Justice and Equality Movement, with an aim to redress imbalance and defend their land and people. The Arabs forces armed with racism and Arab supremacy ideology formed a government-backed militia named Janjaweed aimed to exterminate the black population.<sup>124</sup>

Along the way the mode changed from the oriental resource based conflict to a full-scale politically motivated war. This was with the help of government, who participated through proxy forces to contain uprising. The government used excessive force, by applying air and ground heavy artilleries, displacing over 4million people of non-Arab Darfurians and causing death of staggering number of between 400,0000 to 1million people, by 2007. As compared to the Iraq-Kuwait war of 1991, this is a complex situation, it is an intrastate conflict, and the UN does not have an express intervention right unless proved that the magnitude is of international concern. And also it has a cross border influence on Chad and Central Africa, make it more complex.<sup>125</sup>

In the Darfur war, while there was a consensus in the international community that ethnic groups have been targeted and that crimes against humanity have therefore occurred, there has been a

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123 Marjorie Ann Browne; Updated March 18, 2003: CRS Web

124 Global Pulse video, *Darfur & China: Oil verses genocide* 15th June, 2007

125 Ibid

prolonged debate on whether genocide has taken place. Due to the pressure from civil society and non-governmental organizations the US declared that the government of Sudan has committed genocide, this further expanded the definition of the term genocide to include ethnically targeted killings, rapes, and displacement. Seeing the effort of the civil society in exposing the inside details of the conflict and the government of Sudan declared some entities persona non-grata, including Red Cross, leading to complete paralysis of humanitarian operation in Darfur. The US under pressure from the same sector, applied to Security Council to take action, recommending investigation to verify the crime of genocide.<sup>126</sup>

In May 2006, the International Commission of Inquiry on Darfur was formed, mandated by the United Nations to investigate, which concluded that the Government of Sudan has not pursued a policy of genocide. They added that international offences such as the crimes against humanity and war crimes have been committed in Darfur may be more serious and heinous than genocide.<sup>127</sup> However agreement on the use of the term *genocide* was missing. For UNSC to act and intervene it has to prove that there is breach of international peace, and has to surpass the threshold of article 2(7), which states that the United Nations has no authority to intervene in matters which are within the domestic jurisdiction of any State, *while this principle shall not prejudice the application of enforcement* measures under Chapter VII of the Charter. The italicised phrase is open-ended and could not guarantee peace enforcement measures expressly, thus its vagueness has given room for assumption of absolute sovereignty.

It is observed that the US government was reluctant as well to lead intervention despite proof of crime of genocide, which its constitution guarantees the president to declare intervention. Being the most powerful country and with highest stake in international order US has been seen leading interventions such as Iraq-Kuwait case. But Darfur case could not be that weighty on the scale of

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<sup>126</sup> BBC News; *Sudan Allows aid agencies back*; 12th June, 2009

<sup>127</sup> Andrea Charron: *Expanding the UN's Collective Security System: Do the Responsibility to Protect and the Duty to Prevent Conform to its Ideal Elements*. Royal Military College of Canada [www.postcoldwarcollectivesecurity.com](http://www.postcoldwarcollectivesecurity.com)

its national interest measure. Thus this gave Khartoum chance to assume absolute jurisdiction over Darfur affairs and mobilised its allies to oppose the UNSC resolutions terming it Western invasion. Nonetheless, there was agreement on AU lead intervention, through the constitutive act principle 4(h) gave AU express right to intervene, which provide the right of the Union to intervene into domestic matters of a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.<sup>128</sup> On that basis the AU sent a mission that was mandated to monitor the parties' observation of Ndjamenan ceasefire (AMIS-African Mission in Sudan-2004), a peace deal brokered in Chad, Ndjamenan and military forces were sent to protect the monitors.

However this action was criticised by some scholars as insufficient and ad hoc attempt. Generally the AMIS achieved little, and suffered heaviest casualties. The mandate was limited and the mission was under equipped. The UN could not help; due to lack of consensus of the permanent members, China and Russia used the threat of veto to prevent invoking of Chapter VII. The principle of non-intervention as well limited the use of Chapter VII, a situation that resembled Rwanda genocide 1994, where gross human right violation conducted in some failed states and continued uninterrupted. Similarly the US action was slowed because of its national interest orientation that categorized Africa as non-strategic.<sup>129</sup>

The Ndjamenan ceasefire did not hold the government of Sudan could not implement the objective of the agreement that required neutralising of the armed militias. Because of the interest attached and also lack of capacity, since it is already overstretched by the long-standing Southern conflict, the government was unable to disarm any group. Similarly the rebel factions' disunity affected solidification of the ceasefire decision. Following a breach of Ndjamenan Humanitarian Ceasefire Agreement, the Security Council used the same platform and passed resolution 1556, 30 July,

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<sup>128</sup> African Union; *Constitutive Act of African Union*; <http://www.au.int/en/>

<sup>129</sup> Marjorie Ann Browne; Report for Congress on the United Nations Security Council-Its role in the Iraq Crisis: A brief Overview; Updated March 18, 2003: CRS Web

2004, that demanded disarmament of the Janjaweed within 30 days and physical protection of the displaced people and those returning home.<sup>130</sup> Omar Al Bashir strongly refused UN involvement, and Janjaweed remained armed. The US called for AMIS to hand over to the UN peacekeeping mission, arguing that AU forces have never handled such complex conflict and also lacks capacity.

The AU and UN were reluctant to adopt a stronger position; likewise Khartoum was strongly against UN intervention. Following relentless diplomatic effort, the UN adopted resolution 1706, a Chapter VI version of an intervention that recommended expansion of UN mission in Sudan to include deployment of peacekeeping forces. The Sudan government remained adamant to the UN intervention, and also China, and Russian absented themselves claiming that the resolution lacked the consent of Sudan. Since the application of Chapter VI intervention relied on the consent of Sudan, thus deployment failed. The UN then embarked on an alternative, approaches to try to begin to stabilize the region, including through strengthening of the AMIS, and devised intervention through agreement on hybrid mission of joint AU-UN mission.

Following prolonged and intensive negotiations with the Government of the Sudan and with a significant international pressure, the Government accepted peacekeeping operation in Darfur, and demanded the military forces to be exclusively African based, although China was able to get the consent of the Sudan government. On 31 July, the Security Council by resolutions 1706,1755, 1769 (2006) authorized the establishment of the United Nations-African Union Hybrid Operation in Darfur (UNAMID), upheld on the concept of Responsibility to Protect.<sup>131</sup> This concept was introduced to the UN system after the 1994 Rwanda genocide, it provides the UN responsibility to intervene into intrastate conflict, and mandates application of coercive measures including military

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130 The United Nations Security Council, Press Release SC/8160; Resolution 1556 (2004) Security Council Demands Sudan Disarm Militias in Darfur;

131 UNAMID *African Union/United Nations Hybrid operation in Darfur*: [www.un.org/ga/search/view\\_doc.asp? Symbol/=s/res/2006](http://www.un.org/ga/search/view_doc.asp?Symbol=/s/res/2006)

intervention, considered under necessity, if the state manifestly fails to protect its citizens from mass atrocities, such as genocide, war crimes, crimes against humanity, and ethnic cleansing.<sup>132</sup>

### 3.7 CHALLENGES

The study observed that despite the gravity of the war in Darfur, it was the most challenging task for the international community to intervene. The study links these challenges to the conceptual basis of the system, which created constitutional weakness through entrenchment of state sovereignty and assurance of non-intervention into domestic affairs of a state. The sovereign independence places strong restrictions on the independent power of the organization. The reservations have made the UN to depend on the willingness of the states for its effective working. Similarly, the securitizations of some threats as whether they are to be considered as threats to international peace and security, or whether it is a matter of internal affairs has been an endless debate. However, mechanisms such as humanitarian intervention under the concept of responsibility to protect has been used to pursue permissive enforcement, which was first used in former Yugoslavia. The prolonged debate also delays the process of determining the security agenda, which is also dependent on the discretion of the superpowers, and if the reaction of the superpowers is not effectively forthcoming intervention delays.

The other problem was the approach adopted by the Security Council to the Darfur genocide, which was heavily criticized by many states and writers as being most undesirable. The Council was thought to have delayed considerably in authorizing action aside from the fact that when the situation has become desperate, the S.C had not yet even placed it on its agenda<sup>133</sup> The civil society and the international media played a critical role in putting Darfur matter on the international agenda. The role of China was so significant as well in the failed intervention, in which using its privileged position in the Council, obstructed progressive intervention. China

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132 The United Nations, General Assembly; *Draft resolution referred to the High-level Plenary Meeting of the General Assembly by the General Assembly at its fifty-ninth session*; 2005 World Summit Outcome;

133 Hasan Ulusoy, PhD candidate at METU, is a First Secretary at the Turkish Ministry of Foreign Affairs

became instrumental in blocking the UN intervention; they weakened application of resolution 1556 that was adopted by the Council to impose an arms embargo on all non-governmental entities and individuals, including the Janjaweed, operating in Darfur on 30 July 2004. They supplied military equipment's and trained personnel that participated in the conflict in Darfur. They prevented the threat of sanction on Sudan, and blocked a robust UN intervention into Sudan dispute. The main motivation for China is said to be protection of its interest in oil.<sup>134</sup>

The study observed that lack of legitimacy of the UNSC decision also poses a major challenge to the collective security intervention. Legitimacy in the parlance of international governance connotes the authority, both legal and moral of the organ of international organizations, to take collective actions and decisions on behalf of the members.<sup>135</sup>In the context of the Security Council, legitimacy refers to the collective jurisdiction of how the Council deploys its legal and moral authority to decide on and implement the measures containing in Chapter VII of Charter. To assert its legitimacy Council must be seen to be acting in accordance with established procedures and limitations. The Council must also persuade states that it is exercising its powers justly. Even though, peace and security issues are mandatory obligations to all, but have to be authorized by the UNSC and has to be subjected to synchronized vote of the permanent 5, that is the veto.<sup>136</sup>

The Council derives its legitimacy basically from the loyalty in its simplest formulation, which implies the legal ability to perform a task. It is contended that good reasons for an action may not make it legitimate if it does not meet the approval of the majority. Especially in Africa and Middle-East Asia-the UNSC decision has lost critical support, this due to selective and unilateral intervention carried out by the permanent members of the Council. Some cases that have raised legitimate questions over the operation of the Council, includes the Lockerbie affair, the Iraq war

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134 YouTube Video, *BBC Darfur documentary*, China's Secrete War in Darfur.

135 Croaker .C.A, T.O Hampsun and P.A (Ed); *Turbulent peace; Challenges of Managing International Conflict*: Washington; U.S institute of peace 2005

136 Croaker .C.A, T.O Hampsun and P.A (Ed); *Turbulent peace; Challenges of Managing International Conflict*: Washington; U.S institute of peace 2005

2003, the Rwandan Genocide 1994, and Darfur conflict 2003. In the Lockerbie affairs, several states criticized the decision of the Security Council to impose sanctions on Libya while the issue was before ICJ (international court of justice). With Iraq-Kuwait conflict 1991, virtually all states agreed with the adoption of resolution 678, despite a few states opposed like Yemen, Cuba, and Colombia disagreed with the timing of that resolution.<sup>137</sup> In the case of Iraq war 2003, many states opposed it and regarded it as an invasion and imposition of imperialism. But in the case of Darfur the Council faced exceptional opposition from African leaders against the resolution S/RES/1593 (2005) directing ICC (International Criminal Court) to indict (Omar AL Bashir) Sudan President.<sup>138</sup> Even though the decision taken by African leaders was not popular at home, surprisingly there was minimal resistance aired. African leaders with the support of China criticized the UNSC resolution as lacking multilateral qualities and of being more unilateral and selective action of the western powers as indicated by the overshadowing presence of the UK (United Kingdom).

The Charter further anchored international action to the discretions of the UNSC permanent members, under article 27(3), which anchored enforcement of collective action on the unanimity of the permanent members. The veto mainly devised to protect the interest of the founders of the UN system by providing holders' of veto power immunity against collective action from minor members, but the intended peace concert of the powers was not feasible owing to divergence of interest, and the resultant absence of consensus on peace and security issues. In practice, the veto power was used by permanent members to advance their national interest, and the use of veto to meet individual objectives paralyzed the decision-making process of the Council, consequently hampered the progress of the United Nations function of maintaining international peace and security.

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137 Haas Ernst B., *Dynamics of International Relations*, Allen writings Rand Corporation Rubi, (McGraw hill Bk Co. New York 1956)

138 Marjorie Ann Browne; Report for Congress on the United Nations Security Council-Its role in the Iraq Crisis: A brief Overview; Updated March 18, 2003; CRS Web

The study noted that the post-cold war international system was made unstable by the increasing number of failed states and weakness of global peace cooperation. As a result innocent people were exposed to threats to peace and security. For instance, some regions in Africa were noted as the most insecure place by a contemporary political and development indices. Where the failed states indices report of 2007, indicate that Africa as the continent with the highest number of failed states of eight out of the world's ten most failed states. In ascending order there are Sudan, Somalia, Zimbabwe, Chad, Cote d'Ivoire, Democratic Republic of Congo, Guinea, and the Central African Republic. These fragile regimes were established arbitrarily by colonial system, which remained docile during the cold war era despite underlying inadequacies, but drastically erupted into chaos after losing external support. Additionally, absence of the supposedly supporting system of the UN exposed the population of this states to the cruelty of the political transformation process, leading to an irreversible political quagmire of modern time.<sup>139</sup>

### 3.8 THE PROSPECT OF UN COLLECTIVE SECURITY

The report ...*In Larger Freedom* by Kofi Annan Secretary General of the UN, states that the principles and purpose of the United Nations, as set out in the Charter, remains as valid as and relevant today as they were in 1945, and that the present moment is a precious opportunity to put them into practice.<sup>140</sup> It is however acknowledged that UN organization practices are not adapted to the needs of today. The heads of states and governments, in the Millennium Declaration, reiterated the same and stressed the need for strengthening the UN to make it more effective instrument for pursuing the objectives of collective security.

Here are some of the essential modification measures experienced by the United Nations collective security system, that were meant to make the system more effective in tackling international conflict issues. This includes: expanded intervention approach, enhanced response to

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139 Paul D. Williams, *Thinking about Security in Africa; International Affairs*, Volume 83 (6), November 2007 (1021-1038)

140 Koffi Anan the UN Secretary General; *In larger freedom: towards development, security and human rights for all*; The United Nation, New York 21 March, 2005- A/59/2005.



international peace problems; introduction of responsibility to protect; and adding Peace-building aspect to collective security responses.

### **3.8.1 Expanded Intervention Approach**

The expanded intervention entails provision of a complete peace, with justice, equity and progress, to ensure a lasting peace. This involves addressing the core causal issues of the dysfunctional conflict, an intervention to address what prof. Joan Galtung calls structural conflict, to achieve positive peace.

In order to meet this need for adapted changes the international community have made attempts to address this challenge through a number of strategies aimed at building confidence and trust in the UN collective system. This includes reforms targeting improvement of the international peace management mechanism through making it more inclusive process by cooperating broader scope of participants such as regional organizations, and media, and also introduce a mechanism such as UN/AU hybrid mechanism, and early-warning systems. The process also involved re-conceptualizing of peace to include elements like development, justice, and security. Lastly, the processes targeted strengthening of the UN role in addressing non-political issues of social-economical nature including poverty, climate change, and development through pursuing comprehensive reforms in the fundamental institutions of the UN collective system. Some measures were adopted to address the problems of ineffective response, unattended peace problems and relapse of post-conflict situations attributed to the incompetence of the available mechanism.

### **3.8.2 Enhanced response to international peace problems**

In 1990 a major attempt was made to address inadequacies of the UN collective security system by the then UN Secretary General Boutros Ghali. He outlined the most ambitious role for UN in

international peace and security management in a seminal report headed 'An Agenda for Peace'. The proposal aimed to improve the intervention mechanism, particularly expanding the scope of security threats to include intrastate conflicts as a major threat to international peace. The report cared for improvement on speed of response by strengthening preventive diplomacy involving confidence-building measures; fact-finding and preventive deployment of UN authorized forces. The report recommended the enhancement of enforcement to overcome major legal obstacles placed by principle of non-interference, and preferred sanctioning interventions on humanitarian ground without the consent of the party.<sup>141</sup>

The report recommended a paradigm shift in expanding the scope of international security threat to include security threats emanating from within the states. However, the reforms were not accommodated in the Charter to give legal support. The reform proposal was not effectively executed until 2000s, because the practice was highly interfered by power interest, and legal challenges. Nonetheless, some selected interventions were conducted through *permissive* enforcement, by NATO forces, which deployed an air raid in the conflict of the former Yugoslavia state to stop government-backed atrocities. And the proponents of the system considered response to the Yugoslavian conflict and the response to Kuwait-Iraq war as some of the outstanding cases of successful interventions, and both were effectively handled. The Yugoslavia peace process was also followed up with the pursuit of justice, which involved arraigning of the conflict perpetrators, before an international tribunal called International Criminal Tribunal for Former Yugoslavia (ICTY).<sup>142</sup>

### **3.8.3 The introduction of the Responsibility to Protect (R2P)**

In 2000s internationalization of peace problem became more real when terrorists bombed New York Twin towers. Before this tragedy, there was a persistent failure of international interventions

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<sup>141</sup> Charles Kengley , and Wihkopt Eugene R; *World Politics, trend and transformation*, (Thomson learning Inc. USA 2004) p413

<sup>142</sup> The United Nations, *International Criminal tribunal for the former Yugoslavia 1993*; [www.icty.org](http://www.icty.org).

partly attributed to negligence of powerful state, until this wakeup call some states were so ingrained into isolationist policy. Since then more attention was given to international issues, especially problems affecting poor regions of the globe. The reform processes were introduced through a collaborative and comprehensive study undertaken by a team of High Level Panel (HLP) examining major threats and challenges to global peace and make recommendations. The panel provided a comprehensive report A/5a/565 of Dec-2004 on 'creating a secure world on a shared responsibility' aimed to broaden the scope of security beyond interstate crisis, and improved peace management mechanism to ensure sustainability of peace. Issues considered as critical to international affairs include poverty, epidemics, and climate change, among others.<sup>143</sup>

This led to the introduction of a new principle of collective security 'responsibility to protect and duty to prevent' to include armed humanitarian intervention. The principle of 'responsibility to protect' as imbued by paradigm shift in peace and changed security thinking to 'thinking new.' Experts re-conceptualized international security, from state-centered norms to globalization of security with human security emphasized and re-conceptualization of peace management mechanism to integrate 'hard' and 'soft' power politics.<sup>144</sup> Where soft power politics involves preventive diplomacy to carry out confidence building, fact-finding measures, and hard politics involves authorization for international intervention after receiving enough justifications and peoples acceptance. The improvement enhanced traditional peacekeeping measures on the principle of 'responsibility to protect' under which use of force to protect population was justified, and capacity to facilitate operation across the conflict zone.<sup>145</sup>

The reforms further preferred expanded legal jurisdiction of the system and further reinforced Chapter VII article 42 of the Charter, to provide unconditioned intervention under humanitarian

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143 Kofi. A Annan, Secretary-General of the United Nations, *In Larger Freedom: Towards Development, Security and Human Rights for All*; United Nations, New York 2005; p35

144 Journal, International Affairs, Volume 83 Number 6, November 2007; David Curran and Tom Woodhouse; *Cosmopolitan Peacekeeping and Peace-building in Sierra Leone: What Africa can contribute*: pp1055

145 Kofi. A Annan, Secretary-General of the United Nations, *In Larger Freedom: Towards Development, Security and Human Rights for All*; United Nations, New York 2005; p33

demands. The International Commission on Intervention and State Sovereignty (ICISS) and HLP recommended that regardless of the legal norm developed or not, there is a growing international consensus that, under certain circumstances characterized by massive human rights abuses, a legitimate case for armed intervention is emerging. However, acceptance of the new idea also requires a concurrent fundamental shift in thinking of states. A shift in definition of state sovereignty from the traditional view of assuming authority of unrivalled control over a delimited territory and the population residing within it-to sovereignty as responsibility and conditional on a state demonstrating respect for a minimum standard of human rights-then a norm of responsibility to protect will emerge. If this shift can be made, then armed forces can be employed legitimately.<sup>146</sup>

The new reforms further recommended a dramatized paradigm shift in security thinking. This is to accommodate new trends of security, which have moved away from conventional view, to a new international security approach focusing more on peace as justice, development, and equality. The assumption in the early days misinformed the policy action, whereby the Charter assumed that security threats would be largely state-on-state, which meant that the absence of war equalled security; thus, state security was regarded as an end in itself.<sup>147</sup> This argument was defeated on the altar of changing world.

The new security thinking expanded the scope of threats to peace to include non-military issues such as social-economical factors, ecological factor among others that were perceived to affect sustainability of peace. These factors are bound to produce humanitarian crisis, in many forms including refugee menace, urban displacement of persons, and massive migrations of people with in and with out. These issues traditionally have been ignored as non-military and relegated to individual state domestic affairs. The study shows that more than half of post-cold international

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<sup>146</sup> Andrea Charron, *Expanding the UN's Collective Security System: Do the Responsibility to Protect and the Duty to Prevent Conform to its Ideal Elements*, Royal Military College of Canada

<sup>147</sup> Andrea Charron, *Expanding the UN's Collective Security System: Do the Responsibility to Protect and the Duty to Prevent Conform to its Ideal Elements*, Royal Military College of Canada

conflicts have connections to these non-military issues and they make the point of origin or the epicentre of conflicts.<sup>148</sup>

### 3.8.4 Peace-building aspects and collective security responses

The reformists have reiterated that the significance of international mechanism and the effect of its absence or ineffectiveness are evident in the Rwandan genocide, Srebrenica, Darfur and other intra-state conflicts. The crisis that affected every precept of humanity, prompting the international community to initiate the process to equate and translate all kind of gross violations of human right into threats to international peace and security.<sup>149</sup>

The addition of peace-building mechanism is geared towards addressing issues related to relapse of post-conflict situations and the issues related to linking effective responses. This is to be realized through supporting socio-political and economic structures of the societies, which involves rebuilding failed systems and supporting the transformation process of societies. And also promoting human development, and addressing the conflict caused damages through post-conflict-reconstruction. This process has necessitated the introduction of the peace building (PBC) mechanism into the maintenance of international peace and security to facilitate the process of reconstruction. Through the UNSC resolution, 1645 peace-building commission was formed and the roles outlined, as bringing together all relevant actors and marshal resources and advice, and propose integrated strategies for post-conflict peace building.<sup>150</sup>

This involved stopping of violence to create humanitarian space and creating space for civilian activities and included other key actors such as non-state actors including civil society, media, and non-governmental organizations (NGOs) to assist in reconstruction of dilapidated structures of governance and development. Sierra Leon was a beneficiary of the new robust peace management programme. In Sierra Leon, the commission engaged in post conflict reconstruction of

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148 William Zartman, et al; Sovereignty as a Responsibility, conflict management in Africa, the Brookings institution, (Washington dc1996) p2

149 Koffi. A Annan; In larger Freedom 2005. op. cit

150 UNSC Resolution 1645 (2005)

infrastructure, such as building of quality water sources, roads, hospitals, schools. Similarly engage in reconstruction of institutions necessary for recovery and support development strategies through Peace building Fund (PBF).<sup>151</sup>

Also the reforms targeted issues related to the development and modernization process of societies to provide multifaceted solution by involving at least all parties, sectors and factors in the process. For instance, aggressions against state inform of civil wars, arising from violation of human rights, injustices, and development inequalities was considered having bearing on global peace. International community expanded the scope of security threat and prioritized issues concerned. These involved addressing underlying issues of the peace problems including the pursuit of infringed justice to prevent recurrence of crisis on retribution and discourage a culture of impunity through Rome statute (ICC). An example is the ICC (international criminal court) indictments in Kenya and Sudan. Addressing development issues through strategies like Millennium Development Goals (M.D.G) 2000 and World Sustainable development Johannesburg 2002.<sup>152</sup>

### **3.9 CONCLUSION**

In the discussion the study revealed that the operational methodology of the UN collective security was enshrined on the principles and procedures of the Charter, which guides the implementation of the policy actions. Also the study notes that the application of the Charter in post cold war period was technically challenging. Particularly, due to the changing nature of real threats to international peace and security. Today threats are no only confined to violations of state sovereignty, but also intrastate peace problems represent immediate international security threats that are beyond the scope a single state. The UN system was unable to respond effectively to these problems due to its inadequacies, in terms of institutional and constitutional weakness. The

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151 David Curran and Tom Woodhouse; *Cosmopolitan Peacekeeping in Sierra Leone; International Affairs*, volume 83 (6), November 2007-1055-1070

152 Kofi. A Annan, Secretary-General of the United Nations, *In Larger Freedom: Towards Development, Security and Human Rights for All*; (United Nations, New York 2005) p12-17

traditional means failed to effectively address the problem and the available constitutional reference, which is the Charter is designed for tackling interstate conflict only. This makes the system incompetent to tackle the new generation of peace problems.

Equally the system was unable to adapt and cope up with the rapidly changing peace and security problems, due to the institutional rigidity created by overdependence on the political will of the powerful states. The Charter anchored international policy action on the discretions of the permanent members, through the unanimity based veto power. The veto power was also used to block substantial legal reforms and proposals put forward by other members, remained unreliable. Procedurally the UN intervention requires the consent of the parties affected, before being subjected to approval of the General Assembly and thereby of the UNSC. Nonetheless, even when the UN intervention is underway, the action could be limited by the competency of the mechanism or the mandate of the institution applying. For instance, application of sanctions, just like military action, tends to have haphazard effect on the state and not effective in stopping aggression. Equally, the mechanism used could be limited by the scope of the mandate or the capacity of the resources, such as in the case of military action the forces are restricted in use of force to only in self-defence and usually forces from major power states are not always included.

## **CHAPTER FOUR: THE ROLE OF THE UNITED NATIONS IN POST COLD WAR PEACE AND SECURITY: A CRITICAL ANALYSIS**

### **4.1 INTRODUCTION**

In the previous discussions the study revealed that the cold war crisis considerably affected the working of the institutions of international peace management. This is clearly shown by the evidences of shortfalls in the response of the UN to the international peace problem. During the cold war period international relations were rocked by fierce power competition, which in the process fundamentally affected international security environment and the working of UN collective system. Notably there was a widespread outbreak of intrastate conflicts, and the subsequent response of the United Nations intervention, was insufficient. This exposed major faults in the functional aspect of the collective security system.

Under this chapter, the study will critically analyse some issues that have emerged from the research and provide critical understanding of their role in relation to the performance of the United Nations collective security system.

### **4.2 EMERGING ISSUES**

#### **4.2.1 The Nature of Inter-state Cooperation Under Anarchy**

It is established that the states have been dwelling in an environment of perpetual anarchy, which realists define it as a lack of central authority that can impose limits on the pursuit of sovereign interests. In such situations, it is revealed that states relations are marked by conflicts and concerts, arms races and arms control, trade wars and tariff truces, competitive devaluation and monetary stabilization. On top of that the absence of centralized international authority is believed that it can preclude attainment of cannon goals of any form of cooperation. The challenge is that, under anarchy the states cannot cede ultimate control over their conduct to any organ or system,



including a supranational sovereign body, and that makes it difficult to guarantee adherence to promises in any contractual arrangement. Thus, the possibility of a breach of promises impedes cooperation even when cooperation would leave all better off. Nevertheless, states do realize common goals through cooperation even in anarchical environment.<sup>153</sup>

In explaining this situation international relation scholars have argued that states cooperation is possible even under anarchy, but the nature and performance of the instrument of cooperation might be imperfect. Both contemporary and classical philosophers have recognized that even under anarchy states have created a variety of international regimes and institutions to regulate their relations, particularly after WWII. But realists have maintained that interstate cooperation is not sustainable under anarchy, due to its effects on the behaviour of states. Where in anarchical environment, states fear to cede ultimate control over their conduct and security to external force. This is because they believe that the international environment severely penalizes them if they fail to protect their national interests or if they pursue objectives beyond their means, hence states become sensitive to costs and behave as rational actors.<sup>154</sup>

Structural realists argue that in anarchical environment the states become atomistic actors and rationally egoists' entities.<sup>155</sup> Rational meaning that, they possess consistent, ordered preferences and calculated costs and benefits of alternative courses of action in order to maximize the utility of different preferences. This behaviour was evidently displayed in the initial negotiation conferences of the UN formation. Conditioned on their relative power, states were faced with complex choices, and security was prime. The WWII victor states opted to maintain their position in the international system, by preferring to have an exclusively protected club of powerful ones to oversee global peace and security. This led to the creation of the United Nations Security Council, while the small states are worried about their survival, wanted neutral organ that drives power

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153 Hans Morgenthau And Kenneth w. Thompson; *Politics among Nations, struggle for power and peace*; (Kalyani publishers, New Delhi Lothian, 2004) p33-40

154 Michael Sheehan, *International Security; Analytical Survey*; (Lynner Rienner Inc., Colorado 2005) p 5-10

155 Charles Kegley W., Jr., ed. and Wihkopt Eugene R, *World Politics, Trend and Transformation*, Thomson learning Inc. (USA 2004) p 42

from universality. They preferred placing power at the core of the United Nations General Assembly and also preferred mechanism that can tackle development matters, which favoured formation of Economic and Social Council (ECOSOC).<sup>156</sup>

Structural realists argue that atomistic states have utility functions indifferent from one another; they do not always lose or gain utility simply because of gains or losses of others. Thus, states cooperate for they are atomistic actors seeking to maximize their individual absolute gains, and independent relative gains. However, cheating becomes biggest impediment to cooperation among rationally egoistic states. The mainstream realists contest the notion that the independent relative gains of states makes them cooperate. They believe that the desire to get ahead of their competitor by obtaining relative gains is the primary motive of the states. This view of realist has had a strong influence on states crafts, where states have been seen striving to accumulate more resources, in order to gain more powers than the rival or even neighbours. Actually this behaviour was quite prominent during the cold war power struggle. But the idealists have maintained that states are motivated by the search for opportunities to cooperate to acquire absolute gains for all parties, although view does not provide complete explanations for the policies and actions of states.<sup>157</sup>

The study shows that in spite of the siege by perpetual anarchy interstates cooperation have thrived. The governments often venture into a mutually advantageous course of action. Though no international sovereign stands ready to enforce the terms of agreement, states can realize common interest through tacit cooperation, of bilateral and multilateral nature and create international regimes. For instance, states cooperation has prospered in non-political areas as informed by theory of functionalism: forming organizations such as International Labour Organization (ILO), World Trade Organization (WTO) and other functional agencies of the UN. International political scholars generally agree that anarchical situation does not deter cooperation, but constrains it. It is noted that in political and security areas states prefer tacit cooperation rather than centralized

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<sup>156</sup> Ibid.

<sup>157</sup> Charles Kegley W., Jr., ed. and Wihkopt Eugene R, *World Politics, Trend and Transformation*, Thomson learning Inc. (USA 2004) p50

systems due to fear of breach of promise, threat of unilateral defections and actions, or free riders acts.<sup>158</sup>

Based on the above argument, this paper established that the two critical global institutions of collective security system, which is the League and the UN, were actually conceived within an environment of anarchy. This suggests that the nature of cooperation established under these bodies actually reflects the interstate relationship in anarchical environment. The study observed that in anarchical setup interest are mixed and states have compulsion to achieve greatest possible individual gain, using the means within their scope. In the first forum of the UN formation, diplomatic tact and tussle was the tools prominently used to achieve most favoured option.

It was also observed that the states are naturally wary of others and strive to compete under anarchical situation. Thereby, the anarchical structure of the system compels states to be sensitive to their relative position in the distribution of power. In relation to the creation of UN collective system, the study established that the structure and function of UNSC (United Nations Security Council) as designed by pioneers of the United Nations is a symbolic feature of anarchy.<sup>159</sup> The thinking of the UN founding states was dominated by worries about their relative position and their security, which drove them to establish a protective mechanism within the system. Through the Council, the *victor* states assured itself privileges, immunity and powers to act as a world government.

The study further notes that the international collective security system was the rational choice of security cooperation under anarchy, which provided a compromised position between the concept of world government and a nation-state based balance of power system. Where the latter was seen as destructive or not a good enough to safeguard peace and the former was deemed un-

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158 Adrian Claudiu, David Mitrany and Functionalism. *The Beginning of Functionalism*, Year XII, no 1 (may 2010): 162-92, [http://irgpp.uoradea.ro/art/2010-1/14\\_OK\\_Popovici.pdf](http://irgpp.uoradea.ro/art/2010-1/14_OK_Popovici.pdf)

159 See Chapter One: Literature Review

accomplishable in near future duty to states fear.<sup>160</sup> The states being unable to surrender enough national sovereignty to form even a limited world government and facing the crumbling world, apparently the widely acceptable idea becomes collective security system to bridge the anarchy and world government.<sup>161</sup>

The states after choosing a compromised system of security cooperation, they expected a lot more in terms of maintenance of international peace and security, and enforcement of international law. And when the UN failed to meet the objective of maintaining international peace and security, critics faulted it as weak system. The study noted that the emergence of contradiction between performance and the expectations of the proponents is believed to have resulted from a situation where expectations are informed by theoretical expositions of liberal-idealism, while the practice was based on the realities. The idealists assumed that peace and progress is possible through human aspirations. Antitheist dismissed idealists approach as utopian thinking that neglects the harsh realities of power politics and humans' innate compulsion to put their personal welfare ahead of the others.<sup>162</sup>

When the UN collective security system was formed 1945 international anarchy was highly volatile, following failure of the League of Nations, and the presence of Nuclear weapon, creating a tense situation of uncertainty and suspicion. This made states more defensive of their survival, which further reinforced realist view of international politics. Consequently, the formation process of the UN institution was marred with politics of realpolitik where competition for power overshadowed the main objective of creating a peace and security institution.

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160 Hasan Ulusoy: *Collective Security in Europe*; PhD candidate at METU, is a First Secretary at the Turkish Ministry of Foreign Affairs.  
[www.collectivesecurity.com](http://www.collectivesecurity.com).

161 Ibid.

162 Baylis. J (et al), *The Globalization of World Politics an Introduction to International Relations*, 3rd edition, (Oxford University press, New York 2001) p.36-38

This also led to the formation of structures highly reflective of prevailing political condition of the time and a new international order established under the United Nations. The system established a hierarchical power structure in the political order, by creating an exclusively superpower club within the universal organization-in contradiction of the fundamental principles of universality and equity that the institution ought to stand for. Secondly, the constitution of the organization created conflicting standards of operation, in which in the preamble the Charter out rightly declared saving future generation of humanity from scourges of war. But the narrowed scope of operation, by confining security to mere aggression against sovereign states. A contradiction also arises where the purpose of elimination of unilateral aggression, is infringed by provision of article 51, which allows use of force in self-defence.

The objective and purpose of the institution was defined as creating a world free from war. But due to the inbuilt constrains the institution was unable to perform, especially after the outbreak of the Cold-War balance of power politics that prematurely paralyzed the system.<sup>163</sup> Structurally the UN collective security was exclusive and restrictive. This was created out of fears and uncertainty of the future, which motivated strategies to protect status quo. The originators of the Council were in agreement over preservation of status quo, which favoured their interest, in contrast with the main objective of forming UN. Moreover, the designers of the Council tried to pre-empt conflict of position within the club and provided equal powers and opportunity for the main actors, which lead to provision of power to veto decisions.

#### **4.2.2 The Norm of Non-Intervention**

Collective security intervention in the traditional sense is in opposition to the principles of sovereign integrity and equity of states under auspices of international community standards. In the past, the practice of intervention was almost a right in many systems. The USA refused to curtail intervention until 1933, when it conceded. The Brezhnev doctrine of the 1970s provided

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<sup>163</sup> See Chapter Three.

Soviet Union right to intervene in the affairs of the member states of the socialist commonwealth to protect the principles of socialism. The UN considered the principle of no-interference as the basis of international relation, and borrowed it wholly from Westphalia doctrine of states as independent agents, and especially the members of Non-aligned members (NAM) *strictly adhered* to non-interference.<sup>164</sup>

However, in the post cold war era intervention into internal peace problems became very necessary as a result of increased war scourges within the borders of the nation-state. The world felt the need for wider ranges of instruments to protect generally accepted standards, insisting on the UN to take key role in intervention. The increased focus on intra-state conflicts faced serious intervention challenges, when the structures founded on the traditional form of security started limiting the scope of actions of the international peace instrument. The main challenge facing UN collective security system was the question of response to the new security needs. And to meet that need, the UN requires effective reforms in terms of expanded roles and redefining values of the new problems.<sup>165</sup>

Intervention was scholarly defined as meaning a deliberate incursion into a state by some outside agency without its consent, to change functioning, policies and goals and achieve effects that favour the intervening agency. Since independent states are recognized as having no higher authority than itself and have superior jurisdiction within its borders, then intervention into its affairs is completely ruled out in this context. The Charter institutionalized non-intervention norm, basing a vague view of sovereignty by offering governments' exclusive jurisdiction within their frontiers. Today non-intervention is tantamount to sovereignty. The states proclaim sovereign independence whenever questions arise over their behaviour and actions. And today this fallacy

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164 Weiss Lynner Reinner Thomas G, *Collective security in Changing World; Collective security beyond the cold war*; edited George W. Downs; University of Michigan Press-15th June, 1994. [www.Books.google.com](http://www.Books.google.com).

165 Baylis, J (et al), *The Globalization of world politics an introduction to international relations*, 3rd edition, Oxford University press, (New York 2001) p413

has placed effective restrictions on the independent power of the collective security organization and confined its jurisdiction to the external aggressions only. However, currently increasing intrastate conflicts is intriguing the need for intervention into state affairs.

The UN collective security system effected non-intervention through article 2(7) of the UN Charter that guaranteed non-intervention into the matters essentially within the domestic jurisdiction to protect the sovereign integrity of the state. Stating that *nothing contained in the present Charter shall authorize the United Nations to intervene in matters, which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.*<sup>166</sup>

The UN international peace and security management involves third party interventions into the peace problem that is believed to be a threat to international peace and security. From the collective security perspective, the UN peace maintenance is supported on the Chapter VII intervention mechanisms.<sup>167</sup> However, the challenge is that the states strictly stands by the principle that.... *nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state....* Even though the article also provides for operation of Chapter VII, stating that... *this principle shall not prejudice the application of enforcement measures under Chapter VI.*<sup>168</sup>

More over the study notes that no state, no matter how powerful, can by its own efforts alone make itself invulnerable to today's threats. Every state requires the help of others to make itself secure. Because today the indivisibility of peace is more real than ever before, since, threats are interrelated and a threat to one is a threat to all. The mutual vulnerability of weak and strong has

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166 The Charter of the UN article 2(7)

167 See Chapter Three.

168 Ibid.

never been clearer.<sup>169</sup> The elements of new security problems are changing fast-paced, transnational in character, transcend international borders, and easily globalized. For instance terrorism, or drug traffickers or organised crimes cannot be regarded solely as one state domestic affair. It might originate from one state the impact is felt globally. Therefore such problem needs a qualified mechanism to manage it.<sup>170</sup>

The intrastate conflicts are not exceptional to in this case, and the issue of whether the UN is qualified to intervene into the internal problems of the states and safeguard or protect the minority and the weak, is a universally accepted concern. While the debate and reports on this is impressive the practise is still wanting. The tradition norm of non-interference is still effective. The challenge now lies in the expansion of the security agenda, in terms of threats considered as international and role of the international organization in security matters. Also the other problem is to ensure the legal framework and the policy focus of the UN collective security commensurate present change.

A relook at the core objective of the Charter on non-intervention reveals that the idea was to strengthen the authority of the states over the matters within their domestic jurisdiction. Through this, it is believed that the Charter would sanction the notion of sovereign equality and national integrity and protected small and weak states against unilateral aggressions. Today the challenge is that the same protective principle is providing leeway for impunity and mass murder within the borders of cruel regimes. Most of the weak states have proclaimed in their policies the principle of non-interference into the domestic affairs of other states and reciprocity applies for the likeminded

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<sup>169</sup> High Level Panel Report: United Nations 2004 op.,cit.

<sup>170</sup> George W. Keenton and Georg Schwarzenberger, Power Politics, A Study of World Society, the London Institute of World Affairs, 3rd edition, (Frederick A Praeger Publisher New York 1994) p.43.



entities, however, within their borders they could be perpetrating oppressive rule against their subjects.<sup>171</sup>

Until recent when the principle of responsibility to protect was introduced to the UN response system, millions of people could be dying in the domestic conflicts, but the international community will not have say and the UN will wait for invitation. The UN will not intervene until the consent of the affected party was acquired, and mostly the *legitimate* party will be the same bad regime. In recent times electronic media and the Internet have tried to break barriers of information flow and assured access of information to the international community with ease, but still that has not solved much problem, because intervention action is not automatic. And people still suffer insecurity problems inflicted by their own governments. In Darfur crisis, owing to the Sudan resistance to international intervention, genocide and mass displacement occurred before any action was effective. The Government conducted offensive operations through proxy militia called Janjaweed. The AMIS (African Mission in Sudan) Ndjamena humanitarian ceasefire was an ad hoc measure according to analyst than a systematic measure-confronted limited mandate, and equipment, constantly exposing peace-making forces to unnecessary damages.<sup>172</sup>

The norm of non-intervention actually forms part of the main sources of technical obstruction to the maintenance of international peace and security. This norm indirectly subjects the burden of proof of threat to peace, to the discretion of permanent members (P5) of the Security Council and that of the affected parties. In some situations where there is no existence of legitimate structure of governance in place, the Council becomes the ultimate body that determines whether the nature of the prevailing threat necessitates application of intervention measures.

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171 See Chapter Three. The Role Of The United Nations In Post-Cold War Peace And Security And The Concept Of Collective Security  
172 Ibid.

The problem is that this process of assessing the existence of a threat to peace and that of determining proper intervention action, has not been effective enough to safeguard lives. Because the process entirely depends on the unanimity of the P5, and here the individual national interest plays crucial role in informing the decision taken by each of the members. The unanimity of P5 is rarely achieved, because of indiscriminate use of veto power to safeguard national interest and thus the intervention measures suffer the consequence. In this case the dependence of the peace agenda on the discretion and the reaction of the superpowers makes it unreliable. For example, Rwanda and Burundi genocide 1994 consumed 800 million lives before receiving international attention. Even after intervention, the peacekeeping forces literary supervised slaughtering of lives owing to the limited mandate of the peacekeeping force.<sup>173</sup>

The study also notes that the relaxing of non-intervention principle might as well carry some risks and benefits alike. Scholars have argued that third party intervention if not regulate, there is danger of being misused, especially by power imperialists to advance national interest or enforce their values on others. For instance the NATO (North Atlantic Treaty Organization) war in Iraq of 2003 Iraq was regarded as an example of unruly behaviour of imperialism. The supporters of collective intervention propped their argument on the need to promote internal justice for weak individuals, a concept indicating moving away from unconditioned sovereignty towards global governance. The first UN resolution that justified intervention into intrastate conflict was supported on the principle of responsibility to protect. This was applied to stop gross infringement of the rights of the people in Kosovo war 1999, where force was used in defiance of the sovereignty to protect humanitarian standards.<sup>174</sup>

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173 See Chapter three: The Role Of The United Nations In Post-Cold War Peace And Security And The Concept Of Collective Security, p47-53  
174 A.F.K Organski; *The World Politics*, 2nd edition university of Michigan; (Alfred A. Knopf, New York 1968) p417

### 4.2.3 The issue of 'Unconditioned Sovereignty'

The unconditioned sovereignty is the source of the hardened grounds on non-intervention. The Scholars contend that the principle of non-intervention propagates an unconditioned sovereignty, which is highly contested in the intellectual world. The UN collective system supported the principle of non-intervention constitutionally, which informed that the states are independent supreme authority within their territories.

However, the perception of sovereignty as an instrument of absolute authoritative control within its border has been fiercely contested intellectually and policy wise, because of the failure of the states to fulfil its obligation to provide for the security need of its citizens. An argument professed by positivist like John Austin under command theory that the power of the sovereign is supposedly not limited by justice or any ideas of good and bad, right or wrong is the core message of the absolutism.<sup>175</sup> This notion was interpreted by leaders as implying that states are free from any restraints and that there is no authority above it: propelling them towards some actions that are unacceptable under international norms but may be serves regime interest well.

Some states, despite general support for moving away from unconditioned sovereignty and non-intervention, they have remained staunch supporters of absolute sovereignty. However, there is always an aspect of double standard in the application of unconditioned sovereignty and non-intervention norm. In some cases states proclaim strict adherence to non-intervention only when it comes to issues related to their internal affairs, but continue interference in the affairs of others in the name national security. This is a common behaviour of P5 states, they have seen pursuing their interest across borders unilaterally. China has perfected mastery in disguise; it has continuously meddled in the affairs of its neighbours without much displeasure of its allies. These include the military coup in FIJI in 2006, Myanmar conflicts, affairs within the Korea peninsula, among others. Also China is also seen promoting bad governance in Africa and Middle East so long as

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175 William Zartman et al; *Sovereignty as a Responsibility, conflict management in Africa*, the Brookings institution, Washington DC1996 p2

they get access to raw materials, and likewise Russia invaded Georgia in 2008 to counter NATO expansion.<sup>176</sup>

The supporters of limited sovereignty prefer intervention if the existence of a threat to peace and security has been proven beyond reasonable doubt. Liberal school support intervention arguing that intervention is justified whenever prudent. In support intervention Kofi Anan argued that individual sovereignty might be as important as national sovereignty.<sup>177</sup> Classical realist like Hans Morgenthau, equally contest absolute sovereignty argued that sovereignty is not freedom from legal restraint. So long as those legal restraints do not affect its quality as the supreme lawgiving and law-enforcing authority and the quality of legal restraints does not affect sovereignty. Therefore sovereignty is not a freedom from international regulation of all those matters, which are traditionally left to the discretion of the individual nations.<sup>178</sup>

The principle of territorial sovereignty tends to have an adverse effect on the functioning of the United Nations. The United Nations advanced the principle of sovereignty and recognized states so as to ensure equality is upheld in the international society. The understanding that state recognizes no higher authority than they do and that there is no superior jurisdiction, provided a defensive ground to the irresponsible and greed leaders for their unbecoming behaviour.<sup>179</sup>

The study notes that scholars are in agreement that sovereignty carries with it certain responsibilities for which governments must be held accountable. In addition, not only are they accountable to their national constituents but also to the international community. In the ever-conflicting world, the challenge is how to establish and apply an effective mechanism to ensure that states account for their behaviour and actions. In maintenance of international peace and security universal peace is ensured if the states can sustainably maintain their security, and if the

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176 See Chapter three:

177 Kofi Annan, Secretary-General of the United Nations, *In Larger Freedom: Towards Development, Security and Human Rights for All*; United Nations, New York 2005

178 Hans Morgenthau J. And Kenneth w. Thompson; *Politics among Nations, struggle for power and peace*; (Kalyani publishers, New Delhi Lothian, 2004) p339

179 Ibid

UN can monitor and intervene into any conflict situation. However when intra-state conflict arises the state security system becomes compromised. And states are mostly at the centre of internal conflicts and may not be capable to provide adequate remedies and the partisan government always acts as barrier to international intervention, which they justify their actions by invoking the principles of state sovereignty.<sup>180</sup>

Scholars believe that at some point the very notion of sovereignty can be paradoxically implied as a responsibility imposed up on the states by international system, in the mutual interest of the state and the international community. Therefore, sovereignty does not guarantee the unconditional legitimacy to self-imposing disgruntled leaders without international blessing. So far, international involvements have prominently taken the form of humanitarian intervention, championed by a few powerful states. This mechanism has not proved effective so far due to lack of consensus among the states making it unilateral initiative. So far most of the purported collective security interventions seem to be strategically motivated. This has given breathing space for the rogue states to propagate actions that are highly punitive and mainly affects innocent population.<sup>181</sup>

According to John Locke the Westphalia treaty transferred the security role of the people to the legitimated government of the state authority. The legitimacy was provided on the popular support and the consent of the people, which vested the government with the authority to manage peace, security, justice, and states resources on the behalf of its people. However, at some point the regime security became more important than the survival of its constituents; citizens forced to pledge unconditioned patriotism to the state sovereignty and their *absolute* rulers. The voluntarily transferred sovereignty to the nation-states turned into absolute sovereignty enshrined by *divine* power and entrusted with the rulers. This became the bone of contention in the international arena,

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180 Hans J. Morgenthau and Kenneth w. Thompson; *Politics among Nations, struggle for power and peace*; (Kalyani publishers, new Delhi Lothian, 2004)p328

181 William Zartman and (et al), *Sovereignty As a Responsibility, Conflict management in Africa*, The Brookings Institution, (Washington DC1996) p.2-5

where the state and people strive to ensure their survival in an anarchical situation. This scenario is more prominent in the nascent state system.<sup>182</sup>

This study observes that when the Westphalia system first gave rise to the notion of state sovereignty it must have been wider than the narrowed aspect states have proclaimed. Broad enough to meet the realities of today, and it clearly carries with it the obligation of a state to protect the welfare of its own peoples and meet its obligations to the wider international community. But history teaches us all clearly that it cannot be assumed that every state will always be able, or willing, to meet its responsibilities to protect its own people and avoid harming its neighbours. And in those circumstances, the principles of collective security mean that some portion of those responsibilities should be taken up by the international community, acting in accordance with the Charter of the United Nations and the Universal Declaration of Human Rights, to help build the necessary capacity or supply the necessary protection, as the case may be.

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#### **4.2.4 The Use of Force and Limits of the Collective Security Deterrent Force**

Use of force under international law can be in form of retorsion, a lawful act in itself but a harmful act if adopted by the state as a method of retaliation against the injurious legal activities of another state. For example severance of diplomatic relations, the expulsion or restrictive control of aliens, economic and travel restrictions and suspension of foreign aid as a legitimate way of showing displeasure commonly used in 21<sup>st</sup> century in place of international collective measure.<sup>184</sup>

Use of force can be also in form of reprisals, which are illegal act adopted by a state against the illegal act of another state. Reprisal during peacetime is perceived as wrong according to international law, unless it is done in conformity to right of self-defence. The customary law gives right of self-defence, within the principle of necessity. The USA applied right of self-defence to

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182 See the *Social Contract Theory* by John Locke: the Philosophy of Locke

183 See Chapter One. Literature Review

184 Paradigms, approaches and theories; IR theory Knowledge Base: [www.irtheory.com/know.htm](http://www.irtheory.com/know.htm); Last updated 3rd January, 2012

Afghanistan case after September 11 2002. Governed by the necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment of deliberation.<sup>185</sup>

Under use of force there is also an aspect of the theory of just war, which provides some circumstances under which use of force is justified and the limits justified. That just war is when states rightfully go to war (*jus ad bellum*) with just cause, as in self-defence, or in response to aggression, when the decision to go to war is made by legitimate authority, as a last resort after exhausting peaceful remedies, and with some reasonable hope of achieving legitimate objectives. Exercise right to conduct in war (*jus in bello*) when the means employed are proportional to the ends sought, when non-combatants are spared, when weapons or other means that are immoral in themselves are not used (typically those that are indiscriminate or cause needless suffering), and when actions are taken with a *right intention* to accomplish legitimate military objectives and to minimize collateral death and destruction.<sup>186</sup>

The use of force under the UN collective security system is supposed to be with just cause and approved by legitimate authority. The proponents envisioned that the system would establish effective peace, by committing the members to go to war if necessary, recognizing that the immediate peace is thereby jeopardized, but assuming that the future peace will be more secure. This is all supported on the policy decision that authorizes use of force based on the application of Chapter VII; the maintenance of international peace and security chapter.<sup>187</sup>

The Charter equally prohibits use of forces against the purpose of the UN and allows forces for the purpose of deterrence. Article 2(4) prohibits 'all Members to refrain from threats or use of force against the territorial integrity or political independence of any state, or in any other manner

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185 Malcolm, N. Show; International Law, 4th Ed, a Grotius publication; (Cambridge university press; United Kingdom-1997)

186 Malcolm, N. Show; International Law, 4th Ed, a Grotius publication; (Cambridge university press; United Kingdom-1997) p777

187 Palmer Howard Perkins, *International Relations, the World Community Transition*, 3rd ed, (A.I.B.S Publishers and Distributions Krishna nagger, New Delhi 2004) p238

inconsistent with the purpose of the United Nations'. The article was systematically elaborated as. First, war of aggression constitutes a crime against peace for which there is responsibility under international law. Secondly, states must not threaten or use force to violate existing international frontiers or solve international disputes.<sup>188</sup>

The rationale behind the use of force is demanding and the so-called the just war is challenging to execute. Because there are aspects related to intervention that contravenes the purpose of the UN. For instance the question of the limit of force to be used, and whether one is justified to destroy a country to maintain peace, or whether intervention is the objective of the UN or a foreign policy objective of another state. Because it is said that collective intervention too has interest attached. The Charter obligates the member states to refrain from the use of force and any measures inconsistent with UN purpose and appeals to the states to settle their international disputes by peaceful means. In principle this will mean that the use of force implied in Chapter VII is for the purpose of deterrence, because the principle of Charter commits the members to resolve their disputes in a mutually peaceful way, without going to war. This contradiction has provided room for misuse of force by the members across the divided.<sup>189</sup>

The proponents of collective security argue that the logic of the collective system resembles that of nuclear deterrence and the assumption is that a successful system would not need to resort to use of force. Implying that using a preponderant threat of force mobilised in a manner that can overwhelm any force that can discourage any reasonable policymaker from continuing threat. Proponents of the collective security system have argued that if the threat of force will not stop the aggressor, invocation of limited force is necessary. Therefore the force used has to be used when there should be seriousness of threat, be in proper purpose, as last resort, and proportional means and balance of consequences considered. The central theme is that it is a necessity for all members

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188 Charter of the UN article 2(4) op.cit.,

189 The Charter of the United Nations, New York, 145



of the international community, developed and developing states alike, to be much more forthcoming in providing support for the use of force, to ensure an effective collective action.<sup>190</sup>

The application of force consistent with provision of Chapter VII was encountered in Korea-1950 and 1991 against Iraq-Kuwait war. In both cases the application of forces is not as envisaged by the Charter, it lacked unanimity of the members and thus the application was effected through willing members, under the new provision. Even so both theoretically and practically the use of force has never been clear under the UN collective security system when it comes to the security threats within the borders of a state.

In the post cold war period the use of force under the UN became mainly affairs of few committed states applying sanctions and the threat of sanctions. Instead of using military means the members resorted to application of the threat of sanction and sanctions as provided under article 41 of the Charter. However, application of sanction regimes attracted many questions about its effectiveness, as scholars have argued that the threat of sanction proved relatively more effect. When the sanction measures are in form of economic restrictions, the effect is indiscriminate, and many times the target does not suffer, but an innocent mass suffers most.

Under economic sanctions placed by its allies and US Afghanistan economy collapsed. It is argued that perpetrators of conflict may prosper in the anarchical situation created by sanctions. In Afghanistan, the situation promoted black market and increased the consumption and income from cocaine/opium that Taliban used to finance their organization. It also increased corruption in N. Korea, Iran, Zimbabwe, and Sudan. None of these measures have been effective enough to acquire complicity from the recalcitrant. In the Zimbabwe case, the dispossessed immigrants caused

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<sup>190</sup> United Nations, *A more Secure World: Our Shared Responsibility; Report of the Secretary General's High Level Panel on Threats, Challenges and Change*: United Nations 2004.

starvation and xenophobic crisis in the neighbouring countries, with the encroaching economic collapse more crises emerge. Therefore some of the measures are self-defeating as depicted by Barry Buzan, if their effects can be to raise awareness of threats to such an extent that felt insecurity is greater than before the measures.<sup>191</sup>

Scholars defined the use of force by a few states or regional security community as an alternative intervention. This method was first used in 1950 and then 1991 in the Korean and Iraq-Kuwait war respectively. It is an alternative because it was not captured in the Charter of the UN. The UN contracted willing and capable party to intervene on its behalf in 1950 and 1991. This method can be qualified under Chapter VII article 42 because it lacks unanimity and consensus of the universal authority. It was called permissive because it got permission of the members of the UN through the policy of responsibility to protect, meant to bypass the obstacle caused by the doctrine of non-intervention. And therefore it is a permissive intervention.<sup>192</sup>

The permissive intervention or alternative mechanism was introduced when UN intervention was blocked by veto in 1950 and 1991, and also due to loss of confidence in the veto based system. The new system was based on resolution uniting for peace (RUFPP). That if Security Council fails to exercise its primary responsibility for the maintenance of peace and security, in any case, where there appears to be a threat to peace, breach of the peace, or act of aggression, the General Assembly shall consider, immediately the matter with a view to making appropriate recommendations to members for collective measures.’<sup>193</sup> The introduction of alternative mechanism was a breakthrough on one hand since it provided a breakaway from the veto bound mechanism. However, on the other hand the new system suffered weak enforceability of decision

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191 Sheehan Michael; *International Security; Analytical Survey*; (Lynner Rienner Inc., Colorado 2005) p.1-5.

192 See Chapter One, Literature Review

193 See Journal David Curran and Tom woodhouse; *International Affairs*, in journal of *Cosmopolitan Peacekeeping in Sierra Leone*. Vol.83, No.6 November 2007. pp.1055-1070.

due to the nonbinding nature of enforcing resolution, thereby referring enforcement of decision back to already ailing Council.

At first, the application of this mechanism was so vibrant with impressive results in some international operations including Yugoslavia conflict of 1990. The inclusiveness of the decision making process promoted universality of the system of the UN, which improved legitimacy of the collective security policy. The process provides equal opportunity for all members' participation in making and executing of peace/security decision. Its acceptance was further boosted by the incorporation of regional security organization in the peace process, which boosted ownership of multilateral solution.<sup>194</sup>

The study established that the alternative mechanism did not ultimately improve the effectiveness of the response of the system of UN to international peace and security problems. Because the procedures and process of enforcing peace decisions remain the same, the only change added was the resolution that could not alter the provision of the Charter, when actually the devil is in the Charter. The challenge of nonbinding decision became real, because the organ making the decision has no powers to compel members' compliance with the obligations, which the UNGA. Thus, the mechanism could not assure promptness and automatism of action as envisaged by collective security principles.<sup>195</sup>

Moreover, its application to intrastate conflicts was constrained by non-intervention norm as provided by the article 2(7) of the Charter. The ambiguity of the Charter enabled failed regimes resist multilateral actions, where some states even accused the UN of encouraging unlawful

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194 See Chapter One, Literature Review  
195 Ibid.

aggression against sovereign independence. African leaders opposed intervention into Zimbabwe, and Darfur-Sudan claiming that UN actions are motivated by imperialist motives of US.<sup>196</sup>

The new mechanism is accused of indirectly allowing unilateralism, that states used the approval of the UN to pursue national interest objectives. The hegemonic power effectively used the system to its advantage and circumvented vetoing process, to pursue national interests, undermining the fundamental quality of collective security of the universality of actions and decisions. The new national interest driven mechanism was selective and exclusive, it ignored none strategic cases, such as such as Rwanda genocide, Somalia and Darfur conflict. It is also perceived that the arbitrary actions of the hegemonic power aroused archaic problem of balance of power politics, in the form of arms race, security dilemma, nuclear proliferation, concert of powers among others. An example is the on-going nuclear politics between US, North Korea and Iran.<sup>197</sup>

It is good to note that intervention as well have interest attachment. Usually any third party in a conflict have interest either in resolving the conflict or have an interest in continued conflict. For instance the conflict in DRC (Democratic Republic of Congo), there are countries exploiting the abundant natural resources in the region under the crisis, and there are others who would want a resolved conflict. In the recent Up-rise in North Africa 2012, China was viewed as positioning itself as friend of Africa, and supporting the crippling regime by vetoing peace enforcement resolutions, but US is interested in seeing a new friendly regime in place for its interest to be protected. It is said that even mediators without muscle, humanitarian agencies and good-will actors have an interest in trying to resolve conflict. This means that the Jimmy Carter Centre could have interest in the Southern Sudan dispute resolution and Kofi Anan has interest in Kenya.<sup>198</sup>

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196 See Chapter Three, The Role Of The United Nations In Post-Cold War Peace And Security And The Concept Of Collective Security

197 A.F.K Organski; *The World Politics*, 2nd edition university of Michigan; (Alfred A. Knopf, New York 1968)

198 William Zartman (et al), *Sovereignty as a Responsibility, conflict management in Africa*, the Brookings institution, (Washington dc1996) p.16.

### 4.3 CONCLUSION

The study has established that since the United Nations has no ultimate authority to enforce its decision or international standards, therefore, the world is still under a limited form of anarchy. Limited by close the interdependence of the international community, and secondly states are not ultimate actors in the international arena any more. The world is so interconnected that no one is an island. Therefore main actors do not enjoy absolute freedom, but rather have obligations, duties and responsibilities. The aspect of international anarchy is really and affecting international relation. In this situation states tend to be pessimistic and cynical in their approach to cooperation arrangement, a situation that virtually flawed the formation process of the UN collective security system leading to creation of an incompetent system. The outcome was neither reflective of the need and desire of the world nor the theoretical concept informing the process. This implies that, the current challenges facing maintenance of international peace and security is rooted in the formative process of the UN collective system.

The application of collective security system was not as easy as theorized. The compromised system of the UN was caught up in a structural rigidity and conflict of interest, thereby unable to effectively maintain international peace and security. The application of the collective security chapter, which is Chapter VII failed, and the system was hijacked by imperial powers and used to contain perceived threats to their national security. Under what was referred to as volunteer based mechanism, the application was placed under the mercy of political will of the member states, thereby subjecting feasibility of the system to the interest of the individual members.

## **CHAPTER FIVE: CONCLUSION**

### **5.1 SUMMARY**

This study was meant to appraise the challenges faced by United Nations collective security in maintaining international peace and security. The study outlined the proposal for the research, which covered the background of the study, problem statement, literature review, and hypothesis testable through the researched discussions, it outlined the justification for the study, theoretical framework and finally the methodology applied by the study.

The study reviewed quite a number of relevant materials that pertains to the collective security system. This has brought out wide perspectives of different scholars and writers towards the problem under study. Also the study reviewed in details the concept that informed the formation of international mechanism for maintaining international peace and security. The review entailed a critical assessment of viability of the concept in question and the possible challenges encountered in operationalizing of the concept.

Collective security was first put to practice in 1919 under the League of Nations and later applied to form the United Nations system. The study further outlined the basic principles of collective security including the universality, which implies that international power structure, should be widely dispersed or distributed. The second principle assessed was the indivisibility of peace, which means that threat to peace in a place or to a member, has to be perceived as a threat to every member and that peace be assured collectively and guaranteed as a priority in day-to-day life. The third main principle entails that the system of collective security has to be permanent for the sustainability and reliability of the solutions and needs to have generality in approach to issues and address wider scope of problems. Implying that the system must be permanent, abstract and general as opposed to ad hoc, expedient or particularistic.

The study further discussed limitations of these principles of collective security, in relation to the realities of the political situation. The principle of universality demands for balanced international system, but ordinarily the international system is based on power hierarchy, where superpowers lead the way and others follow. Additionally the concept makes some blind assumptions about the international political system, such as the indivisibility of peace and that aggression anywhere threatens all states everywhere. This was not generally acknowledged until recent. The powerful states tend to assume this reality, and have no fear of attack from any but a small handful of small states. Also challenges posed by unclear definition of some concepts like 'aggression' is ignored by international legal systems but have led to flawed assumption of aggression as synonymous with first use of military force by one nation against another.

The paper discussed several attempts made to create collective security institutions, and the effects of systemic challenges that created an unfavourable political environment for the consolidation of mutually beneficial arrangements. The study further looked into the UN collective security provisions articulated as to maintain international peace and security by taking effective collective measures to preserve peace and remove threats to the peace and suppress any acts of aggression or other breaches of peace.

In the discussion the study noted the limitations of the operation of the collective security system of the UN, the paper examined why the system failed to meet its objective of maintaining international peace. In a closer view the study discussed the main shortfalls of the UN that contributed to the inadequacy of its system including functional and conceptual limitations. It was noted that from the time of its inception the decision made at the maiden conferences of the United Nations, was a total contrast of the ideal collective security system. First, its Charter assured de facto immunity of the powerful states from any collective measures. Secondly, the conference misinterpreted security as the only protection of sovereign states against aggression. Thirdly, the conference visualized a static world system that is incrementally developing through peaceful

change and in which 'peace and security' implied the maintenance of a status quo and lastly, the UN Charter placed the collective responsibility squarely on a few victor states, at the expense of the fundamental principle universality.

The study also analysed some issues that emerged from the discussions in this research work. The critical analysis was done on the conceptual basis of the study, that is collective security and also of the related concepts. The study established that the narrowed scope of international security covered under the system displaced fundamental principle of universality of the collective security system. This violated equity of the members and thus undermined the purpose and the role of the system. Consequently, the assured impunity and promoted unilateralism disguised under right of self-defence/collective defence.

The misplaced practice of the concept, have culminated from conceptual flaws. For example, the nature of the UN collective security system was tailored to preceding international order. A practice, which was initiated by a tentative cooperative agreement by Western European powers, established to manage jointly the continental sub-system, through the concert of Europe in 1815 and 1822.

It was established that the practice of collective security has also been fundamentally marred by the prevalence of untameable aura of high expectations placed on the UN system, as a panacea to all international problems. Scaling the UN service against a standard it could never sustain. Ironically, today, the UN is extensively losing the confidence of its members, largely because it was not meeting the high expectations set. Due to high incidences of states failure, and civil strife that emerged immediately after cold war, especially in the underdeveloped world, the need for the UN service rose sharply, but the remedy sought was not forthcoming as expected. As a result, the international community is calling for review of international security system to expand scope of



threats that the UN system should tackle and further empower UN in order to address people based problems.

## **5.2 KEY FINDINGS**

This study has established that the global peace and security has not been sustainable under the United Nations collective security system. The research attributes this condition to, among other factors, the rigidity of the system, lack of effective peace and security maintenance capacity of the institution designed for the duty, unsustainable competition within the multipolar system (anarchy), and also lack of motivation of the members to the international commitments (cooperation). This is a general inference of the problem affecting maintenance of international peace and security.

On a more technical exposition the study refers to three hypothesis stated in Chapter 1. That is, the first hypothesis states that ‘International peace and security can be effectively maintained through a strong international institution that can enforce commitments of states’ to their national and international peace’. The second states that ‘the principles of international collective security system are impracticable in the current international political system’. Null hypothesis states that ‘international anarchy is an endemic and self-regulating phenomenon and the institutions have no effect on its process’. The study has established that none of the above is positive.<sup>199</sup>

The study establishes that the null hypothesis will not hold. The research indicates that the international anarchy is not self-regulating phenomena and can be detrimental to the survival of humanity if not limited. This can result to an extreme case of Laissez-faire system, which will take the world back to Hobbessian brutish life under state of nature, and with nuclear technology added it will be more brutal. Thus the role of institutions is essential to limit the actions of the main actors. Therefore, institutions are critical actors in the international arena; especially the United Nations is indispensable entity today, and the main setter of the global agenda. However, the

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199 See Chapter One.

institutional effect on global political process is minimal, and that is why effective maintenance of international peace and security has not been achieved.

On the issue of whether to establish a stronger institution, is a matter that has been under discussion between/among scholars and policymakers, since inception of the modern international political system, but no concrete result achieved. Similarly the question of practicality of collective security principles has not been exhausted. In spite of the dismal performance of the international institutions, the proponents have maintained optimism of achieving global governance in the future, through functionalist approach and collective security approach.

The concept of collective security system basically endeavours to provide for peaceful change of the status quo, by making impossible any radical or armed challenge to the existing order. However as indicated in the study the arrangement did not go as expected, the whole cycle of challenges started from the conception of the idea. The study reveals that the founders of the collective security created an instrument of convenience. The fundamental principles of collective security such as a universality and balanced system, and indivisibility of peace were shoved aside. And an asymmetrical structure was established, where the achievement of equilibrium became an elusive dream, the reality checked in, and an inter-power friction commenced immediately. A systemic rigidity emerged that obstructed smooth transformation of the system.<sup>200</sup>

The study notes that the system lacks an effective response mechanism. The most important quality of the collective security system is measured by its effective response to peace problems. The whole process starts and ends with maintenance of international peace and security, which involves detection of threat before it erupts into conflict, determination of intervention mechanism and authorizing of quick and precise intervention. However, the UN collective security is not

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200 See Chapter Two.

emphatic on aspects of effective prevention and response to conflict as much as it has provided for coercive intervention.

One of the major factors affecting effective response of the UN collective system is the narrowed conception of international security, making the system unable to respond to the changing nature of threats to international peace and security. A major challenge faced by UN system in post-cold war era was how to respond to new forms of threats to international peace and security. The peace problems prominently emerged within the internal affairs of underdeveloped states. Initially international community trivialized them as a less than international crisis and assumed as matters of domestic affairs, and further criticized affected states of failing in their responsibilities. This understanding was attributed to misplaced perception and narrowed conception of what constitutes threats to international security. The effects led to reluctance of members' response to conflicts in poor countries.

Also the Charter of the UN confined aggression to first use of force, which narrowed the scope of UN security operations to acts of aggression against states only. In this situation, response to crisis was degenerated by the rigidity of the system, because the system is unable to adapt and catch up with rapidly changing global peace problem. Since, the UN system was designed to deal with a static and single factor source of threat to peace, lost war on new peace problems that are advancing very fast with globalization.

The effective response of the UN to the international peace problem was also limited by constitutional weakness of the UN system. For instance, the ambiguities of international custom law and the UN Charter, hampered implementation of collective actions. The conception limitation as earlier noted is a problem that culminated from cooperation under anarchy. Security misperception was magnified by the exaggerated definition of sovereign independence of the states, in which most of the irresponsible regimes used orthodox values to conceptualize

sovereignty. Using such mixed perceptions born of international law, failed regimes resisted external intervention, terming it as an aggression in violation of principle of non-intervention.

The study also established that the ineffectual response of the UN is attributed to weakness of the key institutions. The efficiency of the institution responsible for taking action, and the competence of the legal framework defining the process, determines the response achieved. The most appalling institutional weakness noted is the veto based collective system established under the United Nations Security Council. The organ was conferred upon the primary responsibility of maintaining international peace and security. Serving as the nerve of the UN collective security and the executive organ of the UN system, over saw the failure of the collective response. The veto system also became the main instrument of institutional rigidity in the UN collective system. The permanent members of the Council effectively barred any fundamental reforms on the system, and by using veto power protected status quo.<sup>201</sup>

The research also identified lack of formal early-warning system as one of the major hindrance to effective response of the UN collective system. The early-warning system acts as a signal to trigger the response, by monitoring indicators of violence and prompt appropriate actions to prevent encroaching violence. The UN system has no established warning mechanism, but tacitly relied on the transparency and cooperation of the members to assume this role voluntarily. The members are required to submit reports on the political, economical, social and environmental progress within their territory on the basis of open diplomacy. This was done to reassure member compliance to standards of international relations. And also report on issues relating to general peace and security including stock of conventional weapon, states military budget, observation of responsible utilization of international resources.

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201 See Chapter Three.

### 5.3 RECOMMENDATIONS

Notwithstanding the amount of time this research has spent on analysing and critiquing the shortfalls of the UN collective security system, it has also revealed that a lot has been achieved in terms of maintenance of international peace and security, since its inception. Actually the drastic reduction of the inter-state wars in 1945-2000 is largely due to the effort of the UN collective system. In the key findings the study showed that it is not the question of relevancy of the system but the issue lies in the intervention mechanism. The issue is that the mechanisms in place lack flexibility in terms of adapting to changes, and effectiveness. Making the system incapable of effectively intervening into post-cold war peace and security problems.

As of now, the United Nations collective security mechanisms have not yet developed adequately enough, and thus still unable to meet the rising demands for its service. The complexity and the dynamic nature of the international security problems, has continually outmoded available tools of UN collective security. The institution has been unable to withstand the challenge of timely response.

On top of the need for an effective response to peace problems, the study recommends that the management of international peace has to be complemented with a competent mechanism of intervention to ensure durability of peace. The competent mechanism should be broader in scope and action. It should address both political and non-political issues. This should be in form of a peace management mechanism that should have systematic flow of actions and clear progress of results. Ordinarily the process of the UN intervention ends at the enforcement of peace, under article 42, and the post-conflict situation is mostly left in suspense. The post-conflict society suffers deterioration of social, economic, and political infrastructures, which needs an effective post conflict reconstruction process. Otherwise, new issues will reopen, that will reverse the situation, causing a relapse of tentative peace situations and causing unmanageable perennial conflicts.

The study also recommends that the principle of universality and indivisibility of peace to be properly ingrained in the operation system of the United Nations collective security system. This entails that the concept of multilateralism be made the general standard of practice. It was noted that the post cold war intervention actions lacked universality in terms of process and conduct, and over relied on the individual states interests. This made the system lose legitimacy and trust of the people. That is in terms of decision-making and action, and selective unilateralism prevailed, as opposed to automatism and need based action as required of collective security. This has to be reversed for the UN system to regain back the trust and support of the people.

The study has also established that it is the right moment for the UN system to institute proper structural and institutional changes in the global political system. After the cold war order, the international system is ripe for the change and the UN should be the body guiding through the peaceful process of adjustment. With time, international system dependency on UNSC for management of peace and security is becoming more of a bane than a boon, therefore, the world has to move away from this rigid system and institute inclusive regime. This will call for a reform process that would ensure increased democratic space at all levels; especially people's participation held prime. Similarly, institutional flexibility is instilled to ensure breathing space for the system. Also the reforms should empower the global institution so that it can enforce its decisions and ensure compliance of the members to the international standards.

Having said this research concludes that the role of third parties in the conflict management needs to be enhanced beyond the current limits and integrated properly with local agendas. Mechanism such as supporting the transformation and restructuring of the post conflict societies should be upheld as standard practice. The UN should support the modernization process of economic and political structures of the small societies and assist in addressing underlying structural and

institutional inadequacies. In conclusion this research suggests that there is critical need for further study in the institutionalization of international collective security system, given that this constitutes the practical aspect of the system.

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