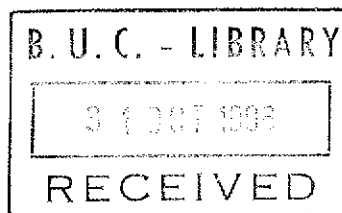LEBANESE AMERICAN UNIVERSITY
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ENFORCEMENT MEASURES UNDER ARTICLE 42
OF THE UNITED NATIONS CHARTER
THEORY AND PRACTICE

By
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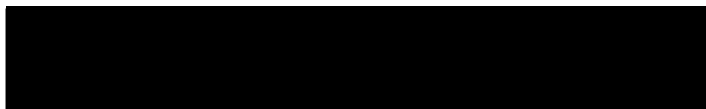in the Social Science Division

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INTRODUCTION

"There must be, not a balance of power, not some powerful group of nations set against another, but a single, overwhelming powerful group of nations who shall be trustee of the peace of the world" (1).

There have been many different meanings of international peace throughout history. From colonised peace through moralised peace then neutralised peace to polarised and today's monopolised peace. There have been different adjectives attributed to peace, each illustrating the respective political environment of each period, and the policy major powers followed.

After the devastation of World War I, it was hoped that war could be avoided by strengthening collective security : that was the purpose of the New League of Nations. Collective security was the system for a new world order for the maintenance of international peace and security, and as a replacement for the balance of power. The balance of power had provided some degree of peace in Europe until World War I but, for many political liberals and idealists, a new world order was to be established after the Great War.

The balance of power is criticised because it involves national armaments, the use of force in international affairs, spheres of influence, secret treaties and

alliances, and a continuous awareness for increasing capabilities and a willingness for shifting alliances or even go to war to keep any state from disturbing or disrupting the equilibrium. It refers to a situation where power is "balanced" by equivalent power, however, such situation interests states when it is in their favour, when it neutralises other states leaving the former ones to be the deciding and leading force. Furthermore, balance of power may operate and produce a situation of equilibrium but it also may fail especially when it conflicts with national vital interests (2).

The new world order that was called for after World War I involved the establishment and operation of a whole scheme of national commitments and international mechanisms designed to prevent or suppress aggression by any state against another through effective collective measures ranging from diplomatic boycott through economic pressure to military sanctions to enforce the peace. This scheme was called collective security.

However international relations have presented a major obstacle for the success of collective security. On one hand, states are not equally willing and able to participate in collective action against aggression anywhere in the world. National goals, values, interests, international commitments compete with the demands of collective security as well as cultural and traditional ties and friendships, trade and investment, and military alliances and ideology. On the other hand, collective security has evolved in a constant interaction with a changing

international political system and its application along with the different systems has not proved to be completely successful.

An international system is established to enable actors to enter relations in order to advance particular sets of political, economic, or other types of interests although the respective interests of the different actors may conflict with one another and may impose restraints on the behaviour of the actors (3). A system is made out of separate units, in our case independent states that are interdependent and operate autonomously, without the controlling direction of a superior agency, that manipulate power relationships among themselves.

Collective security has been sought under three different international political systems, the multipolar, bipolar and unipolar systems. Collective security was therefore affected by inputs from each of the different systems and adapted to developments which occurred at this level.

During much of the eighteenth until the early twentieth centuries, a multipolar system of many great powers has existed. A multipolar system is characterised by several states of similar size and resources. Alliances that exist between them are neither tight nor permanent although they occasionally break down into competing alliances. That was the case just before World War I when the system became polarised in Europe. After World War I the basis for a multipolar system was temporarily weakened then it recovered in a worldwide major power system composed of several states of similar power potential.

Upon the creation of the League of Nations, the concept of collective security was generally recognised and accepted as the central element of the theoretical foundation upon which the new system was to be based. In contrast with the previous balance of power, collective security implied a general alliance which eliminates the pattern of competitive alignments. It unites the nations in defence of the order of the community in building a system in which democratic nations would be "peace-loving" and willing "to band together to defeat unjust aggression" (4).

However the experience of the League revealed a reluctance by the members to adhere to the collective security obligations of the Covenant. The League members failed to impose sanctions on several instances against aggressor nations, especially in the cases of disputes involving major powers. It failed because it lacked political effectiveness, independent power and authority, and a positive force in redirecting the course of international relations. The League also failed because of lack of universality but it was mainly the lack of will of its members that accounted for all its ineffective measures.

Only twenty years after the establishment of the League, the most disastrous of conflicts emerged : World War II. This complete collapse of world order produced an awareness of the need for an improved system of international organisation. Once again, collective security was sought, and it was believed that its benefits, mainly the spread of democracy, would achieve world peace, and its rule of law in a global system would limit states' actions (5).

When the United Nations Charter was written, there was a belief in the promised effectiveness of the new Organisation in maintaining international peace and security in contrast to the discredited League of Nations. The United Nations was empowered to take enforcement measures, and if necessary to impose its will, and therefore had a real capacity for effective action under Chapter VII which the League had lacked. However, when World War II was over, the basis for a multipolar system had also collapsed. The United States and the Soviet Union were clearly the most powerful states in the world. The resulting international political system became thus a bipolar one. A bipolar system is characterised by two major alliances, each including several major powers, or two alliances with one major power on each side which was the case.

The two superpowers quickly formed opposing alliances and the bipolar system became largely polarised and loose. Quite a number of newly independent states joined the non-aligned movement which was formed at the Bandung Conference in 1955. The post World War II period became known as the Cold War during which the United Nations could not achieve the job for which it was created. Global collective security was impossible in a world divided into hostile blocs. The United Nations did only perform a narrower security role, bringing small conflicts to an end, and keeping them from leading to a direct U.S.-Soviet confrontation. It mediated thus isolated conflicts and monitored cease-fire arrangements through a

new process : peacekeeping - such as the cases of Cyprus, Lebanon, and the Congo.

Except in few cases, the two superpowers settled most of their major problems bilaterally outside the United Nations which thereby witnessed a reduced role of its Security Council, its permanent members, and of the Organisation as a whole. It was only after the dissolution of the Soviet Union, after it relinquished its control of Eastern Europe in 1989, and the disintegration of its Communist system in 1990, that United Nations peacekeeping operations took a phenomenal expansion, some under Chapter VII of the Charter, and involved the activation of enforcement measures under the respective articles. It was only under the prevailing international political system, the unipolar system, that the Security Council has acted with unprecedented consensus on many issues and therefore collective security succeeded.

The unipolar system has only a single major actor, usually a single state that dominates all the others. What we witness today is rather a hegemonic or dominated system by the United States of less than global extent, that has influenced and shaped many resolutions within the United Nations. However, although collective security is sought, it represents quite a different thing for each of the actors of the international political system since each seeks different goals and each interprets it according to its own interests. Although today's economic interdependence may impose restraints on the behaviour of all actors, "the behaviour rewarded and

punished by the system will coincide, at least initially, with the interests of the most powerful members of the international political system", with the interests of the United States that remains today's leading superpower (6).

The purpose of this thesis is two-fold. First, to discuss the obstacles facing the implementation of collective security within the changing international political systems, the multipolar, bipolar and unipolar systems. Collective security, its purposes and constraints, will be discussed under the multipolar system, under the League of Nations, and under both the bipolar and unipolar systems, under the United Nations Organisation. Second, to answer the question of why the application of collective security has been more successful under a unipolar system than under a multipolar or a bipolar system. More specifically, the purpose of this research is to study and evaluate the enforcement measures under Article 42 which provides for military collective measures for peace enforcement, especially that, for nearly four decades, the Security Council has not implemented its specific directives and authorisations. Article 42 states : "Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations" (7).

Several case studies of enforcement measures will be discussed, enforcement measures which have occurred under the bipolar system, namely in the crises of Korea, 1950, and the Congo, 1960, however not in the form collective security was sought for at the establishment of the United Nations' Charter. Collective security was only achieved recently through the activation of Article 42 of Chapter VII, under the prevailing unipolar system, and two cases will be reviewed, namely the second Gulf war, 1990, and the Somalian crisis, 1992.

Chapter One of this thesis focuses on the emergence of collective security as a system for a new world order after World war I, for the maintenance of international peace and security, and as a replacement of the previous balance of power in a multipolar system. Planning for the maintenance of peace in the postwar period and for the prevention of future wars were embodied in the establishment of a security Organisation, the League of Nations. However several constraints that faced the League of Nations and made it thus fail to control aggression are highlighted in this section.

Chapter Two focuses on the applicability of collective security through the establishment of a new world Organisation and in a new international political system, the bipolar one. Although the United Nations has a more elaborate structure than the previous League of Nations, it faced many constraints and enjoyed a relatively adjunct role in the political system. The United Nations' experience in handling disputes has not achieved considerable success and has grown through

formal arrangements such as the Uniting for Peace Resolution - the Korean crisis will be discussed in this section -, and through innovative practices such as peacekeeping - such as the Congo crisis.

Chapter Three focuses on the ending of the Cold War which dominated world politics for more than forty years, and the emergence of a new international political system, the unipolar system under which enforcement action has taken place. The United Nations remains today the leading international Organisation with its functions quite expanding. However its real effective power in controlling political and military conflicts and in imposing enforcement measures are somewhat directed by the remaining superpower, the United States.

CHAPTER ONE

COLLECTIVE SECURITY UNDER THE MULTIPOLAR SYSTEM.

It was the destructiveness of World War I that led to the utopian climate witnessed after the war which quest was realised through international norms and institutions in the form of the League of Nations. Utopianism is related to the assumptions and values of international morality, it emphasises how people ought to behave in their international relationships rather than how they actually do, it disdains balance of power politics, national armaments, the use of force in international affairs, and the secret treaties and alliances that preceded World War I. The balance of power that previously prevailed was a system based on the relative equality in power or strength among the major states, and on shifting alliances among those states to preserve equilibrium when one state threatened to become dangerous. It involved many independent centres of power, none of which strong enough to dominate the others. The concept of balance of power functions as a decentralised system, power and policy remaining in the hands of its constituents, the states (8).

Utopianism stresses international legal rights and obligations, the natural harmony of national interests for the preservation of world peace, and the change, at

the international level, of the political environment by the development of institutions such as the League of Nations. The League was an expression of the nineteenth century liberalism and twentieth century Wilsonian idealism. Political liberalism called for external and internal democracy. The liberal ideal called for a government of law. The League represented thus an attempt to realise this ideal in international relations, to establish the principle that force should be used only in accordance with, and in support of a legal order designed to make justice and peace prevail in the world. All the basic concepts of nineteenth century liberalism - democracy, nationalism, natural harmony, law, limited government, rationalism - influenced the Covenant of the League of Nations (9).

Effectiveness and Constraints of Collective Security.

There was thus an emphasis on the League of Nations in which the nations of the world would be represented, where negotiations could be observed by all nations and where secret diplomacy would be prevented from producing another war. Consequently, there were disarmament conferences aiming at reducing arms, such as the Treaty of Versailles (1919) - aiming at German disarmament -, and the Washington Naval Conference (1921-1922) - aiming at limiting naval rivalry in the Pacific. Moreover, in order to support the League in eliminating the recourse to war, there were legal efforts such as the Kellogg-Briand Pact in 1928, a multilateral

agreement signed even by the United States, that denunciated wars except in cases of self-defence.

A principal reason for founding the League of Nations then was to eliminate, as far as possible, the recourse to war. A first attempt to adapt a concept of collective security was thus established in the League. Collective security required therefore that all nations share a primary interest in maintaining peace. Peace must be viewed as indivisible. Threats to peace must be treated as the concern of all the members of the international system, must be dealt with in a prompt and effective reaction. Collective security is viewed as a method of controlling war in a world of sovereign states for the common purpose and devotion to the principle of peace and security maintenance. Collective security was thus conceived as an organised system based on the rise of international organisations. It is grounded on the basis of the concept of deterrence whereby any disturber of the peace will be defeated by the "preponderance of the community" (10). In accordance with this concept of collective security, states must accept commitments which might involve certain sacrifices in action in some crucial situations even against traditional allies. They must accept to act in accordance with the stipulations of the international agency.

However, under the League of Nations, the implementation of collective security lacked any positive obligation of states to participate in military sanctions, either in fulfilment of treaty commitment or in obedience to an international

decision. The Covenant, under Article 16 imposed "inadequate legal restrictions upon potential aggressors and exacted insufficient commitments for enforcement action from member states" (11). Article 16 imposed "immediate severance of all trade or financial relations, the prohibition of all intercourse,..., and the prevention of all financial, commercial or personal intercourse between the nationals of the Covenant-breaking State and the nationals of any other State", and it may further "be declared to be no longer a Member of the League by a vote of the Council..." (12). On one hand, Article 16 provided for sanctions that were potentially severe and effective if the obligations had been fulfilled. A violation of the Covenant obligations was to be interpreted as an act of war against all other members. The offending state was to be subjected to immediate total economic and political isolation with the direct and indirect costs shared equitably by all members. Supposedly such measures were total, automatic and obligatory. The Council was further empowered to recommend military sanctions including the allocation of national contributions to a joint military force composed of land, sea or air contingents. However, on the other hand, the above obligations under Article 16 were treated as selective, voluntary for each member in each situation, and were further declared in 1921 by the Assembly as optional and not mandatory. "Loopholes were discovered in the Covenant formula for collective security and taken advantage of to avoid inconvenient enforcement obligations" (13).

Failure of Collective Security under the League of Nations.

Thus the League failed in settling disputes involving the major powers namely in the case of Japan when it invaded Manchuria in 1931, in the case of Italy after its invasion of Ethiopia in 1935, and even in the case of Germany when Hitler expanded its territory in a series of aggressive acts. It failed because it was based on principles that conflicted with peace and cooperation and especially with absolute sovereignty. A transfer control over military forces and compulsory jurisdiction over disputes to the international level seemed to be paradoxical then with a highly interdependent environment in several areas of vital importance, and with the national interests of each state (14). Governments still showed a preference for arms and military pacts and the international system, based on the balance of power system, was an alliance system characterised by rivalries among the component units.

The concept of the balance of power functions as a decentralised system which is in opposition to the concept of centralisation that involves collective security. Yet this balance of power system failed when the multipolar international system became polarised and resulted in World War II. Collective security in the League was defeated by the nature of national policy. Although collective security had been adopted in theory and more or less institutionalised in the Covenant of the

League of Nations, it was not truly accepted nor was it seriously implemented. The League of Nations had "no hierarchy of authority" nor "hierarchy of power" over any state to impose and enforce its will (15). Collective security was also defeated because of the nature of the prevailing international political system whereby states relied on power, seeking to maintain or increase their power positions relative to other states, and whereby all states arm, even if in self-defence to protect themselves from other rival states. Given the international political situation, there was a lack of trust, a "security dilemma" that prevailed, where states felt threatened from other states and resorted to arm themselves in order to protect their national interests (16).

The League had failed because it could not withstand aggression, because it lacked authority, especially authority to impose collective decisions to defend a member that was attacked. It also failed because it had been paralysed during crises by the rule of unanimity for any decision to be reached. Furthermore, it failed because of lack of universality, especially the absence of several major powers - the United States since the establishment of the League, the Soviet Union, Germany, Italy and Japan for different periods of time - that had made it unrepresentative and impotent.

Since its establishment, the League remained based on the existing international order, the multipolar international system, and no attempt was undertaken to redirect the sources of authority and power. Its lack of independent

power and authority made the League reflect the general state of international relations. As long as its members realised advantages through cooperation, the League was successful. When Germany, Italy and Japan challenged the status quo, the League failed to resort to collective measures because of lack of cooperative will among its members and because multilaterality involved interdependence. The League has then failed to preserve peace, but it is mainly the military, economic, and political conditions at the national level, not collective security as an approach, that were the causes of the problem. It was the unwillingness of the major powers to act decisively that made collective security fail. American isolationism, economic and military weakness in France and Britain, and their disagreement against involvement in a continental war were key factors in obstructing an effective and strong response against aggressors states, such as Japan and Germany.

CHAPTER TWO

COLLECTIVE SECURITY UNDER THE BIPOLAR SYSTEM.

The United Nations.

Although the League of Nations failed in achieving its primary goal, peace maintenance, it represented a breakthrough in the development of international organisation, and just as it was formed after World War I, the United Nations was established after World War II.

The United Nations system like the League of Nations found its philosophical origins in liberalism. The new liberalism of the United Nations was different from the one of the League in the respect that it reflected a decline in optimism concerning the behaviour of free and nationally determined political entities. The League's liberalism depended upon natural harmonies in favour of the principle that international order must be produced by positive action where governments only intruded to make a bare minimum of regulation (17). The United Nations' liberalism assumed a more expanded functional responsibility and intervention by governments in many areas outside their range of direct concern. It

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was World War II that shifted international relations further from utopianism and idealism toward realism, from law and organisation to the elements of power.

In the 1940s, realist theory emerged and for the most part, dominated the study of international relations especially in the United States. Realism was a reaction to the idealist failure to control or avoid World War II and to understand conflict and power in international politics. Most realists then emphasised the concept of power. For instance, Hans J. Morgenthau defined "international politics as a struggle for power", Robert Strausz-Hupe maintained that international politics "is dominated by the quest for power", Robert Gilpin held that "power encompasses the military, economic, and technological capabilities of states", and K.J. Holsti defined power as the "general capacity of a state to control the behaviour of others" (18). According to realist theory, the management of power should be arranged through devices such as the balance of power that prevents any one nation from achieving hegemony since realist theory views human nature as sinful and power-seeking (19).

Realist theory was a critique of utopianism which stressed the transformation of the nation-state system through international law and organisation. Realists contrasted with utopians in that there is no essential harmony of interest among nations (20). For the former, nation-states often have conflicting national objectives which may lead to war. Utopianism is based on the idea that politics can be made to conform to an ethical standard. International behaviour can be established, since

utopian theory assumes that human nature is good and perfectible, and peace could be achieved through international law and organisation. The individual is the most important unit of analysis, people are viewed as rational according to Jeremy Bentham, and as Adam Smith and David Ricardo argue, "the minimal state is a possibility (and necessity) because of the underlying harmony of interests among individuals" (21). In the 1950s a new concept, "regional integration", was introduced by Karl W. Deutsch and Ernst Haas that focuses on transnational interactions and represents "a response to opportunity and an expression of hope as much as a response to threat and an expression of fear" (22). This movement of unity could be viewed as a new form of alliance and cooperation in contrast to the old realist concept of balance of power.

Yet, after World War II, the establishment of the United Nations represented a renewed effort to achieve world peace through international organisation. The United Nations was created as a general organisation in the sense that it was to deal with a comprehensive range of subject matters. All the problems of mankind which require international attention were to fall within its area of concern. The purposes of the United Nations, stated in Article 1 of the Charter, relate to the maintenance of international peace and security; the promotion of international relations and economic and social cooperation; the promotion of friendly relations among people; and to keep the United Nations a harmonising centre for international politics.

As for the principles of the United Nations, these include sovereign equality, non-intervention, peaceful settlement of disputes, self-determination and respect of human rights, support of international decisions, contribution to the United Nations budget, implementation of the United Nations objectives, and collective responsibility that requires even non-member states to conform sufficiently to the Charter principles in order to ensure the maintenance of international peace and security. These principles and objectives started to be primary source of international law because, according to Article 2 of the Charter, these objectives and principles are self-binding unlike any law provision that is accepted by a state or the established rules of treaties, and are applicable to member states as well as non-member states (23). Still Article 2 of the Charter limits severely the authority of the United Nations especially in its "domestic jurisdiction" clause which forbids the United Nations "to intervene in matters which are essentially within the domestic jurisdiction of any state". This limitation is even more difficult to handle especially when a specific dispute may be interpreted differently and may produce disagreement over its internal or international nature. However, an exception is granted in one of its clause, in which the Security Council is authorised to take enforcement action without the restriction by the domestic jurisdiction rule, when enforcement measures under Chapter VII are invoked (24).

Other Charter provisions have also acquired a status of fundamental standards, namely the one on the issue of human rights which the United Nations has worked

to globalize. The Preamble and Article 1 of the Charter contain references to human rights not only as goals but also as recognised principles. These principles "constitute basic norms on which the United Nations structure and functions are superimposed" (25). Furthermore the Declaration on Human Rights has had a considerable impact on states, has been partially incorporated into many national constitutional documents, has influenced national legislation, has been referred to in international treaties and has even had a great impact on the behaviour of the United Nations itself, namely in invoking Chapter VII of the Charter - including enforcement measures - for humanitarian relief. Some also argue that the "Universal Declaration on Human Rights has progressively attained the status of international law" (26). The present climate in international relations represents the human rights issue as a transition from solely domestic jurisdiction to increasing international concern. Under the previous bipolar system, majors powers were reluctant in their endorsement of international action and nations such as South Africa have defied international pressures, international recommendations and resolutions continuing thus a regime of discrimination. However, under the present unipolar system, they have achieved effective enforcement measures related to the issue of human rights as was the case in Somalia.

Still there have been several implications upon the establishment of the United Nations and throughout much of its life. There have been political compromises between the Allies during the Yalta Conference namely on the issue

of membership, the veto power and certain privileges within the General Assembly - such as two additional seats for the Soviet Union given to entities that do not qualify for statehood, and the insistence of the United States and Britain on introducing respectively the Philippines and India into the General Assembly before their independence. Another political implication is that the General Assembly represented the plenary council of the United Nations and as such should be given legislative authorities regarding all functions as observed in Article 10 of the Charter (27). However the Assembly was deadlocked in the domain of peace and security because the Yalta Powers wanted to control the important issues. Their dominance was therefore secured by assigning them permanent positions in the Security Council, the main enforcing organ of the United Nations, and by granting them the privilege of the veto that prevents them against enforcement sanctions. Furthermore and for political reasons, this legislative council was also blocked by Article 12 of the Charter whereby the Assembly could not make any recommendation with regard to a dispute under study by the Security Council (28).

Another political implication lies in Article 4 of the Charter which specifies the condition of membership (29). The political implication here is "peace-loving state" which is not a legal condition but rather a political one. It enabled then the Yalta Powers to keep all the defeated states of World War II outside the United Nations. When this condition was not observed anymore, all states were still admitted through the recommendation of the Security Council, the General Assembly being

only a formality. As for the membership, the expulsion of a state remained within the Security Council's authority, keeping thus the decisive power in the hands of the permanent states. More political implications were also observed namely in the classification of the trust territories (strategic territories supervised by the Council and non-strategic ones by the Assembly), and in the classification of issues before the Council and the Assembly (all matters discussed in the Security Council whether procedural or non-procedural are not enlisted and therefore the veto power could be used).

Collective security was envisaged by the founders of the United Nations. The United Nations was formed with a view to establishing a collective security system under which the kind of disputes which led to the two world wars could be dealt with by legal and peaceful means. However it is also a body capable of making authoritative and binding decisions to enforce security. It is believed that a widely supported and effectively implemented regime of collective sanctions can truly isolate a state and pressure it to conform to the standards of international relations. In this way, sanctions can operate as an effective international policy tool in response to threats to international peace and security.

However, in a world that was and still is becoming highly interdependent, there are many paradoxes working against the settlement of international disputes and problems. One of these is state supremacy, sovereignty and independence in a

world of interdependence. "Sovereignty includes internal sovereignty which is supremacy over all other authorities within that territory and population, and external sovereignty which does not mean supremacy but independence of outside authorities" (30). Although each state declares its right to determine its own course of action regardless of the effects upon other states, it is nowadays more and more dependent upon the actions of other states in several areas of vital importance such as trade, economic development, and world peace.

Another paradox is the divergence in national interests between states whereby their interests may coincide on one issue but diverge on another one. A third paradox lies in the separation and the distinction between international and domestic concerns. Article 2 observes non-intervention in internal affairs but at the same time imposes enforcement measures in the case of breach of the peace, act of aggression and threat to the peace. Such division between the domestic and international matters has been "a great dilemma in the decisions of the United Nations" although today the United Nations is dealing with this issue much more than before especially in respect of the violation of human rights (31).

The world's interdependence had also increased in the United Nations era. Sates were unprepared to act along the concept of indivisibility of peace, to recognise the primacy of a global community over the national one and to identify their national interests with the universal interest. Decisions concerning the internal

development of international organisation are inevitably influenced by external political factors and considerations. The United Nations was established into a world characterised by a pattern of power distribution unable to cope with the requirements of collective security : bipolarity. "Bipolarity is marked by the concentration of effective power in two massive blocs that dispose of such resources that make them invulnerable to all kinds of sanctions" (32). The United Nations was formed under the assumption that great powers emerging from World War II with predominant military capabilities could cooperate in building a postwar order. However both superpowers, the United States and the Soviet Union, were pursuing conflicting goals thus making collective security unrealistic and unachievable.

The Charter lists the maintenance of international peace and security as the first purpose of the United Nations. It also gives two principal approaches to the achievement of this purpose : the adjustment or settlement of international disputes by peaceful means under Chapter VI of the Charter, "Pacific Settlement of Disputes"; and the collective measures for coping with threats to peace, acts of aggression, and breaches of the peace, under Chapter VII of the Charter, "Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression".

States which join the United Nations undertake to settle their disputes by peaceful means. According to Chapter VI, the Security Council is empowered to call on the parties to a dispute to settle it peacefully (Article 33(2)) (33) or the Council may recommend "appropriate procedures or methods of adjustment" or "terms of settlement" (Articles 36(1) and 37(2)) (34). Several peaceful means are contained in the Charter such as negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, and other peaceful means of the parties' choice (Article 33(1)) (35). In order to determine whether a situation or dispute is likely to escalate, and before offering assistance in achieving a settlement, the Security Council may decide on an investigation (Article 34) (36). Although the Charter refers repeatedly to the settlement of disputes, still many of these have not been settled over the years. Resort to the United Nations is viewed as "an act of traditional diplomacy and not as a means for solving a problem" (37). The powers of the General Assembly and the Security Council regarding disputes or situations are limited to the making of recommendations. Neither organ has the power to impose a settlement unless the disputes or situation escalates and becomes a threat or breach of the peace, or an act of aggression. It is only then that the Security Council may decide on preventive or enforcement measures under Chapter VII of the Charter. This latter Chapter contains a graduated series of coercive measures. "The core of the Charter lay in

Chapter VII, the teeth which the League of Nations was deemed to have lacked" (38).

Collective Security under the United Nations.

Under Chapter VII, Article 39 enables the Security Council to make a formal determination that there has been a threat to, breach of the peace, or an act of aggression. If such a formal determination is made the subsequent decisions are binding upon the parties. The least coercive action is under Article 40 and includes "provisional measures" such as calls for cessation of hostilities, the withdrawal of military units, the establishment of demilitarised zone, the release of prisoners, etc. If provisional measures fail, the Security Council may act under Article 41. These may comprise partial or total economic sanctions, interruption of communications, and severance of diplomatic relations. If non-military measures prove to be inadequate, the next stage might be Article 42 which comprises military action, including demonstrations and blockade and other operations by air, sea, or land forces. The effort to complete the construction of the United Nations enforcement mechanism fell within Articles 43 to 48 and under the Military Staff Committee. Members undertook to make available national forces, permanent members of the Security Council being primary contributors of the force to the United Nations. National armed forces were to be reduced, and the Security Council was to dispose

of military units for joint action, subject only to the veto of the five permanent members of the Security Council. It was intended that the collective strength of all should be used to deter or punish aggression. For the first time in history collective security would be institutionalised.

However these aims were never realised mainly because of the failure of the five permanent members (the United States, the Soviet Union, China, Britain and France) to agree on the types, scale, and control of forces and facilities to be placed at the disposal of the Council. The Military Staff Committee disagreed upon the issues and rapidly became a non-entity mainly because of "the mistrust and the division into mutually suspicious camps" after World War II (39). Articles 43 to 48 remained therefore largely inoperative as a consequence of the great powers' disagreement.

Under the United Nations Charter, the Security Council is the body charged with responsibility for maintaining global peace and security. The Security Council is in theory very powerful. All members of the United Nations have agreed that the Council has "primary responsibility" for maintaining peace, it "acts on their behalf" (Article 24(1)) (40), and all have undertaken to carry out its decisions (Article 49)) (41). Under Article 25, the decisions of the Security Council are binding in international law and the member states of the United Nations are bound to implement them in their municipal legal systems. During the early months of the

United Nations' history, the Security Council seemed to be an effective organ since it held many meetings and debated a substantial number of important political issues. However, the development of the Cold War and its ideological rivalries obstructed effective action and collaboration in the Security Council. The then international political system, the bipolar one, had thus a negative impact on the collective security and put many constraints on the United Nations to act according to its goals.

The growing disagreement between the two superpowers manifested itself in the increasing use of the veto power and in the use of special devices by which peace and security questions could be dealt with through other channels. Many questions were avoided from discussion in an attempt to solve it outside the Council. Many cases illustrate this fact such as the conflict between Somalia and Ethiopia in 1977-1978 that was worked out by the African group, or such as the situation in Nicaragua that was channelled outside the Council and away from the United Nations into the Organisation of American States context. The Security Council could work when nations wished it to. One aspect of this was in the fact that whenever any of its permanent members were involved in a question before the Council, and especially concerning one of the vital interests of one of the superpowers, any controversial resolution put forward in an attempt to find a solution resulted in a veto.

The role of the Security Council suffered as a result of the veto power, becoming "a forum for conducting the Cold War instead of purposes of cooperation" (42). At the establishment of the United Nations, it was assumed that the great powers would maintain peaceful and harmonious relationships, that the right of the veto would not be used and that the collective security system would function effectively. However with the growing polarisation of the international political system, this assumption proved inadequate. The right of the veto became "an impediment to action" and the high expectations of the United Nations as a collective security system proved to be disappointing (43).

Still another view maintains that the right of the veto represented a declaration that the United Nations would not be drawn into any attempt to implement the collective security principle in opposition to a great power. This special privilege granted to the Permanent Members of the Security Council, "was not so much an instrument of great power dictatorship over small states as a factor injected into the relationships of the great powers among themselves" (44). The veto power was rather another form of a balance of power between great powers, through which each superpower tried to contain the other, to protect its strategic interests in any given area of tension or dispute, and to prevent an action that might hurt or endanger its vital interests. Still it was the most condemned constitutional feature of the United Nations since it has been used by all the Permanent Members and to some extent abused of by the Soviet Union and the United States, obstructing

thus the work of the Security Council. For instance, the veto power was used frequently by the Soviet Union over the admission of new members to the United Nations from 1945 to 1955. The Soviet Union vetoed then all potential members on the basis that they had no diplomatic relations with it - as was the case of Portugal, Jordan and Ireland -, or because peace treaties with them had not yet been concluded - as was the case of Italy and Austria -, or because of sympathy and membership in the Atlantic bloc which it represented. During this period the Soviet Union cast more than 90 percent of all vetoes in the Security Council, two-third of which were used to block admission of states to United Nations membership (45). On the other hand, all pro-communist candidates were also denied membership by the West through a strategy by the western states (under U.S. leadership) to block the admission of any pro-communist state by a combination of five abstentions or negative votes (46). Thus "Charter criteria for admission were robbed of significant meaning in a contest for political power in the United Nations" (47).

Theoretically, collective security is grounded on the basis of deterrence whereby any threat to the peace or any disturber of the peace will be defeated. It is also based on the basis that promises to confront would-be aggressors with an overwhelming preponderance of power in which every state is vulnerable to collective sanctions. Under the bipolar international system, neither the United States nor the Soviet Union showed such vulnerability. "Each possessed such great percentage of the world's military power as to make such preponderance of power

against either quite impossible" (48). As a result, bipolarity proved to be unfavourable to the operation of a collective security system. States have therefore sought security in neutrality or non-alignment because of the international bipolar system, or in military alliances such as NATO or the Warsaw Pact. These alliances represented much more an alternative to collective security rather than an expression of collective security.

Furthermore, most of the successful international conciliations have been achieved outside the United Nations. The end of Algeria's war for independence from France, the conclusion of the SALT I arms limitation agreement, the Panama Canal settlement, the Rhodesia-Zimbabwe settlement are only some of the cases of conflict resolution that have been more successful under traditional negotiating techniques than under the United Nations' auspices (49). Furthermore, although some other major conciliations were based on United Nations resolutions such as Security Council Resolutions 242 (1967) and 338 (1973) - that called for the return of the Arab territories occupied in the 1967 June war between the Arabs and Israel, the end to belligerency, the recognition of boundaries, and negotiations aimed at establishing a durable peace in the Middle East -, the Egyptian-Israeli peace treaty was signed between Egypt and Israel at Camp David in March 1979, and the Israeli-Jordanian peace treaty and the Declaration of Principles signed by Israel and the Palestine Liberation Organisation were also conducted outside the United Nations (50). This is due to great powers' manipulations whereby collective security

is used or ignored depending on their interests. Even collective security is a form of balance of power whereby superpowers agree upon if it serves their interests and keeps a certain security and stability among them, and make it impotent if it jeopardises their goals and threaten their stability.

In practice, and for nearly four decades, the Security Council has not implemented the specific directives and authorisations of the Charter, especially concerning enforcement action under Article 42. It has adopted a rather more flexible attitude in determining the action to be followed in dealing with a particular dispute. This was mainly due to the deadlock of the Council because of the right of the veto. The disputes and situations that have been handled by the Security Council have fallen within two general categories. First, there have been those disputes and situations arising from the decolonisation process and the establishment of newly created states, in which the United Nations has been successful because of the support of the permanent members of the Security Council and especially that of the United States and former Soviet Union. Second, other disputes and situations have involved such vital interests of the permanent members, particularly the two superpowers, as to unable the Security Council from taking any decisive action. For instance, no action of suspension or expulsion was ever been taken under Articles 5 and 6 against Israel because of U.S. threat of the use of the veto although Arab states have repeatedly urged for Israel's expulsion (51); nor any enforcement measures under Chapter VII have been authorised against Israeli repeated

aggressions in Lebanon; nor the United Nations Security Council Resolution 425 of March 19, 1978 that calls for the respect for the territorial integrity, sovereignty and political independence of Lebanon and upon Israeli immediate withdrawal from the Lebanese territory has ever been implemented (52). This has been impossible since a permanent member of the Security Council can, through its veto power, block action against itself as well as a client state which was the case of the United States vis-a-vis Israel, since one of the basic interests that have been at the foundation of the United States Middle Eastern policy has been the security of Israel (53).

Because of the Security Council's composition, its role is largely determined by the membership of the United Nations and especially its permanent members. Political division and lack of consensus among the great powers outside the United Nations have therefore led to political division and lack of consensus inside the United Nations and, in the Security Council, this is manifested by the use of the veto. It was only in recent years, in the early 1990s, that the role and activity of the Security Council have been considerably revived. This is due in part to the common interests of superpowers in resisting mounting pressures of Third World countries that can and often do dominate the voting in the General Assembly; in part to the increasing difficulty of superpowers to manipulate the General Assembly; and in part to the end of the Cold War, to the release of the bipolar tension, and to the reduction of conventional weapons and nuclear power.

The Uniting For Peace Resolution.

Under the Charter there is a precise division of the overall functions and responsibilities of the Security Council from those of the General Assembly. Primary responsibility for matters relating to high politics and security were assigned to the Security Council and all other responsibilities were entrusted to the General Assembly. However, in the actual operation of the United Nations, there has not been such a separation and specialisation in the activities of the two organs. Gradually, the General Assembly has become a forum for the consideration of important political disputes, and, in some instances, it has replaced the Security Council as the agency bearing primary political responsibility within the United Nations especially when the Security Council was deadlocked. The role of the General Assembly, although its decisions are not binding, had started to reflect the international view and to paralyse the Security Council. During the first decade of the United Nations, the United States was leading a majority in the General Assembly. But with the influx of new and large numbers of members since 1955, Third World countries became a massive bloc that could influence the General Assembly.

During the Korean crisis, in passing the "Uniting for Peace" Resolution on November 3, 1950, the Assembly assumed the power for enforcement action in situations where the Security Council, acting under the rule of great power

unanimity, has decided negatively on proposals for such action (54). On one hand, the expansion then of the political and security role of the General Assembly was largely due to the leadership of the United States - who commanded, and believed that they would continue to command, a majority supporting its views - exercised for the purpose of nullifying the Soviet veto power of the Security Council, and for the purpose of transferring important functions to the majoritarian Assembly where the Soviet Union has had a minority bloc. In the first ten years of its existence, the General Assembly had a built-in majority hostile to the Soviet Union. However the great bulk of the new members from the "Third World" produced a majority hostile to the United States. Thereafter, the United States could no longer expect the Assembly to endorse its policies automatically. The result has been to reduce the General Assembly to almost impotence. With the Assembly therefore powerless and the Security Council deadlocked by the veto, a huge responsibility has fallen on the Secretariat of the United Nations, and in particular on the Secretary General.

The member states of the United Nations have given the Security Council primary responsibility for maintaining international peace and security through a mandate to act on their behalf. This reflected the climate after World War II, and the idea that peace had been achieved. However the "Declaration on the Granting of Independence to Colonial Countries and Peoples" adopted in 1960, marked a shift in the United Nations' activities. Decolonisation has led to a legal and formal redistribution of national sovereignties which were not necessary accompanied by

an equivalent redistribution of political power, economic resources, social welfare and cultural emancipation. At the level of the United Nations, the admission of these newly independent states formed a legal majority within the Organisation but did not enjoy the same authoritative political influence and economic power in the decision-making process affecting the international system. Moreover, they felt that peace had not yet been achieved especially because of the non resolution of their difficulties resulting from past colonialism, and their economic difficulties. These states emerged as a global actor with interests and goals of their own and saw the United Nations as the place for pressuring for their demands. Through their active participation in the United Nations, they pressured for decolonisation and for development assistance through the establishment of a series of organs such as UNCTAD (United Nations Conference on Trade and Development), UNDP (United Nations Development Program), UNIDO (United Nations Industrial Development Organisation), and had the desire to enhance the position of the General Assembly vis-a-vis the Security Council. The steady expansion of Third World countries in the General Assembly, including states devoted to a policy of non-alignment in cold war struggles, has altered the political orientation of the Assembly and has reduced the effort to promote collective support in favour of either of the major powers. The Assembly is the only body within the United Nations where they vote equally and where they can exert their influence on world affairs. The General Assembly

became thus to be treated by states as a forum where they can anticipate a more favourable response to their demands.

The "Uniting for Peace" resolution, adopted during the Korean crisis, represented a legitimate framework for action. It was an effort to institutionalise a system of collective security within the Assembly, operative if the Security Council did not fulfil its responsibility in cases of a threat to, or breach of the peace, or an act of aggression because of the exercise of the veto. This was a U.S. attempt to give the General Assembly a larger role in maintaining international peace and security, the Assembly being dominated then by the West. The resolution was not accepted as legitimate by the Soviet Union on the basis that it was contrary to the spirit of the Charter since primary responsibility for the maintenance of international peace and security rested on the Security Council rather than on the General Assembly. However the "Uniting for Peace" resolution was justified under "the letter of the Charter because Articles 10 and 11 gave the Assembly extensive powers to discuss and recommend anything within the purview of the Charter, including the maintenance of international peace and security" (55).

The Korean crisis.

Under the bipolar international system, the Security Council has never ordered military enforcement action, the only closest approximation being the force in Korea from 1950 to 1953, which was only an authorised force. The other instance

where enforcement measures were taken was during the Congo crisis, however the circumstances being completely different than those envisaged in Article 42, under Chapter VII of the United Nations Charter. U.N. efforts to terminate conflicts then were confined to diplomatic initiatives and occasional economic sanctions.

In June 1950 Chapter VII was put into effect to deal with the invasion of South Korea by North Korea. That crisis brought forth a collective military action, led and largely conducted by the United States, under the aegis of the United Nations, and with the support of an overwhelming majority of the members of the Organisation.

The United Nations' involvement in Korea was a unique occurrence facilitated by the fact that the Soviet Union did not veto the action. This was possible only because the Soviet Union was at the time boycotting the Security Council for its refusal to seat a representative from the People's Republic of China in place of the sitting member representing Taiwan's Chiang Kai-Shek.

A Security Council resolution of June 25, 1950, determined that the armed attack against the Republic of Korea constituted a breach of the peace and requested the cessation of hostilities and the withdrawal of North Korean troops. Another resolution of June 27, recommended to member states that they help the Republic of Korea to repel the armed attack and to restore international peace and security in the area. On July 7, a third resolution created a Unified Command for the military

forces, requested the United States to appoint a commander for the forces, and authorised the Unified Command to use the flag of the United Nations.

When the Soviet Union resumed its place, it effectively prevented any further action but the Western powers had secured the passage of the "Uniting for Peace" resolution in the General Assembly. The Soviet Union denounced the legitimacy and was opposed to the "Uniting for Peace" resolution which "it regarded as a breach of the understanding which underlay the United Nations - that the Organisation would be constitutionally incapable of being used against the will of a major power" (56). When the first objective of repelling the aggression was achieved, and the continuation of military operations for the destruction of the North Korean forces seemed impossible to be obtained in the Security Council because of the return of the Soviet Union, the General Assembly provided the necessary authorisation through resolution 376 (V) of October 7, 1950.

The United Nations was thus acting under Chapter VII of the Charter, taking enforcement measures and requesting intervention although no specific article has been explicitly invoked, and no enforcement action was being carried out in the manner provided for in Article 42. Enforcement action was taken by a individual member state acting on recommendations of the Security Council. The United States served as the executive agent in the suppression of the North Korean aggression, providing both military command and political direction. The Korean operation was also financed by the United States, not by the United Nations. "At the

outset the United Nations served as a cover for US. action to repel North Korean aggression" (57). Even without a permanent security force, an operation was undertaken in Korea which successfully protected a state under attack : an operation nominally under the aegis of the United Nations, but in practice dominated, controlled and financed by a superpower.

Collective security, in the case of the Korean intervention, was therefore dependent upon the availability of a great power leadership. The United Nations became thus a party to the Korean War through the adoption of the different resolutions by the Security Council. The respective mandates were upgraded, first from a call for a cease-fire, withdrawal of the North Korean forces to the 38th parallel and assistance to the United Nations by member states in the execution of the resolution; through recommendation that member states furnish assistance to the Republic of Korea in order to repel the armed attack and restore peace to the area; to recommendation that countries providing military forces make them available to a unified command under the United States with the use of the U.N. flag by the unified command. In effect, this upgraded "action was an endorsement of the military response already made by the United States to the Communist attack" (58).

On few instances, besides the Korean crisis, the "Uniting for Peace" Resolution was employed. It was successful against Britain and France after they had vetoed any action by the Security Council over their attack on Egypt in 1956.

However, a similar resolution by the General Assembly calling upon the Soviet Union to withdraw its forces from Hungary was ignored and no action followed. In the first instance, Britain and France conformed because of fear from any economic action by the United States. In the second instance, no one could persuade the Soviet Union. It was thus clear that the United Nations could not enforce its decisions against any of the superpowers. "It could take action against aggression only if the two superpowers agreed or if one of them was indifferent to the crisis" (59).

Yet the "Uniting for Peace" Resolution included some deficiencies and did not meet all the requirements of a collective security plan. It authorised the General Assembly to move quickly into considering a crisis situation if the Security Council was immobilised by the unanimity rule; it requested the authority of a two-third majority of the Assembly to designate the aggressor state, it recommended that states respond with cooperative sanctions against it; it provided for a Collective Measures Committee to study the problems of enforcing collective security; and it suggested that states designate military units for possible participation in the enforcement measures. However this approach was too ideal since the General Assembly enjoys only a recommendatory authority, it is too big, too slow, and it involves no real commitment by all states and therefore no real assurance of collective consensus and assistance for coercive action. States are not willing to accept the risks of committing their troops to defend any victim of aggression under

unpredictable circumstances in accordance with the decision of an international agency which is independent of national control. On the other hand, they are not confident enough to venture with their national strength and security in favour of the international community. The "Uniting for Peace" resolution did not therefore develop into a system of collective security, it only provided an increase in the Assembly's authority over international conflicts.

Peacekeeping.

As already mentioned, all references to sanctions are included in Chapter VII of the Charter, but the Security Council has avoided legal restraints by dealing with most situations without reference to any particular Charter provision. A new process was thus followed : peacekeeping. Secretary General Dag Hammarskjold once referred to peacekeeping "as belonging to a hypothetical "chapter six and a half " of the Charter, somewhere between the methods for bringing about peaceful settlement of disputes outlined in Chapter VI and the enforcement action envisaged in Chapter VII" (60).

Peacekeeping forces, in the form in which they have developed, were not therefore envisaged in the Charter. Yet they have become a regular part of international life. These forces generally consist of separate national contingents carrying out, in the name of the United Nations, such tasks as the monitoring of

cease-fires, observation of frontier lines, interposition between belligerents, and the maintenance of government and public order. They have been used in international conflicts (in the conflicts between Israel and the Arabs), and in internal conflicts with international implications (such as in Cyprus). Peacekeeping operations mainly contained conflicts resulting from the withdrawal of colonial powers, and kept those regional conflicts out of the Cold War rivalries, preventing thus the triggering of a direct East-West confrontation.

The result of U.N. peacekeeping efforts have thus been limited and unsuccessful sometimes : the inability of UN forces to stop the Israelis and the invasion in Lebanon in 1982 illustrates their limitation and constraint in action. Furthermore, peacekeeping operations depend on the local consent, the agreement of the host government to a U.N. mission's presence. Some factions within the host country may object to that presence, and on occasion peacekeepers may need to resort to defend themselves or restore order to a deteriorating field situation, as was the case during the United Nations Operation in the Congo, ONUC, in 1960-1964. Moreover, a host government may request the withdrawal of the U.N. mission even before its termination, to mention only a case : the request of the Egyptian government to the withdrawal of the United Nations Emergency Force, UNEF, in 1967, which the General Assembly had created in the aftermath of the Suez crisis in 1956.

The Congo crisis

Throughout the history of United Nations peacekeeping operations, the decisions as to whether, when and to what extent force is to be used have been a difficult problem. The Korean operation involved the activation of an "approximate" collective security system for the use of collective forces to combat a determined aggressor. A collective security force is designed for combat with the military force of an aggressive state. Its function is to defeat and repel aggression. By comparison to the Korean intervention, the case of the Congo in 1960, involved some coercive action during the peacekeeping operations that have been more different in nature from the military actions undertaken in Korea and those described in Article 42 under Chapter VII of the Charter. It has not been enforcement actions directed against a state nor organised and directed by the Security Council itself. Instead, it has been organised and directed by the Secretary General in accordance with mandates given to him by the Security Council and the General Assembly. It has been more the tasks of preventive diplomacy. Preventive diplomacy is more concerned in helping states to avoid war rather than helping states to resist attack. Its central objective is to abort the development of a situation where the need for operation of collective security might arise, and to prevent the extension of great power confrontation that might produce violent conflict (61).

Shortly after independence, Congolese soldiers were denied promotion opportunity by the Belgian military. As mutiny broke out in early July 1960, there was an attempt by the Congolese Prime Minister Lumumba to agree to the soldiers' demand for reform and "to Africanize the entire officer corps" (62). However as disorder further spread, Secretary General Dag Hammarskjold and his Under-Secretary for Special Political Affairs, Ralph Bunche, tried to work a plan with Congolese authorities to help the Government control and strengthen the Congolese army through United Nations assistance in the form of military personnel as technical assistance of a military nature. If the Congolese Government was to request such military assistance, the Secretary General "felt he could take immediate action without referring the matter to the Security Council" (63).

However the Congo crisis intensified on July 11, 1960 in the newly independent republic when Belgium reintroduced its troops into the territory just freed from its colonial rule, without the agreement of the Congolese Government, for the declared purpose of restoring law and order and protecting Belgian nationals. The Congo Government appealed for American intervention, and at American urging, for United Nations' military assistance. President Kasa-Vubu and Prime Minister Lumumba also requested from the Secretary General military aid to respond to the Belgian aggression. Dag Hammarskjold acting under Article 99 of the Charter which empowers him to bring to the attention of the Security Council any matter that may threaten international peace and security, requested an urgent

meeting of the Security Council (64). When the Security Council considered the crisis, it adopted Resolution 143 (1960), by which it called for intervention and initiated the operation through the instructions it gave the Secretary General, Dag Hammarskjold, and the authorisation to create a U.N. force, the United Forces in the Congo, (Operation des Nations Unies au Congo) ONUC. Initially tasked to oversee the withdrawal of the Belgian paratroops and to serve as an impartial force for public order, ONUC largely accomplished its task within two months except in Katanga.

However as revolt spread in Katanga and as attacks on U.N. personnel began, ONUC got a revised and stronger mandate from the Security Council, through its Resolution 161 of February 21, 1961, that "requested that the United Nations take all appropriate measures to prevent the occurrence of civil war in the Congo including... the use of force, if necessary, in the last resort". The Council further authorised the Secretary General "to take vigorous action, including the use of force if necessary" (65). These forms of using force did not constitute "enforcement measures" against a state under Article 42, nor were they authorised to take military measures against any state. The U.N. force was to take military action if the Secretary General deemed it necessary in order to avoid a civil war and to solve the problem of unauthorised foreign military personnel and mercenaries. As the responsibilities of the United Nations in the Congo expanded, the Secretary General requested and obtained more battalions and personnel making the Force reach "a

total of 19828 at its peak strength by July 1961" (66). However while Secretary General Hammarskjold was trying to secure a cessation of hostilities and achieve reconciliation between the Congolese factions, he was killed in a aeroplane crash on 17 September 1961. In November 1961, the Security Council adopted Resolution 169 (1961) which disapproved the secessionist activities in Katanga and authorised the new Secretary General U Thant to use force for the removal of mercenaries.

It was only in August 1962, after failure of the negotiations between the Congolese factions, that Secretary General U Thant proposed a Plan of National Reconciliation which was accepted by the concerned parties, yet not implemented on the Katanga side. After further attacks on United Nations positions, ONUC undertook action to restore its security and advanced in several areas while the Secretary General continued his negotiating efforts. Soon after ONUC brought the secession of Katanga to an end and the operation officially terminated in June 1964.

U.N. peacekeeping operations are based on the principles of consent, impartiality and the non-use of force except in self-defence. The U.N. operation in the Congo has been the only peacekeeping operation to use force beyond self-defence but not in the manner provided for in Article 42. U.N. troops were unintentionally drawn into a complex internal conflict as a result of the secession of Katanga and the collapse of the Congo Government. Dag Hammarskjold, who created the first peacekeeping force in U.N. history in 1956, defined self-defence as

the protection of the lives of the U.N. soldiers and of the positions they held under the U.N. mandate.

When the Congo crisis was first considered by the Security Council on July 13 and 14, 1960, a number of states including the Soviet Union regarded it as a Belgian aggression and insisted that the U.N. military force take effective action to halt the aggression, as a collective security operation. However, the majority led by the United States, held that the problem was the internal chaotic situation in the Congo. The Soviet Union developed its opposition to the Congo operation after it was too late to exercise the veto in the Security Council. It was then resolved to use financial deprivation as a weapon for attacking the Congo operation, as was observed : "It is of course obvious that the crisis is only in the most superficial sense a financial one... Basically the dispute is over what the U.N. should do, not over what it should spend in doing it" (67). Soviet objection to ONUC was based on the claim that the operation served Western powers, and was further expressed by a campaign launched against the Secretary General, Dag Hammarskjold, who was accused to use his international position as a cover for Western activity (68).

The Congo operation was an extremely expensive undertaking by the United Nations and some states failed to pay their assessments as voted by the General Assembly because of financial strains, while others refused to pay such as France and the Soviet Union, because of their unwillingness to accept the principle that they could be bound, by a vote of the General Assembly, to share in the

responsibility for support of peacekeeping operations. Although the General Assembly requested and accepted an advisory opinion by the International Court of Justice to the effect that it was competent to impose obligatory assessments upon members in such cases, the principle was politically unacceptable and was altogether abandoned in 1964. The continuation of the operation along with Soviet hostility precipitated the United Nations into a major financial crisis in 1961.

Although it had prevented complete disintegration of civil order, ONUC did not put an end to civil and political unrest in the country. The U.N. operation in the Congo "lacked effective support from the great powers, support from the local parties, stable funding, and a clear mandate" (69). This reflects the ineffectiveness of the United Nations that was divided from inside by the two major powers that were leading the international political system, it reflects the United Nations' lack of capabilities and capability in ordering and pursuing an effective operation independently from any of the superpowers, and especially if it contradicts their interests or goals.

Collective security was therefore unachievable in an international system divided by two hostile blocs especially when their interests did not coincide. Furthermore, most nations became unfavourable to the idea of committing their countries in struggles such as the Korean and the Congolese cases, especially in committing their own military contingents for participation in enforcement actions, and to undertake such operations in opposition to a major power, a power that is

able to threaten the stability of the whole international political system and the internal stability of the United Nations.

Economic Sanctions under the Bipolar System : Southern Rhodesia and South Africa.

Under the bipolar system, Chapter VII has only been invoked for the imposition of economic sanctions. This has occurred in a couple of cases, in the case of Rhodesia and in the case of South Africa. The first economic sanctions imposed under Article 41 were the ones against Rhodesia in response to a perceived threat to the peace. These were imposed because of Rhodesia's Unilateral Declaration of Independence and its illegal government based on racial minority that took power in 1965. In 1966 the Security Council imposed selective mandatory sanctions on purchase of Southern Rhodesian goods and export to Southern Rhodesia of arms related material, aircraft, and petroleum products. In 1968 these sanctions were further upgraded to mandatory sanctions covering all trade with Southern Rhodesia. The sanctions were lifted in 1979 when the democratic majority rule was restored after a political settlement. However these sanctions were not always observed by all the international community, neighbouring countries violating it and a later amendment in 1971 allowing the United States to import ferrochrome and other materials. In the Rhodesian instance there was a perceived

unwillingness to enforce the sanctions which made such breaches a major weakening factor for collective action.

Another case of imposition of economic sanctions under the bipolar system, and in response to a perceived threat to the peace, is the one against apartheid that occurred in 1948 in South Africa. The United Nations had, at several times, called upon member states to severe trade, cultural and diplomatic links with South Africa in order to dismantle apartheid, however it was only in 1977 that the Security Council acted under Chapter VII of the Charter to impose a mandatory embargo on arms and military supplies to South Africa. Still the Security Council never imposed comprehensive economic sanctions against South Africa because of the country's supply of numerous minerals necessary to industrial economies which resulted in a lack of political will by great powers to sustain comprehensive economic isolation. Sanctions were lifted against South Africa in May 1994, after the democratic elections that brought Nelson Mandela to power.

The use of Chapter VII was therefore quite limited in the first forty-five years of the United Nations' existence because of the bipolar system. However, since the end of the Cold War, there has been an increase in collective action through the United Nations which has been reflected in the functioning of the Security Council. Yet this role does not serve the international community as a whole as much as its serves the leading powers in the world.

From about the mid-1960s, the United Nations' authority declined. Political restraints have operated on state behaviour independently of the United Nations. In particular the Western powers, and above all the United States, were no longer able to rely on the majority support in the United Nations, and became increasingly reluctant to work with and through the Organisation. The Soviet Union also had a negative approach to the United Nations and the procedures it offered. Both superpowers preferred therefore to deal directly with each other on all of the most important questions, especially on regional conflicts in which both had vital interests. This resulted in a marginal role given to the United Nations for the task of maintaining world order.

This marginality is not confined to one distinctive group of countries although some have a greater influence on the behaviour of the system than others. Even smaller powers have tended to attribute a marginal role to the United Nations. Third World countries had put great hopes on the ideals of the United Nations, to change international relations and to strengthen international cooperation. However frustrations, deceptions and widening gaps in the political and economic areas have led these countries to reassess the United Nations' effective strength and to recognise the dependence of the United Nations on the major developments within the international system and its limits as an instrument of political change. "The weak resources at the disposal of the United Nations compared with those transacted at the bilateral level underline this marginality" (70).

CHAPTER THREE

COLLECTIVE SECURITY UNDER THE UNIPOLAR SYSTEM.

Almost at no time the basic preconditions of collective security have been realised under the multipolar or the bipolar systems - the Korean instance, as discussed above, being an "approximation" of collective security -, and collective security has not become the operative system of international relations. Collective security has only been achieved in few crises under the prevailing international political system, the unipolar system, but not in the spirit designed for it, not as an ideal for international peace, as much as an instrument of policy for U.S. foreign policy interests (71).

Collective security is based upon several assumptions in the power situation, the legal situation, and the organisational situation that have not been met. As discussed above, the ideal setting for collective security is marked by a wide distribution of power among states, a near monopolisation of power by the community, universality of economic vulnerability, partial disarmament, legal establishment of the prohibition of aggression, the commitment of all states to collaborate in the suppression of aggression, and the endowment of the international organisation with authority to determine and implement collective security.

However, these requirements have been avoided and evaded throughout much of the lives of the League of Nations and the United Nations which is an indication that "states are unwilling to entrust their fate to a community agency" (72).

The ideological rivalry of the superpowers during the Cold War has made the ideal of the United Natons impossible to fulfil and collective security impossible to realise. Still with the collapse of the bipolar system, there has been a recommitment to the purposes and principles of the United Nations Charter. Yet what we witness under the present unipolar system is another form of collective security, not the one envisioned by Woodrow Wilson, not one that involves an equal distribution of power of independent centers of powers, and where power is balanced by equivalent power, but a collective security that involves an asymmetry in the distribution of power that is trying to achieve international security. The United States, the main world power today, has increased prospects for collective action because it is available to play a leadership role especially in those crises where its vital interests are considerable (73). Stability is therefore provided by the dominant power and not by the international Organisation whose relative power is less effective.

However such prospects for collective security may become irrelevant since such dominant power uses the Organisation and the concept of collective security in a way that benefits its own interests, and whose enforcement action is biased and reflects its own reaction in a given crisis. The higher its vital interests are

jeopardised because of a crisis, the higher are the chances to manipulate collective security through the Organisation - which it dominates to a certain extent -; and consequently, the lesser its interests are involved in a crisis, the more reluctant it will be to stabilise or contain a conflict.

The Marginal Place that the United Nations Occupies within the International Political System.

The United Nations is in constant interaction with the international system as well as the national state. It is neither self-contained nor self-sufficient. It is affected by inputs from both systems and must adapt to developments which occur at both levels (74). The international system has been the force of change, it has experienced evolution and transformation independently of the United Nations. The capacity of the latter in development and performance has thus remained limited especially in areas of security. Even the state system has put constraints on the decisions of the United Nations, especially that national security takes precedence over collective security as well as cultural and traditional ties, trade and investments, and military alliances and ideology. The United Nations has therefore remained a regulatory mechanism of the international system, it has survived its different transformations, and adapted to these changes.

Decisions concerning thus the internal development of the United Nations are inevitably influenced by external political considerations from both the state system and the international system. But to what extent does the United Nations generate inputs that may affect the two other systems ? All kinds of demands are channelled into the United Nations by its member states but it is the international system led by the great powers that has mainly imposed its orientation on the decisions of the United Nations. It has therefore "channelled all kinds of inputs into outputs" or decisions that have been, and remain, in favour of the leading powers of the international system (75). The United Nations has not been able, under either international political system, to process dynamically the given inputs into positive outputs regarding matters of collective security, transforming thus the international system. With the polarisation of the international system during the Cold War, the United Nations has become an agent of the status quo, its decisions being quite limited and its role reduced in the area of security. Under today's unipolar system, the United Nations has also adapted to the recent transformation and has not changed into a dynamic process that is able to influence the other two systems with which it interacts.

The United Nations is not a supranational actor that influences the behaviour of states in world affairs. It has been primarily a supplement to both the international political system and to the state system that are dominant in world affairs. "The input role of the global system varies from one issue to another and

among the different actors" especially the dominant ones (76). In this instance, it is the political will of principal actors regarding a specific issue that largely shape the United Nations decisions.

Moreover, it is important to note here that the veto rule is a potential power which enables any of the Permanent Members of the Security Council to block decisions on important matters. Such decisions include the determination that aggression has taken place, the designation of the aggressor state, and the decision to resort to economic or military sanctions against the aggressor. Such decisions are fundamental to the operation of a collective security system, still the veto power can give any of the great powers the capacity to prevent the operation of U.N. enforcement measures against any state under its support and protection. "The United Nations was rendered powerless to deal with many major conflicts around the world because of the vetoes - 279 of them - cast in the Security Council" under the bipolar system (77). In the Congo case, the Soviet Union did not exercise the veto rule at first although it opposed the operation in its further developments, and the United States was able to prevent any enforcement measures against Belgium.

A more recent example that illustrates the prevention of U.N. enforcement measures under the unipolar system is the Israeli operation "Grapes of Wrath". The General Assembly condemned the Israeli military attacks against the civilian population in Lebanon, especially against the United Nations base in Qana, "which violate the rules of international humanitarian law pertaining to the protection of

civilians" but could not impose any kind of enforcement action against the Israeli attack because of the U.S. threat to use the veto (78). The United Nations has been therefore used - or misused ? - by state actors only to obtain their own advantages.

As mentioned above, the United Nations therefore occupied and still does a relatively marginal place within the international system. This marginality is expressed through the role effectively assigned to the United Nations in the area of collective security and peace maintenance; through the proportion of human and material resources at its disposal; through the nature of tasks it performs for the international system; through the volume of economic, social and cultural exchange it possesses. In all of these areas, the United Nations represent a fractional amount of the overall interactions which take place at the international level.

Peace Enforcement

Since the early 1990s, with the end of the Cold War, continuing and devastating problems of unchecked population growth, overwhelming debt burdens, acute disparity between north and south, famine and poverty have remained and new issues have emerged such as nationalist and ethnic conflicts. While peacekeeping operations in their classical form are still operative, such as patrolling cease-fire lines and buffer zones, peacekeeping missions are being charged with far more demanding and complex responsibilities. Beyond their traditional tasks, these missions are asked to ensure delivery of humanitarian aid in combat zones, monitor elections, help repatriate refugees, establish safe areas, etc. Such missions are being deployed in situations that fall between peacekeeping and peace enforcement which make their tasks quite controversial sometimes.

By comparison to peacekeeping, peace enforcement involves the use of threat or coercion, such as enforcing an embargo, interfering in humanitarian missions - as occurred in Somalia -, or expelling mercenaries or disarming rebels, as happened in the Congo. Peace enforcement missions involve employing forces without the consent of all the parties in dispute and beyond self-defence. Enforcement action involves especially large scale operations such as those used in Korea and during the Gulf war, and imposes much higher human and monetary costs on the countries

who take an active role in the operation. The financial, organisational and operational requirements of peace enforcement are greater in magnitude than those of peacekeeping.

Before the 1990s, "the United Nations launched thirteen peacekeeping operations, but since 1988 it has mounted twenty-five ones", including several cases of imposition of collective sanctions (79). There seems to be a commitment of the member states of the United Nations to collective response to violence around the world. On one hand this could be perceived through the fact that the Permanent Members seem to agree on acting, and are no longer engaged in the veto process. However agreement among the great powers is possible today because of the international political system that is an important factor in the process of shaping decision-making. With the dissolution of the Soviet Union, the leading superpower today is the United States. It is a principal actor that, depending on the given inputs, "is constantly absorbing demands and channelling them into a policy machine which transforms these inputs into decisions or outputs", generally largely influenced by its own interests (80). This has been a turning point and an important variable in the process of international relations and in the employment of collective security, yet this might not be permanent unless the international political system remains as is today, and unless the Permanent Members of the Security Council hold together.

On the other hand, the willingness of other states to participate in military U.N. operations might be another important factor. States are quite reluctant on getting involved in coercive operations unless they are assured that it will be successful or unless a great power takes the leadership and the higher risks, especially in committing their military forces that are placed under a different command. The dilemma here is also how each state perceives an aggression or an aggressor especially "in a way that satisfies the sense of justice and appropriateness of all the people involved in the voting on that particular issue" (81).

Economic Sanctions.

As mentioned above, Chapter VII provides for a graduated response of enforcement action for the maintenance of international peace and security. Under Article 39, the Security Council may determine the existence of a "threat to the peace, breach of the peace or act of aggression", and the use of sanctions under the following articles, Articles 41 and 42, are authorised as actions pursuant to a determination under Article 39.

From the theoretical perspective, "the mechanism through which most collective security systems were designed to achieve their goals was economic, not military", and as Inis Claude argues, "collective security assumes the states of the world are as interdependent for their strength as for their peace, and that its

restraining function can be exercised in large part by the imposition of isolation, the organisation of deprivation, without resort to collective measures of suppression" (82). However, just like military sanctions, economic sanctions, except in few cases (i.e. Southern Rhodesia and South Africa), have not been imposed during the Cold War because of the unwillingness of states and especially great powers to work consensually towards the resolution of security problems.

There have been cases of the imposition of economic collective sanctions, most of which were imposed after 1991 under the unipolar system whereby prospects for collective action increased because the leading superpower increased the likelihood of activating the enforcement action especially in playing the leadership role.

The basic objective of imposing sanctions is to induce a change in the behaviour of a particular state that has threatened international peace and security. However, if sanctions are to be effective, it is important that they have defined and achievable objectives within a limited time frame. It is important to note that economic sanctions imposed under the previous bipolar system have not achieved their purpose and their required success promptly. In the case of Southern Rhodesia for instance, the collective sanctions were imposed over a long period of time during which they were not always universally observed by the member states and neighbouring countries. Moreover, in the case of South Africa, Chapter VII was invoked to strike at the apartheid system which could lead to a military crisis but

the Security Council never imposed comprehensive economic sanctions because of the importance of South African supply of numerous minerals to industrial economies.

Under the unipolar system, economic sanctions have occurred more often, and have been more successful to a certain extent. Case studies below review situations in which economic sanctions were applied by the Security Council under the present international political system in Iraq, Yugoslavia, Libya, Haiti, Liberia, Somalia, Angola, and Rwanda.

Iraq

In the case of Iraq's occupation of Kuwait in 1990, sanctions under Article 41 were imposed in response to an actual act of aggression. The sanctions at first prohibited all trade and financial transactions with Iraq and Kuwait and were later upgraded to impose an air embargo. The sanctions against Iraq were intended to produce a shock to the Iraqi economy, to force complete and immediate withdrawal from Kuwait, and to demilitarise Iraq. However the economic sanctions had important humanitarian consequences on the civilian population in Iraq and further military sanctions under Article 42 were launched in 1991. Still an authorisation of import of Iraqi petroleum and petroleum products was recently approved by members of the Security Council under Resolution 986 (1995) which allows a determined import of petroleum and petroleum products and the use of these

petroleum funds for "the export to Iraq of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs" (83).

Yugoslavia

In 1991 the Security Council acting under Chapter VII of the Charter, decided that the situation in the former Yugoslavia was a threat to international peace and security. It approved a general and complete arms embargo on the former Federal Republic of Yugoslavia and imposed comprehensive mandatory sanctions which included a prohibition on all trade and financial transactions, a complete ban on flights to and from its territory, and the obligation to reduce diplomatic, sporting and cultural links. However these sanctions have not succeeded in restoring peace in the country and further mandates upgraded the sanctions to include military ones under Article 42.

Libya

In the case of Libya, sanctions were imposed in March 1992 when the Security Council determined that the Libyan government failed to comply with the demand for the handing over of two of its national who were accused in certain acts of international terrorism, and that support of terrorist activity against international aviation constituted a threat to international peace and security. The sanctions involved an arms embargo, a ban on sale or supply of aircraft and any services or

products which are destined to be used for construction of airfields and related equipment. The sanctions also required that states reduce diplomatic representation in Libya and were further tightened in 1993 by requiring the freezing of Libyan assets, except for the use in supply of petroleum, petroleum products and agricultural commodities, and by prohibiting the export to Libya of a list of products.

Haiti

The United Nations was involved in the movement toward democracy in Haiti in 1990 and supervised the elections in which Father Jean Bertrand Aristide came to the presidency. However, within months of the elections, President Aristide was overthrown by a military coup. The Security Council regarded the military government as illegitimate and abusive of human rights against the Haitian people. It determined therefore the situation to be a threat to international peace and security under Chapter VII and imposed a mandatory oil and arms embargo on Haiti under Resolution 841 (1993). The Security Council lifted the sanctions after the signing of the Governors Island Agreement, yet reimposed it and strictly enforced it later - because of non-compliance with the mentioned agreement - until 1994 when President Aristide returned to power.

The cases of Liberia, Somalia, Angola, and Rwanda.

Still other cases such as those of Liberia, Somalia, Angola and Rwanda have involved the activation of collective sanctions but have been much more complex to resolve. All four cases involved the collapse of internal order into bloody factional fighting and in some of them consequent refugee crises. The content of the respective sanctions regimes was different in each case, it included comprehensive military and arms embargoes and it involved military enforcement actions in some instances, but international efforts to completely relieve the situations in general have failed and have rather focused on the grave humanitarian crises.

Indeed, since the end of the Cold War, the world is going through deep and sudden changes. The political geography of the world is changing, and democratic values and human rights are emerging across regional boundaries. This has led to the resurgence of old ethnic rivalries and conflicts, most of them of national character, that create regional instability. During the Cold War period, the United Nations dealt almost exclusively with governments and therefore conflicts between states. After the Cold War, these rising ethnic and religious conflicts involve non-governmental actors who are not really susceptible to international pressure nor have respect for U.N. decisions (84).

Enforcement Measures under the Unipolar System

Since the 1990s, along with the economic sanctions that have been imposed by the Security Council, some use of force has been authorised in a number of situations. The Security Council, since the establishment of the United Nations, has invoked for the first time Article 42 under Chapter VII of the Charter, yet the Article was activated for different purposes depending on each conflict, not always in the way it was envisaged by the founders of the Charter, to repel aggression. Still its application has not always achieved the required successful purposes.

An illustration of a classical enforcement action, to repel aggression would be the case of the Gulf war, the Iraqi invasion of Kuwait. This crisis, as most of international conflicts, is caused by territorial claim of one state over the other. Another instance where collective security and enforcement action were activated in a unique way is in Somalia, for strictly humanitarian purposes. Nowadays, conflicts of national character are posing a new danger on the maintenance of international peace and security, and the need for an effective collective security system is becoming very important especially in enabling the United Nations to cope with the current international instability, an after-effect of the fundamental change in the international political system. More ethnic, religious and linguistic groups are claiming independence and the right to statehood, yet such issues would

lead to fragmentation, insecurity and economic instability. To the number of countries who gained independence, there is a new requirement for technical assistance, for the development of capabilities and the "transformation of deficient national structures" that constitute and provide for "social peace that is as important and as strategic as political peace" (85). Still collapse of internal order in states poses a critical challenge as to the kind of intervention that might follow, as to intervention itself, especially that the mechanism for deciding on intervention is under the authority of the Security Council, and therefore its Permanent Members.

The Second Gulf War

After Iraq's war with Iran, Iraq's economy was in ruins and the country had run up a huge debt. For the United States, Iraq was not a foreign policy priority as before. Iraq's improved relation with the United States during much of the first Gulf War had put Iraq on relatively good footing with the United States policy priorities and posed no threat to any interests in the region. U.S. foreign policy in the Middle East has always been shaped around basic U.S. interests, among which the protection of strategic oil supplies (86). However, President Saddam Hussein was continuing to spend so much money on his ambitious military programs after his war with Iran and, by his invasion of Kuwait, sought to increase his share of the world's oil reserves, his influence over the Organisation of Petroleum Exporting

Countries (OPEC) production and pricing policies, and to establish his dominance over the Persian Gulf - which conflicted with U.S. basic interests in the region..

Iraqi armed forces invaded therefore Kuwait in the morning of August 2, 1990. On the same day, the Security Council adopted Resolution 660, condemning the invasion and demanding that Iraq immediately and unconditionally withdraw its forces to the positions it had previously occupied. However Iraq rapidly defeated the Kuwaiti army, moved forward into Kuwait its armed troops within a week, and Iraqi President, Saddam Hussein, announced that the government of Kuwait had been deposed.

The American administration responded by mounting a strong deterrent effort to dissuade a further move against Saudi Arabia, and it took the lead in obtaining UN Security Council approval for employing coercive diplomacy to persuade Saddam to remove his forces from Kuwait. It was initially backed by a comprehensive set of economic sanctions under Chapter VII of the Charter. The Council voted to impose mandatory arms and economic sanctions against Iraq, except in respect of medical supplies and, in humanitarian circumstances, foodstuffs. It did so in Resolution 661, citing "Iraq's failure to comply with the call for troop withdrawal, as well as its usurpation of the authority of the legitimate government of Kuwait" (87). However it was considered necessary to move from economic sanctions to a tough ultimatum backed by the threat of war. This decision was made because there was concern that sanctions would take too long and might

not be effective on Iraq's economy, and that it would be difficult to maintain the international coalition over a long period of time (88).

Moreover there was considerable pressure from Saudi Arabia to move to a threat of military action and personality assessments of President Saddam Hussein were another factor that influenced such decision. In this respect, the psychological environment appears to be an interesting and important factor in the conduct of foreign policy. Every decision maker in foreign policy operates within a context of psychological predisposition. These comprise societal factors such as ideology and tradition and personality factors that are "the idiosyncratic qualities of decision makers" (89). President Saddam Hussein was viewed as a great manipulator of situations, aiming to be an Arab leader and achieve hegemony in the region, and it was believed that he would back down before a devastating war and retreat if he could not preserve his power base. However this image of Saddam proved to be wrong, "Saddam miscalculating or not sufficiently impressed by the credibility and potency of the threat of war" (90).

The decision to resort to war was reflected in Resolution 678 that specified that if Iraq had not fully implemented by 15 January 1991 all of the Council's resolutions relating to the occupation of Kuwait, member states cooperating with Kuwait's legitimate government were authorised to use "all necessary means" to compel Iraq to do so and restore international peace and security in the area (91). Despite several diplomatic initiatives by different member states and despite the

efforts by the Secretary General, Iraq continued its occupation of Kuwait. On January 16, 1991, the states cooperating with the government of Kuwait in accordance with the Security Council's authorisation but not under the direct control of the United Nations, began offensive military operations.

The allied coalition in the Gulf War was successful in achieving all of its military objectives. It had achieved an extensive military build-up which rose to approximately 500000 U.S. forces in the Persian Gulf region by January 1991. After six weeks of intensive air and ground action, Kuwait was liberated, the Iraqi army was defeated, and Iraq's military capability and infrastructure were greatly weakened. Achievement of these military objectives accomplished the political objectives, thus the regional threat posed by Iraq's powerful military forces was sharply reduced. Iraq reported then that all of its armed forces had withdrawn from Kuwait and informed the Security Council that it had decided to comply fully with Resolution 660 and all other Security Council resolutions. Iraq later agreed to fulfil its obligations under Resolutions 686 and 687 (92).

A number of United Nations bodies were therefore established, each with a specific mandate : the United Nations Iraq-Kuwait Observation mission (UNIKOM) to monitor the waterway and the demilitarised zone between the two countries; the United Nations Special Commission to oversee the destruction of all Iraq's chemical and biological weapons, its ballistic missiles, and its nuclear capabilities; the Iraq-Kuwait Boundary Demarcation Commission to demarcate

their international boundaries; the United Nations Compensation Commission to administer the fund to pay compensation for all the losses, damages and injuries to the respective governments; and the Security Council's Sanctions Committee to monitor the prohibition against the sale and supply of arms to Iraq.

Since the Gulf region is considered as one of the most vital interests of the United States, the American administration set out its objectives of repelling such aggression, of restoring the status quo, and ultimately, through a victory, of imposing its influence and asserting its leadership in the new emerging world order. Freed of the Cold War constraints, the United States will above all remain opposed to the emergence of a competing great power whose ideology and political and social values do not conform with its own. "We are still a world power and have every intention of remaining so. This means that a traditional kind of isolationism is out of the question. But we are now a world power that is no longer compelled by an adversary to be interested in every part of the globe. We are now free to pick and choose and assemble a coherent agenda. In short, we are now free to define our national interest, instead of having it defined for us" (93).

A failure to achieve U.S. objectives would have left Iraq a dominant force in the area undermining thus U.S. capacity in action, and more important, would have set a dangerous trend for potential regional perpetrators over weaker countries leading to regional instability in the new world order. The relative decline of the

superpowers and their failure to react would have made it easier for regional rivalries to erupt, especially those states that seek regional hegemony.

Yet the United States dealt with the crisis in a manner to legitimate its action and to set a precedent for dealing with any future regional aggressions. It resorted to the United Nations and pressed for economic and military sanctions. In acting through the United Nations, the United States was able to convince all nations - the Arab states who would otherwise find such an alignment quite difficult because of U.S. support to Israel; the Soviet Union who justified its support as a support for the United Nations.

The Iraqi invasion of Kuwait was therefore the first post-Cold War crisis in which the superpowers acted in diplomatic concert, the Soviet Union under Gorbachev agreeing with the United States and the United Nations in declaring the Iraqi invasion illegal and calling for the restitution of the previous status quo. Mikhail Gorbachev who had come to power in 1985, had since 1987 been transforming his country's totalitarian system, had allowed greater freedom of political debate than before, the organisation of groups beyond Communist party control, had encouraged Soviet legislature to assert its power, and "in 1990 officially abandoned the Communist party's monopoly of power" (94). These changes also included a shift from highly centralised and bureaucratised Soviet command economy to a market economy and a recognition of the need for rapprochement with the United States. On the other hand, in the case of the

European states - although as economically prosperous as the United States - they remained dependent on the United States for their defence. When the Gulf crisis erupted, they waited for the United States to act, and only then acted by rallying behind it. Britain and France, for the first time in years, sent important military contingents but Germany and Japan limited their contribution to money for Gulf operations, although they imported a greater portion of oil from the area than did the United States. Their respective constitutions forbade them to commit their troops overseas either directly or through the United Nations. Thus the environmental conditions supportive of coercive diplomacy in the Gulf crisis were strong. The United States was supported by the United Nations for military action, U.S. public opinion was supportive of President Bush's objectives as well as the NATO allies, nonaligned states and a majority of Arab states creating therefore an unprecedented coalition.

It was clear that then, since the outset of the Iraqi invasion of Kuwait that the post-Cold War power and dominant actor in world politics is the United States. The United Nations was successful in activating Article 42 in its most classical form, in repelling aggression. However such enforcement action was neither initiated nor directed by the United Nations but by the only remaining dominant power in the new emerging international political system, in the unipolar system. Under the unipolar system the United States emerged to be the principal mover

behind the United Nations especially concerning issues that are of U.S. vital interest.

Even while fighting Iraq, the United States wanted to keep a post-war balance of power in the region. Therefore by "destroying Iraq's offensive military capability..., it did not want to destroy Iraq totally thereby enticing Syria or Iran, other radical states" and even Turkey, "to seek hegemony which would create an unstable situation" (95). The United States intended to weaken Iraq militarily so that it would not constitute a threat to the other states in the region. But at the same time, it did not want to weaken Iraq to the point of being unable to resist pressures from its enemies Iran and Syria. It should be able to emerge from the war in a way capable to maintain a regional balance of power. Even regarding the war termination, the United States ended the fighting after the liberation of Kuwait, in accordance with the United Nations resolutions. It did not seek a replacement of the existing regime, it did not depose Saddam Hussein, and avoided too much involvement especially after Kurdish and Shiite rebellions erupted in Iraq. The United States did not seek a break up of the Iraqi state into several small entities nor wanted to administer a country involved in a civil war.

During the Iraqi invasion of Kuwait, there was a clear application of enforcement measures under Article 42 of the United Nations Charter largely conducted by the United States. However during the recent aggression in South Lebanon, Operation "Grapes of Wrath" in April 1996, there was a clear avoidance

of the application of any enforcement measure. In its related Security Council and General Assembly resolutions, the United Nations condemned Israeli military attacks but could not take any enforcement action because of the U.S. threat of using its veto power.

Somalia

Somalia is a case where the United Nations intervened in a civil war and later invoked Article 42 to solve the problem of starvation created by widespread fighting, death and destruction, looting, rape and massacres that forced hundreds of thousands of Somali to flee their country. The political chaos and the deteriorating security situation in Somalia severely constrained the delivery of humanitarian supplies. The Security Council acted in January 1992 by invoking Chapter VII of the Charter and imposing an arms embargo.

However the U.S. mission to the United Nations, fearing the financial obligations of growing peacekeeping budgets, "insisted on watering down Resolution 733 so that it did not call for peacekeeping" (96). The Resolution thus called on the Secretary General for the increase of humanitarian assistance efforts in Somalia and for the work along with the Organisation of African Unity (OAU) and the Arab League to seek a cease-fire. A cease-fire was reached in March 1992, the Security Council decided in April to establish a U.N. operation in Somalia (UNOSOM) to monitor the cease-fire and to deliver emergency humanitarian

assistance. However, at U.S. insistence, the Security Council postponed its plans to send the peacekeeping operation until September 1992. UNOSOM, operating under traditional peacekeeping - under a mandate that required strict neutrality and the consent of the local parties -, could not deploy effectively nor enforce U.N. policy. The cease-fire was not respected, relief supplies could not get to the famine zones and international nongovernmental organisations, such as the International Committee of the Red Cross, CARE, and even the Secretary General Boutros Boutros-Ghali could not get the United Nations to take a forceful action, lobbied aggressively for more international involvement.

It was only until November 1992 that the American administration chose to offer U.S. troops to lead a U.N. action, especially that "Somalia provided the opportunity to increase U.N. credibility in peacekeeping in the post-cold war era, a policy advocated by President Bush as part of his "new world order" (97). In December 1992, the Security Council authorised the Secretary General and member states "to use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia" (98). The Security Council, by its resolution 794, established "a precedent in the history of the United Nations" in deciding to intervene militarily, under Chapter VII of the Charter, for strictly humanitarian purposes (99). The small and military-weak UNOSOM had a diplomatic strategy but lacked the capacity to pressure militia leaders. The powerful and large United Task Force (UNITAF) - established under Resolution 794 - led by

the United States, had the resources but insisted that its mandate was limited and non-political. Its goal was to create security conditions under which the feeding of the starving Somali people will be possible, and to allow later the transfer of this security function to the United Nations peacekeeping force.

Under different U.N. sponsored meetings in Adis Ababa, Somali political leaders met and agreed first on a cease-fire, then agreed to form a transitional government. The Security Council therefore approved the creation of a second U.N. operation in Somalia (UNOSOM II) under Resolution 814, a more internationalised force to take over the functions of UNITAF. UNOSOM II, acting under Chapter VII of the Charter, sought to complete the task begun by UNITAF for the restoration of peace, stability, law, and order. Its mandate included disarmament, establishment of a police force, and was to recreate a Somali state based on democratic governance and a rehabilitated economy and infrastructure (100). The transfer of the operations was completed in May 1993 but UNOSOM was less armed, began its mission understaffed and without the necessary forces to assume the responsibilities held by UNITAF.

Moreover, the bloodshed continued in Somalia and U.N. troops were attacked and killed. Security Council adopted Resolution 837 that authorised "all necessary measures against all those responsible" (101). Attempts by U.N. troops to capture General Aideed - responsible for the attacks - failed successively and his attacks against U.N. troops and particularly against U.S. troops made the cycle of

violence further escalate, and resulted in bombing sections of Mogadishu and in alienating much of the population. Although casualties mounted, the United Nations and the United States tried to press for an agreement, yet no agreement was reached. Despite the failure of the political reconciliation talks, the United States and most European states withdrew their forces in early 1994. By mid-1994, UNOSOM could not achieve any political nor security objectives, failing thus to disarm the factions and to provide any clear settlement for the crisis.

The role of the United Nations in the mediation of the Somali conflict was therefore not particularly successful. Cease-fire agreements were signed in 1992 and again in 1993 but most of them did not hold. In internal peacekeeping, the monitoring of a cease-fire can succeed if it achieves disarmament which the mission failed to accomplish due to many constraints : UNOSOM was not enough armed, was understaffed, and did not have a clear political strategy. Furthermore cease-fires were viewed by the fighting factions as a tactical respite during which they rebuilt and regrouped their forces. From the beginning of the crisis, the activities of UNOSOM and UNITAF were sometimes contradictory and lacked coordination. UNITAF negotiated with the militia leaders which resulted in strengthening these groups relative to other potential political forces. On other instances both the United Nations missions and the United States encouraged Somali civilian leaders but engaged with the militias in the U.N.-sponsored talks. This strategy made all

Somali factions feel threatened at one point or the other and made them perceive the international community as untrustworthy (102).

On the other hand, collective security offers no theoretical guide to the problems of concluding collective action, determining the limits of coercion and establishing a settlement after collective action. The bombing and use of force of the U.S. forces and the U.N. operation without "a political framework to guide and limit the use of force disconnected UNOSOM from any strategy of political reconciliation" (103).

Another problem of the U.N. peacekeeping operation in Somalia was the tardy response to the crisis, the slow process in deployment of the necessary personnel in large numbers to be effective, the disagreement of the United Nations and different members states on the force, its costs, the political involvement, and the risks taken by the peacekeeping soldiers. The slow process in deployment results from lack of readily available financial resources, the non-availability of personnel in a short period of time, and of equipment. Moreover, states are not prepared to risk the lives of their soldiers in order to maintain international peace and security unless their particular national interests are affected, and unless the operation is led by a great power that will assume the higher risks involved.. Although the Somali enforcement action occurred under the unipolar system and was not boycotted by any superpower, there was a lack of interest and in strategy to act by the United

States in comparison to its rapid response in the second Gulf War where the United States has vital interests.

Until the late 1980s, the United States had maintained a significant military assistance relationship toward Somalia. During the Cold War, first the Soviet Union and then the United States provided large quantities of assistance to Somalia in the form of military aid and financial resources. Both superpowers raced in the form of aid in an effort to contain the other's ambition in this part of Africa. Despite this involvement in Somalia, and despite the early signs of conflict there - since the massacres in northern Somalia in 1988 -, neither the United States nor the United Nations took any steps to mediate an end to the deteriorating situation before destruction spread further. Somalia's political chaos seemed to be of no interest to the leading global actor under the unipolar system and consequently to the United Nations.

Even new efforts that have been lately authorised by the Security Council in order to maintain peace and security were not undertaken by the United Nations. These efforts refer to the preventive measures included in the preventive diplomacy, that is "action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur" (104). Early measures aim at removing the root causes leading to such violent conflicts, especially that today's crises are mainly of an internal character, rooted in political factors - that relate to the denial of free and fair political

participation in the governance of a country -, or caused by ethnic domination of one faction over the others. Although the Somali society is both ethnically and religiously homogeneous, it contains an important clan diversity which make Somalis behave like ethnic groups in terms of their competition for economic and political advantages, in their competition for state resources and political positions.

A humanitarian action as the one undertaken in Somalia, is premised on the principles of impartiality - helping victims on all sides -, and neutrality - being independent from political goals and considerations and accepted by the different local forces. However how can humanitarian action succeed in such a U.N. peacekeeping operation that seeks to combine political, military and humanitarian factors ? Various proposals have been made for a U.N. force that would have the capacity for the necessary action in each situation : a U.N. force that can deploy immediately, provide communication and information, determine the natures of the local situation and the local cooperation, protect, assist efforts at negotiation and estimate objectively the possibilities and conditions for a future U.N. action (105).

One of the innovations of the United Nations Charter was the provision in Article 43 that called for member states to provide military forces available to the Security Council and that could act rapidly and effectively. Yet activation of this Article was frozen by the Cold War, under the previous bipolar system and no action seems to be in its way for the achievement of such a force under the prevailing unipolar system. The remaining leading power is undertaking forceful,

and to a certain extent effective U.S.-led operations under the umbrella of the United Nations, especially when these affect its national interests. As long as the United States remains the world dominant power, it does not want to give a leeway of action to the United Nations because this might completely counter balance the existing international political system in a way; nor does it want to establish the United Nations as a world authority - whereby the United Nations, with some power transferred from the nation states, will be able to operate effectively - because this will jeopardise U.S. gains of dominance achieved under the existing international political system.

CONCLUSION

In 1945, for the purpose of international cooperation, the United Nations, explicitly mandated to advance peace, human rights, international justice and economic and social development, was created. The United Nations was not consigned therefore to a restricted scope of activity. It has preserved elements of international cooperation such as the World Health Organisation - the WHO -, the International Labour Organisation - the ILO -, the International Court of Justice, which already existed and added to them many more. It has enhanced the transformation of the world to a truly global system and has provided for the smallest states to be part of the world community. The biggest contribution of the United Nations is its crucial role in helping decolonisation and in enhancing international norms at the state system level. Fifty-one states signed the Charter in 1945, today 185 countries are members in the United Nations. It has tackled such international issues as energy supplies, disease control, nuclear non-proliferation, use of the outer space and the ocean floors, and it is evident that it may even expand more its involvement in various activities including measures for the prevention or control of pollution and environmental degradation, certain forms of terrorism and international trade in narcotics that no country alone can manage.

The United Nations was conceived as an institution that could ensure a lasting peace through collective security especially that it is able to enforce its decisions under Chapter VII of the Charter. For decades the United Nations has struggled to create an environment conducive to world peace and security. The collective security system embodied in the Charter was meant to play a fundamental role in achieving the goal of a U.N. guarantee against aggression, and as a powerful tool in the hands of the international community to preserve international peace and security. However the United Nations has failed in this primary task. It has not been able to create a new world order in which each state derives its security from the collective strength of the whole. Purposes of the collective security system could not be realised because of lack of the necessary consensus among the great powers and because of the ideological confrontations and bloc rivalries that dominated the international political system for nearly four decades making thus collective security quite ineffective.

Even the Third World bloc that emerged under the bipolar system and still remains a potential power under the prevailing system, is far too diverse and antagonistic to utilise its force or power in number in the enhancement of the United Nations' effectiveness as a world Organisation. Since the establishment of the "Uniting for Peace" resolution, the Third World has failed to make use of the resolution when the Security Council was deadlocked. Even when this resolution was invoked and to a certain extent successful, it was according to the vital interests

of the dominant power, when the United States ensured a clear majority in the General Assembly.

Moreover the United Nations as a world actor has been unable to reform or transform the international political system to its benefit nor made a difference in world politics. No significant contribution has been done toward resolving the security dilemma in the world. The United Nations has been able to provide a device for stopping or containing explosive tensions from geopolitical rivalry and ideological confrontation in troubled areas through its peacekeeping operations, yet it has failed to be an effective and dominant actor. It has acted as a buffer in many peacekeeping missions, mediating isolated conflicts, monitoring cease-fire arrangements, and helping millions of refugees in the world. These peacekeeping operations, not mentioned in the Charter, have been the opposite of conflict control procedures outlined in Chapter VII, mainly because of the deadlock of the Security Council by Cold War tensions through the veto power, another form of a balance of power among the permanent members of the Security Council. However peacekeeping has failed to prevent many hostilities and conflicts that have resulted into civil wars. United Nations peacekeeping has been reactive to certain issues, as a court of last resort, it has not been anticipatory nor preventive in existing rivalries that blew into open conflicts.

Moreover, the mechanism for collective measures by the United Nations in the event of threat to or breach of the peace or act of aggression has never been

properly implemented because of disagreement about the national forces which were to be placed at the disposal of the Security Council, under a Permanent Military Staff that was to coordinate deterrence and call up troops in case of aggression. On the other hand, the veto power granted to the great powers has been an important issue in preventing a collective security system. It has protected superpowers' national interests against any hostile action by the Security Council, but at the same time, it has allowed both the General Assembly and the Secretary General to play an important and significant role in the solution of international disputes. As John Stoessinger argues, "the veto has not been an insurmountable obstacle, but a constant incentive toward greater inventiveness and improvisation in international problem-solving. Perhaps more than any other single provision in the Charter, the veto has been responsible for the Charter's having remained a living document and the United Nations itself a living Organisation" (106).

With the end of the Cold War and the release of the bipolar tension, there is a need for an effective collective security system. This need is quite imperative and essential in finding means to increase U.N. capabilities in order to enable it to cope with the current international instability. Over the last six years, important missions including enforcement action have been deployed in many parts of the world. Article 42 has been activated in more than an instance to repel aggression in the case of the Gulf war, to create conditions for humanitarian relief operations in

the case of Somalia and Rwanda, and to restore democracy in the case of Haiti. A collective security system has then performed better under the unipolar system than under the previous bipolar and multipolar systems mainly because the Permanent Members have acted in concert on such issues that involve their vital interests, they have not used their veto power in the Security Council, and the dominant superpower today, the United States, has been able to manipulate collective security to its own benefit. As argues Dr. Moubarak, "indecision by the Security Council is a decision by itself providing for the fulfilment of U.S. foreign policy objectives in different crises situations" (107). In each of the cases discussed above, the United Nations has acted according to the vital interests of the dominant superpower, the United States. The United States as a dominant global actor has generated decisions that shape world politics, still under the aegis of the United Nations, under the legal framework that the United Nations offers.

The United Nations as an international actor has not shaped any decisions in world politics. Still "it [the United Nations] is asked to be essential and strong without being given the tools or the resources to be effective" (108). Resources in money, manpower, and equipment fall far short of what the United Nations needs to carry out the conflicting demands. In regard to enforcement action, the United Nations' capacity to manage large peace operations is limited because of political and financial reasons. Financial considerations by the contributing members are more and more an important factor in determining peacekeeping and peace-

enforcement missions than are political considerations. The U.N. peacekeeping efforts are facing a serious crisis : "it is bankrupt because of non-payment of peacekeeping dues. The United States and Russia head the delinquent list with arrears of $906 million and $571 million respectively" (109).

At present there is a lack in the capacity of immediate and effective action after a Security Council decision and before the situation becomes unmanageable : a force with already trained people who can be committed immediately to a certain situation without the problem of governmental political and financial consent which is inevitable in all arrangements. Most nations do not seem to be committed to collective security especially when it does not serve their national interests. All states deplore aggression, but very few are willing to get their military contingents committed under somebody else's command. For some the United Nations should have its own permanent force that owes its allegiance to the United Nations, that the Security Council can deploy in emergency situations, and that could come up with an organised response to challenges to international peace and security regardless and independently of questions of doctrine and of rules of engagement (110). Furthermore, many efforts at enforcing the peace, whether in Somalia or Bosnia, have been unsuccessful and have required using force provided by another agency, such as NATO in the Bosnian instance.

However member states are reluctant for innovations such as a U.N. force recruited, paid and commanded by the United Nations itself, because such a force

would make the United Nations appear as if it has acquired "one of the attributes of statehood", and it would "constitute an undesirable encouragement to U.N. interventionism" (111). Thus large-scale enforcement measures will probably be left to U.N. authorised coalitions of interested member states such as the missions in which the United States took the lead : Operation Desert Storm which drove Iraq out of Kuwait in 1991", therefore to such member states that can shape world politics in accordance to their national interests (112).

Yet the interests of other actors in the international political system may come into conflict with the existing superpower, however this will not lead to a change in the present unipolar system except if the balance of power among these actors shift due to economic, technological, and other developments. In such a case, these actors, if they benefit most from a change in the international political system, and if they have acquired such power as to be able to alter the system, will seek a change in the present system in ways that favour their interests. We will witness then a redistribution of the balance of power that benefits the dominant members of the international system, the United Nations Organisation as a whole, the concept of collective security which is a form of balance of power, and the way of handling future crises. However as long as the United States holds this privileged status of being the dominant actor without any other competing or rival actor, no alternation will be possible.

ENDNOTES

1- Inis L. Claude, Jr., <u>Power and International Relations</u>, New York : Random House, 1962, p. 97.

2- James E. Dougherty, Robert L. Pfaltzgraff, Jr. <u>Contending Theories of International Relations</u>, New York : Harper Collins Publishers, 1990, p.113; Bruce Russett and Harvey Starr <u>World Politics : the Menu for Choice</u>, New York : W.H. Freeman And Company, 1992, pp. 31, 33; Inis L. Claude, Jr., <u>op. cit.</u>, p. 13.

3- Paul R. Viotti and Mark V. Kauppi <u>International Relations Theory : Realism, Pluralism, Globalism</u>, New York : MacMillan Publishing Company, 1993, p. 147.

4- Bruce Russett and Harvey Starr, <u>op. cit.</u>, p. 26.

5- <u>Ibid.</u> p. 27.

6- Paul R. Viotti and Mark V. Kauppi, <u>op. cit.</u>, p. 148.

7- Article 41 of the U.N. Charter :
The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

8- Inis L. Claude, Jr., <u>op. cit.</u>, p. 51.

9- James E. Dougherty and Robert L. Pfaltzgraff, Jr., <u>op. cit.</u>, pp. 4-11.; E.H. Carr <u>The Twenty Years' Crisis 1919-1939</u>, London : The MacMillan Press Ltd, 1984, pp. 10-11.

10- Inis L. Claude, Jr., <u>op. cit.</u>, p. 125.

11- Inis L. Claude, Jr., <u>Swords Into Plowshares</u>, New York : Random House, 1964, p. 263.

12- Article 16 of the Covenant of the League of Nations :
1. Should any Member of the League resort to war in disregard of its covenant under Articles 12, 13, or 15, it shall, ipso facto, be deemed to have committed an act of war against all other Members of the League, which hereby undertake

immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the Covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the Covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

2. It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

3. The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the Covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

4. Any member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

A. Leroy Bennett, International Organisations : Principles and Issues, New Jersey : Prentice-Hall International, Inc., 1991, p. 431.

13- Ibid., p. 134.

14- Ibid., p. 38.

15- Paul R. Viotti and Mark V. Kauppi, op. cit., p. 48.

16- Ibid., p. 48.

17- Ibid., pp. 230-231.

18- James E. Dougherty and Robert L. Pfaltzgraff, Jr., op. cit., pp. 84-87.

19- Ibid., pp. 81-83; Inis L. Claude, Jr., Swords Into Plowshares, op. cit., pp. 54, 79.

20- Bruce Russett and Harvey Starr, op. cit., pp. 27-28.

21- Paul R. Viotti and Mark V. Kauppi, op. cit., p. 230.

22- Ibid., pp. 385-386.

23- Article 2 of the U.N. Charter :
The Organisation and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.
1. The Organisation is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organisation shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

24- Article 2, (7) of the U.N. Charter :
Nothing contained in the present Charter shall authorise 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.

25- A. Leroy Bennett, op. cit., p. 57.

26- Ibid., p. 373.

27- Article 10 of the U.N. Charter :
The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

28- Article 12,(1) of the U.N. Charter :

While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendations with regard to that dispute or situation unless the Security Council so requests.

29- Article 4,(1) of the U.N. Charter :
Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organisation, are able and willing to carry out these obligations.

30- Hedley Bull cited in Bruce Russett and Harvey Starr, op. cit., p. 57.

31- A. Leroy Bennett, op. cit., p. 6.

32- Bruce Russett and Harvey Starr, op. cit., p. 102.

33- Article 33,(2) of the U.N. Charter :
The Security Council shall, when it deems necessary, call upon the parties to settle their disputes by such means.

34- Article 36,(1) of the U.N. Charter :
The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.
    - Article 37,(2) of the U.N. Charter :
If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

35- Article 33,(1) of the U.N. Charter :
The parties to any disputes, the continuation of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

36- Article 34 of the U.N. Charter :
The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

37- Sydney D. Bailey, <u>The United Nations : A Short Political Guide</u>, London : Macmillan Press, 1989, p. 41.

38- Adam Roberts and Benedict Kingsbury ed. <u>United Nations, Divided World: The UN's Roles in International Relations</u>. Oxford : Clarendon Press, 1990, p. 33.

39- Walsh, James, "The U.N. at 50 : Who Needs It ?", <u>Time International</u>, Volume 146, Number 17, October 23, 1995, p. 26.

40- Article 24,(1) of the U.N. Charter :
In order to assure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

41- Article 49 of the U.N. Charter :
The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

42- Leland M. Goodrich, "The U.N. Security Council", cited in James Barros ed., <u>The United Nations, Past, Present and Future</u>, New York : The Free Press, 1972, p. 28.

43- Inis L. Claude, Jr., <u>Power and International Relations</u>, op. cit., p. 159.

44- Inis L. Claude, Jr., <u>Swords Into Plowshares</u>, op. cit., p. 73.

45- A. Leroy Bennett, op. cit., p. 85.

46- Sydney D. Bailey <u>Voting in the Security Council</u>, Bloomington and London : Indiana University Press, 1969, pp. 32-33.

47- A. Leroy Bennett, op. cit., p. 75.

48- Inis L. Claude, Jr., <u>Power and International Relations</u>, op. cit., p. 195.

49- Abba Eban, "The U.N. Idea Revisited", <u>Foreign Affairs</u>, Volume 74, Number 5, September/October 1995, p. 49.

50- Resolution 242 (1967) of 22 November 1967 states :
The Security Council,
Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. Affirms that the fulfilment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles :

(i) Withdrawal of Israel armed forces from territories occupied in the recent conflict;

(ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. Affirms further the necessity

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. Requests the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

4. Requests the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

Resolution 338 (1973) of 22 October 1973 states :

The Security Council

1. Calls upon all parties to the present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions they now occupy;

2. Calls upon the parties concerned to start immediately after the cease-fire the implementation of Security Council resolution 242 (1967) in all of its parts;

3. Decides that, immediately and concurrently with the cease-fire, negotiations shall start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.

-------, Security Council Resolutions 1967, New York : United Nations Publications, pp. 8-9;

-------, Security Council Resolutions 1973, p. 10.

51- Article 5 of the U.N. Charter :

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

- Article 6 of the U.N. Charter :

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organisation by the General Assembly upon the recommendation of the Security Council.

52- Resolution 425 (1978) of 19 March 1978 states :

The Security Council,

1. Calls for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

2. Calls upon Israel immediately to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory;

-------, Security Council Resolutions 1978, p. 5.

53- Ann T. Shulz "United States Policy in the Middle East", Current History, Volume 74, Number 433, January 1978, p. 2.

54- The "Uniting for Peace" Resolution states :

If the Security Council, because of lack of unanimity of the permanent members, 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 the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or acts of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefore Such emergency special session may be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations.

55- James Barros, op. cit., p. 6.

- Article 10 of the U.N. Charter mentioned above (27).

- Article 11, (2) of the U.N. Charter :

The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by any state which is not a Member of the United Nations,..., and, except as provided in Article 12, may

make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

56- Inis L. Claude, Jr., Power and International Relations, op. cit., p. 169.

57- Arthur M. Cox, Prospects for Peacekeeping, Washington D.C. : The Brookings Institution, 1967, p. 6.

58- Max Harrelson Fires all around the Horizon, New York : Praeger Publishers, 1989, p. 51.

59- Adams Roberts and Benedict Kingsbury, op. cit. p. 35.

60- Notes for Speakers, The United Nations at 50, New York : U.N. Department of Public Information, July 1995, p. 14.

61- Ibid., p.14; Boutros Boutros-Ghali An Agenda for Peace, New York : United Nations Department of Public Information, February 1995, pp. 46-48.

62- -------, The Blue Helmets, a Review of United Nations Peace-Keeping, New York : United Nations Department of Public Information, August 1990, p. 217.

63- Ibid., p. 218.

64- Article 99 of the U.N. Charter :
The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

65- Jorge Castaneda Legal Effects Of U.N. Resolutions, New York and London : Columbia University Press, 1969, p. 92.

66- -------, The Blue Helmets, op. cit., p. 222.

67- Mahdi Elmandjra, The United Nations System, an Analysis, London : Faber and Faber, 1973, p. 215.

68- Max Harrelson, op. cit. p. 124.

69- William J. Durch, ed., The Evolution of U.N. Peacekeeping, New York : St Martin's Press, 1993, p. 345.

70- Mahdi Elmandjra, op. cit., p. 29.

71- Davidson Nicol, ed. Paths to Peace : The United Nations Security Council and its Presidency, New York : Pergamon Press, 1981, p. 310.

72- Inis L. Claude, Jr., Swords into Plowshares, op. cit., p. 260.

73- George W. Downs, ed. Collective Security Beyond the Cold War, Ann Arbor : The University of Michigan Press, 1994, p. 23.

74- Mahdi Elmandjra, op. cit., p. 98.

75- Michael Brecher, The Foreign Policy System of Israel, New Haven : Yale University Press, 1972, pp. 2-4.

76- Ibid., p. 4.

77- Boutros Boutros-Ghali An Agenda for Peace, New York :United Nations Department of Public Information, 1992, p. 7.

78- Revised Draft Resolution of the General Assembly on 25 April 1996, on the situation in the Middle East, and the Israeli military attacks against Lebanon and their consequences, p. 3.

79- Karsten Prager "The Limits of Peacekeeping", Time International, op. cit., p. 35.

80- Michael Brecher, op. cit., p. 3.

81- NGO Committee on Disarmament, New Realities : Disarmament, Peace-Building and Global Security, New York : United Nations Publications, April 1993, p. 345.

82- Inis L. Claude, cited in George W. Downs ed., op. cit., p. 21.

83- Resolution 986 of 14 April 1995,
The Security Council,
Concerned by the serious nutritional and health situation of Iraqi population, and by the risk of a further deterioration in this situation,
Acting under Chapter VII of the Charter of the United Nations,
1. Authorises States, notwithstanding the provisions of paragraphs 3(a), 3(b) and 4 of resolution 661 (1990) and subsequent relevant resolutions, to permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly related thereto, sufficient to

produce a sum not exceeding a total of one billion United States dollars every 90 days for the purposes set out in this resolution;

(b) Payment of the full amount of each purchase of Iraqi petroleum and petroleum products directly by the purchaser in the State concerned into the escrow account to be established by the Secretary-General for the purposes of this resolution;

8. Decides that the funds in the escrow account shall be used to meet the humanitarian needs of the Iraqi population and for the following other purposes, and requests the Secretary-General to use the funds deposited in the escrow account;

(a) To finance the export to Iraq, in accordance with the procedures of the Committee established by resolution 661 (1990), of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs;

84- Sir Brian Urquhart "A U.N. Fire Brigade?", Time International, op. cit., p. 36.

85- Boutros Boutros-Ghali An Agenda for Peace, 1992, op. cit., p. 34.

86- Ann T. Schulz, op. cit., p. 2.

87- Resolution 661 of 6 August 1990; -------, Resolutions of the United Nations Security Council and Statements by its President Concerning the Situation between Iraq and Kuwait, New York : United Nations Department of Public Information, April 1994, pp. 6-7.

88- Stephen J. Cimbala, Force and Diplomacy in the Future, New York : Praeger Publishers, 1992, pp. 63-64.

89- Michael Brecher, op. cit., p. 11.

90- Alexander L. George Bridging the Gap : Theory and Practice in Foreign Policy, Washington D.C. : United States Institute of Peace Press, 1994, pp. 53, 84, 86-88; Stephen J. Cimbala, op. cit., p. 61.

91- Resolution 678, November 29, 1990. (This resolution was adopted at a meeting at which 13 members of the Security Council were represented by their Foreign Ministers); -------, Resolutions of the United Nations Security Council and Statements by its President Concerning the Situation between Iraq and Kuwait, op. cit., p. 16.

92- Ibid., p. 16; On March 2, 1991, the Security Council adopted Resolution 686 demanding that Iraq implement its acceptance of all previous resolutions and specifying the necessary measures to be undertaken which would permit a

definite end to hostilities. Resolution 686 recalled and reaffirmed resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 665 (1990), 666 (1990), 667 (1990), 669 (1990), 670 (1990), 674 (1990), and 678 (1990). In April, the Security Council adopted Resolution 687, setting specific terms to a formal cease-fire to end the conflict, which Iraq accepted.

93- John Spanier, Games Nations Play, Washington D.C. : Congressional Quarterly Press, 1993, p. 254.

94- Ibid., p. 3.

95- Ibid., p. 29.

96- Terrence Lyons and Ahmed I. Samatar Somalia, Washington D.C. : The Brookings Institution, 1995, p. 30.

97- Ibid., p. 34.

98- Resolution 794, December 3, 1992; Reference Paper, The United Nations and the Situation in Somalia, New York : United Nations Department of Public Information, April 1995, p. 47.

99- Boutros Boutros-Ghali, Report on the Work of the Organisation from the Forty-seventh to the Forty-eighth Session of the General Assembly, New York : United Nations Department of Public Information, 1993, p. 147.

100- Resolution 814, March 26, 1993; Reference Paper, The United Nations and the Situation in Somalia, op. cit., pp. 49-52.

101- Resolution 837, June 6, 1993; Ibid., pp. 53-54.

102- Terrence Lyons and Ahmed I. Samatar, op. cit., pp. 47, 55.

103- Ibid. p. 58.

104- Notes for Speakers, The United Nations at 50, op. cit., p. 14.

105- NGO Committee on Disarmament, op. cit., p. 346; Boutros Boutros-Ghali An Agenda for Peace, 1992, op. cit., pp. 25-26; Boutros Boutros-Ghali An Agenda for Peace, 1995, op. cit., p. 18; The first Secretary General of the United Nations, Trygve Lie, proposed the establishment of a "comparatively small U.N. guard force recruited by the Secretary General and placed at the disposal of the Security Council". He argued that "even a small U.N. force would command respect, for it would have all the authority of the United

Nations behind it"; Richard A. Falk, Samuel S. Kim, and Saul Mendlovitz, ed. The United Nations and a Just World Order, Boulder : Westview Press, p. 78.

106- John G. Stoessinger The United Nations and the Superpowers : China, Russia, and America, New York : Random House, 1977, p. 22.

107- Interview with Dr. Walid Moubarak, June 17th, 1996.

108- Richard A. Falk, Samuel S. Kim, and Saul Mendlovitz, op. cit. p. 81.

109- Sir Brian Urquhart, op. cit., p. 36.

110- NGO Committee on Disarmament, op. cit., p. 345.

111- Paul Kennedy and Bruce Russet "Reforming the United Nations", Foreign Affairs, Volume 74, Number 5, September/October 1995, p. 63.

112- Sir Brian Urquhart, op. cit., p. 36.

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