

CRISIS OF THE UNITED NATIONS SECURITY COUNCIL

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Abstract

The research presents an empirical analysis of the United Nations Security Council weakness and deficiencies. The study was focused on the UN Security Council performance in the period of an international crisis or of necessity to functionally solve an international conflict or humanitarian catastrophe. The analysis demonstrates that the UN is perceived as the primary global collective security organization to safeguard security and preserve stability in the world. Meanwhile, the UN Security Council has demonstrated deficiencies during latest important international crises to be solved by joint international effort, which almost approached current international order to revision. The analysis demonstrated that the UN formation overcame deficiencies and weaknesses of the previous international collective security organizations – the Concert of Europe and the League of Nations. Meanwhile, the principal decision-making mechanism of the UN – Security Council with the veto right of five permanent members – periodically undermines collective security principles. Several important factors amplify this weakness: lack of common identity among the UN Security Council members, domination of the neo-realism paradigm provisions in their foreign policies, and different views on international law provisions: internal sovereignty versus necessity of humanitarian intervention. Therefore, powerful actors of international order should consider these deficiencies and launch a comprehensive reform of the UN decision making process to better react at least in international humanitarian crises. Otherwise, the UN may experience the fate of the League of Nations.

Key-words: *UN Charter, Security Council, international security, collective security, international organization, international community.*

1. The Weakness of the United Nations Security Council

.. the atrocities of World War II gave birth to the idea that a guarantee of human rights were a responsibility shared by the community of nations [6, P. 16]. The end of the World War II presented the international community circumstances to optimize the traditional “Sphere of Influence” World Order, considered to be *anarchical*, for the purpose of not repeating such tragic events [1, P. 335]. The formation of the United Nations was a realistic attempt with liberal ideology to present a reasonable solution of that dysfunctional status quo of international security, dominated by the realism paradigm. However, some political experts have been arguing that the effectiveness of the UN, especially Security Council, has been diminished by the Cold War and respective world order of offensive realism paradigm.

Indeed, the world policy of the last half of the twentieth century had been dominated by the bi-polar world order, which proved to be unprogressive but surprisingly more stable than previous multi-polar order. Unfortunately, that order had been characterized by two big powers’ confrontation. Needless to say, political scientists would agree that veto system within the UN Security Council and antagonism between two absolutely opposed political blocks made the initial UN’s intent be ineffective. As a result, the UN became the arena for spectacular diplomat debates, where political rationality and international laws did not prevail.

The Cold War’s end initially brought aspirations that new actors of the transformed political order would return to the initial noble idea of the UN Charter: „We the peoples of the United Nations determined to save succeeding generation from the scourge of war,” [3, p.1]. Consequently, the UN’s international role, as a primary collective security organization, would be consensually enforced and promoted by the Security Council timely-effective actions. However, the empirical reality demonstrated the UN Security Council

brought disappointments by not using effectively the enforcement mechanism embedded in article 42, which mostly implies use of force when article 41 does not work [4, p.9]. The examples of the Persian Gulf War, Somalia, Congo-Rwanda, Bosnia and Herzegovina, and Kosovo are clear demonstrations how the UN Security Council hesitated to make strong decisions and assume responsibility. Latest cases of wars in Georgia (2008), Syria (2012-2017), and Ukraine (2014-2017) demonstrated the UN's inability to functionally stop those conflicts.

In that context, the main argument of most member-states was the right of individual and collective self-defense embedded in article 51 and abstaining to use force against territorial integrity and political sovereignty of any state, stipulated in article 2(4) - the primary principles for any actions within the UN. However, the reality demonstrated that some urgent and hard decisions would have been very relevant in case of humanitarian crisis in Cambodia (1975-79) or Rwanda (1994), because internal sovereignty and human rights went in complete contradictions, resulted in death and resettlement abroad of millions of people. The articles 41 and 2 (4) proved to be non-functional in case of Iraq's invasion of Kuwait (1991). What is the reason the UN Security Council cannot recover from the Cold War shadow and act as global collective security organization?

To answer this question the evolution of the previous attempts to establish international security organization and their failures are needed to be examined. The empirical evidences demonstrate how the Concert of Europe (1815) failed to achieve common political consensus regarding right of state interventions in affairs of other states and prohibition of inter-state wars at all, slowly leading to the World War I. The League of Nations (1920) was not successful to develop a global security community with international laws and check-and-balance mechanism, resulted in the World War II. The United Nations has appeared to be such organization. Meanwhile, it has still not become the functional collective security organization (initial intent of the establishers in 1945) [5, p. 9]. The traditional difficulties of the UN concern the follow-on continuing arguments: the dependence of the Security Council on the main world actors' positions (veto right); different interpretation of the international laws by states; dilemma of state sovereignty versus human rights intervention necessity; different interpretation of the right to go to war (*Jus ad Bellum*); different approaches toward justice; and different approaches of politicians and lawyers regarding international laws' provisions. Solutions of such disagreements are critical for the consensual states' decision to establish clear functional mechanism of present collective security system, where the UN Security Council would act without hesitation; even it requires strong decision to authorize use of force (art.42).

From political sciences' point of view, additional variables are required to be mentioned for analyzing effectiveness of the UN – states' gains and losses in international relations, which can be relative or absolute ones. The history has demonstrated that states, as one of principle international actors, have been primarily calculating gains and losses in formulating and promoting foreign policies. This factor reveals not only inter-state competition but also hesitance and difficulty to start cooperation (ex. cases of Israel-Palestine, India-Pakistan, Russia-Ukraine, Russia-Georgia). In framework of such complexity, the main actors of the UN Security Council, powerful states, have been solving their national interest/national security issues avoiding the UN (veto) that also proved to be effective (ex. Reagan and Brezhnev Doctrines). Thus, the United Nations is perceived more as a slow international organization rather than one that would precisely draw the optimal line between individual/collective self-defense against armed attack and direct necessity to use force to procedurally re-establish international stability.

2. The Dilemma at the United Nations Security Council

Nowadays, to better understand the weakness of the UN Security Council is recommended to understand the subjective perceptions about the UN role by states that have been developed and advanced within different paradigms of international relations. For instance, newly-independent countries view the UN

as an umbrella for external sovereignty, which directly protects their internal sovereignty. The assumption is based on the fact that every newly-appeared state firstly strives to become a member of the UN. Indeed, „UN membership had grown from 51 in 1945 to 82 in 1958 to 115 in 1964 ...increase further to 158 in 1984 and 185 in 1995” [10, p. 209]. Today, the UN is made up of 193 Members States [11]. Many African, Asian and Middle East states, affected by the shadow of the lasted colonialism, have considered the UN such umbrella from former colonial powers. Basically, they see the General Assembly as arena for feasibly peaceful change of the status quo international order. In order to advance they have been focusing on economic issues rather than collective security since the young independence was a major argument of not involving in any other states' domestic matters. in Cold War it was called a Third World ideology: „...a Third World ideology formed in Algiers [conference of the 1973]. The leaders adopted Mexican President Luis Echeverria Alvarez's call for a New International Economic Order [the USSR and neo-Marxists called the same argument] that would break monopolies of the transnational companies of the neo-imperialist powers” [10, p. 209]. Thus, majority of the newly-independent states views the UN rather an economic than a collective security opportunity.

China, most European Union and former Soviet Union states view the UN as a collective security organization with emphasis on the UN Charter's article 2 (3, 4) when the security instabilities arise from the point of the domestic matters. For instance, China and the Russian Federation did not support the idea of the military intervention neither in Bosnia and Herzegovina in 1994 nor Kosovo in 1999. Most EU states were similarly hesitant. The reason was very clear – Russia and China (with veto right) have potentially acute domestic problems: breakaway Chechen Republic (not only it) and Tibet region. Those regions might be categorized as zones of human rights and humanitarian violations and, therefore, would require humanitarian intervention (similar to Rwanda case).

The EU states has still alarming memory of the past two world wars, where the main characteristic was an inter-state aggression. Therefore, European states deem articles 2 (4) and 51 to be the essential in the UN's activity. In the meanwhile, the United Kingdom has sensitivities with the North Ireland and France has similar potential problems with massive Muslim immigrants and recent Syria refugees, as well Germany. Therefore, European populations consider active peace enforcement actions in domestic conflicts as ineffective, furthermore, appearing as an intervention and break of the article 2 (4): „The pressure from Clinton, however, angered many Europeans. ... The threat of bombing [in Bosnia] also fostered a conflict between NA TO and the UN. Both the NATO Council and the Security Council were divided between the pro-bombers led by the United States and the anti-bombers led by Britain and France. NATO might press the UN for air strikes, but two influential members of NA TO – Britain and France – did not agree and did their best at the UN to encourage Boutros Boutros-Ghali to move gingerly” [10, p. 324-325]. Nevertheless, because European states have established complex interdependent relations, Bosnian and Kosovo conflicts slowly started affecting their national security (illegal immigration, drug traffic, spreading organized crimes, etc.). Thus, the time proved that sometimes such *deadlock* situations should be solved under article 42 of the UN Charter to safe human lives and balance international security.

In this context, the United States' view of the UN also plays significant role on international arena. According to US diplomats and politicians, the UN creation was hidden realistic attempt with open liberal explanation to make world better secure and safer [10, p. 3]. The accent in the UN formation was made on *four-police* system, which would sustain the international post-World War II status quo and not necessarily on predomination of the international security values and identity. Unfortunately, the relations dynamics among those *four-police* and rest of the world was not precisely taken into consideration. Therefore, the US officially considers the UN as collective security organization; however, in the eyes of many Americans it became powerless to defend the universal values. The key point of the UN's deficiencies is that if states establish security system primarily based only on the internal sovereignty and idea to

safeguard the peace, the system has a potential to diminish international goal in favor of national objectives. In contrast, the creation of the European security interdependent system was done after World War II openly and realistically but with liberal interstate intentions and focus on common values and identity. Those intentions have finally established complex interdependence within Europe. As Jean Monnet, one of the EC's architects once said: „...There will be no peace in Europe if states re-establish themselves on the basis of national sovereignty, with all that this implies by way of prestige policies and economics protectionism. If countries once more protect themselves against each other, it will once more be necessary to build up vast armies” [5, p. 47].

Today, many states try to either use the UN Security Council to block the conflict resolution or to bypass the UN Security Council veto system to achieve its national security objectives. For instance, the U.S., one of the main donor to the UN, has strived to bypass the UN Security Council veto by having different doctrines: Truman, Nixon, Reagan, Bush to protect national security and reinforce (if necessary) the universal human values by neutralizing the *problem*. The example of conflicts in Vietnam, Guatemala, Panama, Grenada, Kosovo, Georgia, Ukraine, and Syria clearly demonstrated the non-effectiveness of the UN Security Council insensitive geo-political situations. Meantime, it raised the issue of state sovereignty, human rights, and validity of the article 42, 51.

In this context, the tendency in the US is growing disagreement about the ineffective performance of the UN (only 22% - 29% support) [10, p. 331]. Furthermore, the new US administration cut significantly the funding toward the UN in 2017 with an argument of internal fiscal crisis and needs to re-evaluate some objectives of the UN on safeguarding peace and security [12]. Why does the UN Security Council always hesitate to apply provisions of the article 42 (when is urgently necessary) in critical situations to ensure international security? In this context, to comprehensively understand present UN's deficiencies is also essential to analyze previous analogical international attempts to establish and maintain international collective security. First, the established after the shadow of the Napoleonic wars, the Concert of Europe was the mechanism whereby the balance of power was adjudicated. The goal was to defend status quo internal sovereignty (basically the revolutions were the threat for the states in 19th century). The Concert became the tool for intervention, if one government would have asked. However, the British Government found the enthusiasm for dynastic intervention unacceptable. Therefore, after the intervention of continental powers in Spain in 1823, the United Kingdom withdrew from the organization [5, p. 42]. The League of Nations went further and organized itself in almost collective security organization, where members should have defended the other members. Yet, mostly supported by two major powers France and the U.K. in that time, the League of Nations did not succeed in establishing a global or at least a regional security community with common unifying identity. The United Nations' founders did not repeat those mistakes. In fact, the performance of the UN Security Council has fully depended on the powerful international actors' positions: China, France, Russian Federation (previously USSR), U.K. and U.S.⁷⁸ Meantime, there is a vital question - if identity in the UN matters and how it influences the Security Council. The problem of the UN decision-making mechanism lies in the Security Council veto procedure. Definitely, in 1945, it was difficult to estimate future evolution of those actors' identity, which is one of the major reasons of inter-states disagreements. Though, from the neo-realism point of view, there have not been proves that big powers would always agree. Internationally, different states had relative powerful influence over others over time [1, p.11]. Therefore, common international identity formation is difficult to achieve in short period of time.

Generally, states differently view the international system since they have primary four goals: „...preservation of the system and society, maintain external sovereignty, goal for peace (not total peace, but rather no wars), achieve elementary societal goals (life, truth, property)” [1, p. 16-17]. For instance, theocratic Muslim states interpret the world holistically; powerful states (Russia, China) interpret the world as zones of influence based on historical civilizations' borders; or democratic states appeal (EU, U.S.) for establishing

democracy and rule of law as the main criteria of promoting stability and security. Therefore, countries have different interpretations of state sovereignty, human rights and national security. Yet, the main contradiction is about public order and justice. The European and North-American states believe that the international law's imperatives should predominate versus moral and human justice (moral imperatives). Such logic is based on the intent to solve any conflicts in a court by judicial procedures. On the other hand, some states, considering the ideological traditions and identity being more important than the international law, establish the legislation that contradicts to the UN legal norms (e.g. The Universal Declaration of Human Rights) [13]. For instance, some Muslim states establish Shari Law system considering as just for their society. Complete destruction of the civilian infrastructures during the wars in Chechen Republic of Russian Federation (1999), in Georgia (2008), in Ukraine (2014-16), in Syria (2015-16) were *justifiable* from the military point of view but very *doubtful* from the international law (Geneva and Hague Conventions were disrespected). Therefore, the common identity philosophy in the UN Security Council has not been created despite the Cold War confrontational ideology disappearance. Nevertheless, a counterfactual analysis of the UN performance for more than seventy years demonstrates that sometimes identity is not an obstacle to cooperation. For instance, the Indonesian Crisis (East Timor 1999-2002) was relatively quickly solved since the UN Security Council's members had no contradictions about the international law interpretation in that situation [14].

In fact, the UN's centralized enforcement of the international law is confronted with consensus requirement, which is sometimes difficult to achieve. Also, the secondary rules of the UN law enforcement are weak to effectively support the primary rules, consequently demonstrating the general limitation of the international law effectiveness [1, p. 128]. The implementation mechanism of articles 42 and 51 is not clearly and universally defined in the UN Charter; therefore, only regional organizations such as EU, NA TO, former Warsaw Pact, and ASEAN have had clear rules and procedures for safeguarding regional security. The UN International Court of Justice (ICJ) has not performed effectively due to weak UN decisions' enforcement mechanisms. In this context, there is an additional conflict between politicians and lawyers, who interpret the UN and international law differently. Obviously, at the Nuremberg process lawyers acted precisely invoking the provisions of The Hague Regulations and Geneva Convention, despite politicians and public had different views about military crimes. Today the international situation is relatively similar when international lawyers and diplomats have different languages at the UN. The lawyers insist that concept of internal sovereignty is the most important. The diplomats express national security and state's interests since most politicians are more preoccupied with their national states' agenda. As a result, the UN Security Council is guided from states 'capitals [10, p. 135-152]. Therefore, some states consider international laws as a relative international category requiring consensus, which is not ease to negotiate. Such limitations create conditions for international laws 'violation supported by national advantages, domestic pressures, and irrationalities [9].

Overall, the UN established the mechanism that supports political and legal norms against the use of force to protect sovereignty. The UN Security Council current format has contributed to the international order stability. Unfortunately, the UN anticipated only the situations similar to the World War II but not such domestic civil wars, suppression, terrorism accompanied by violations of human rights. Therefore, the UN Security Council, being a political-judicial entity, has to make political decisions in critical international destabilizing situations. At this stage, the main problems of the UN Security Council's ineffectiveness are unformed common international identity to universally judge a crisis situation and limitation of the veto decision-making mechanism.

3. Conclusion

The United Nations is the primary international collective security organization, which is viewed in many countries as a stability factor. Meanwhile, the empirical reality has demonstrated that post-

World War II and post-Cold War international security crises were mainly resolved by big powers with moderate UN support, despite the Security Council jurisdiction over the articles 41 and 42. The sensitive point regarding use of force or international law procedures to re-establish international stability, when the question is about violations (genocide) of human rights versus internal state sovereignty, has remained unsettled in the UN.

The primary reason of periodic ineffectiveness of the UN, first global collective security organization, is absence of a common international identity. The common identity would permit to have similar (not the same) view about international law, state sovereignty and human rights, order and justice, rights to use military force, creating precise enforcement mechanism. The second reason amplified by previous one is consensual decision-making mechanism with veto procedure, which allows to irrationally block some timely-needed decision. In this regard, the UN Security Council also depends on will of the main actors of status quo international system that have different views about gains and losses in promoting foreign policies.

At this moment, the neo-realism point of view on the nature of international order predominates since states are preoccupied with relative gains and losses and not with absolute international gains [8, p. 154]. Thus, „states will decline to join, will leave, or sharply limit its commitment to a cooperative arrangement if believe that partners are achieving, or are likely to achieve, relatively greater gains” [7, p. 499]. Overall, the last assumption reminds that the political and security domestic issues of powerful states prevail over the international issues. Meantime, the individual and collective self-defense is still considered more important than weak international enforcement mechanism. Therefore, international community have to examine the UN’s lasting deficiencies and weakness and initiate a revision and a reform of the UN decision making process to effectively respond at least in starting international humanitarian crises if not in geo-political disagreements. Otherwise, the UN may become a symbolic institution, whose functions will be accomplished by more effective regional arrangements or powerful states. In that scenario, the major international actors may again slide toward temptation to informally establish geo-political spheres of influences with specific neutrality zones (group of states) along the *fault lines* of international relations. Such approach may shortly work but will set the conditions for future world war. Additional future question for research is – will the main actors and other states give in some power and create common UN force contingents to allow the UN Security Council to act independently, at least in humanitarian crises?

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