

# **The Collective Security Component of Global Governance: The Least Developed Part of the System**

**Paul Conlon**

*The present system of international governance centred around the United Nations has not evolved historically in a logical way and discrepant goals and functional checks-and-balances have developed between different parts of the system. The Security Council, originally thought of as the heart of the system, is today one of its smallest and least developed parts. It has become isolated in goal conflicts with other parts of the system, many of which tend to reject an enforcement role for the United Nations and favour various "soft" approaches to international governance instead. The Council's legitimacy is, in any case, weakened by its unrepresentative membership. With the United Nations threatened by competing and more efficient systems of international governance, the Security Council can look forward to being marginalised even further. The paper makes some suggestions for the attitude that international governance scholars should adopt in this dilemma.*

**Paper Presented to the Panel on Collective Security  
Thirteenth Annual Meeting of the  
Academic Council on the United Nations System**

**Sunday, 18 June 2000, 1:30-3:00 p.m.**

# **The Collective Security Component of Global Governance: The Least Developed Part of the System**

## **The Historical Development of the Present System**

Despite origins further back in time, the basis of the present United Nations system was established with the Charter of the United Nations in 1945, the provisions of which contained a number of explicit or implicit ideas that have since informed the development of this central system of global governance. The idea was to go beyond a temporary and limited military alliance and create a system that would be *universal* and *permanent* for addressing such a variety of governance issues that it was necessary to divide it up structurally into different *specialised* sections, but with some idea that such sections would *cooperate* or *coordinate* with each other. One activity, *peace and security maintenance*, normally called collective security, was considered so important that it was allocated to the Security Council, an organ of the United Nations (in the Charter-law sense) that, strictly speaking, has no other area of responsibility.

This organ was made a central and hierarchically prioritised source of influence and authority in the Charter structure so that other organs with the same responsibilities were subordinated to its superior authority (internally in Charter law). In addition, other existing international treaty or governance systems were likewise subjected to its prioritised authority. The Security Council was thus intended to be the heart of the system, constituting its hierarchical summit. Its brief was admittedly limited in scope, but it was not supposed to have any rivals or competitors.

If we look at these ideas individually, we will see that they were not all that explicitly present in the original design, nor were they all that logically integrated with each other.

The Organisation started out as a military alliance that even made specific reference to its enemies in its Charter.<sup>1</sup> Nonetheless, the large number of founding members, and the efforts of its core membership in including many other nations, some of whose participation in the original military alliances had been formal rather than substantive, pointed already in 1945 to the possibility of a universal organisation. The breakthrough for this idea came ten years later when a long-standing dispute between the Cold War power blocks was settled and a large number of members were admitted. From this point onwards, the idea was that more or less all States could

---

<sup>1</sup> Charter of the United Nations, art 107.

become members, at least in the long run. In this sense, it is more correct to see the present organisation of the United Nations as having been founded in 1955 rather than in 1945. The Organisation was henceforth conceived of as universal.

The Organisation was likewise thought of as being permanent, since no provision was made internally in Charter law for its dissolution or limitation in time, unlike some multilateral treaties.<sup>2</sup> While it made formal provisions for expelling members,<sup>3</sup> there has never been any serious consideration of doing so, and it is not likely this provision would be used in the future either.

The reasons why the system came to have many specialised subdivisions are more complex and it is in this matter harder to reconstruct what the original intention was, or what it should have been. Some of the specialised divisions that evolved address problems that could not have been foreseen in 1945, or whose permanent could not be foreseen (e.g. UNHCR). Some international organisations were much older than the United Nations and too powerful to be eliminated entirely (ILO), so the solution was to include them in a loose system.

That all such specialised activities should be coordinated can be read out of the fact that the Charter made provisions for their being “set up” or “coordinated” by the Economic and Social Council and the General Assembly (other organs in Charter-law terms),<sup>4</sup> but in relation to the many specialised branches of the United Nations, the idea of any central control seems to have been poorly developed, if it was present at all, and this decentralisation tendency of the United Nations system later developed without very much conscious planning.

The original design provides no guidance on priorities when the organisation’s inherent tendency towards universal membership collides with the idea that the members should meet certain minimal standards of comportment. While membership can be denied to a State that is not “peace-loving,”<sup>5</sup> the expulsion of a member can be blocked by a veto in the Security Council and, since membership is permanent, a State that has once become a member but then decides to be other than peace-loving cannot really be excluded.

---

<sup>2</sup> Cf. NATO Treaty, Arts. 12, 13.

<sup>3</sup> Charter of the United Nations, Art. 6.

<sup>4</sup> Ibid, Arts 58, 63, 68.

<sup>5</sup> Ibid., Art. 4.

## **Discrepant Goals and Functional Checks-and-Balances**

Nor does any thought appear to have been given to the question of what to do if logical goal conflicts ensued between the organisation's different goals. It is thus not clear what one is to do if human rights or environmental protection collide with economic development, or if peace enforcement collides with humanitarian relief exigencies.

Widespread polemical criticism of the United Nations system for "overlapping" and "turf rivalries" within the same set of presupposed goals (i.e. too many cooks spoiling the broth) has obscured the issue of intra-systemic conflict (i.e. different cooks cooking their different broths).

With one very important exception, the Charter system of 1945 did not apparently envisage the problem of tendencies to checks-and-balances developing from out of different constituencies or sections of the system. At the same time, the Organisation did not formulate any coherently articulated central goals for the membership, or it postulated goals that were so general as to be meaningless, thus encouraging the system to become a coalition of different constituencies pursuing or emphasising different goals, frequently without the discrepancy being coherently stated and perceived.

Tendencies towards checks-and-balances frequently appear in the different sections of complex governmental structures and are all the more likely to do so where heterogeneity is greater. Such tendencies can occur without any deliberate design on the part of those designing the State's structure and even in defiance of its stated legal principles. The same tendencies appear in international organisations.

The Charter of 1945 built a certain check-and-balance into its structure when it decided that in matters of international peace and security, one organ (the Security Council) would take precedence over another one (the General Assembly) in case of collision,<sup>6</sup> as well as over regional organisations<sup>7</sup> and that, within the Security Council, there would be five permanent members,<sup>8</sup> elected permanently to their positions by the original members when they signed the Charter in

---

<sup>6</sup> Ibid, Art. 12.1.

<sup>7</sup> Ibid, Arts 34 and 53 when read together with Art 103.

<sup>8</sup> Ibid, Art 23.1.

1945, and provided with several privileges, the most important one being the so-called veto.<sup>9</sup> In this way, those five members were supposed to establish a check on the general membership in peace and security matters.

Less intended checks-and-balances evolved more by drift and chance, or were related to the specific goals of specialised subdivisions. The recruitment of civil servants and delegates from, and permanent close collaboration with, relevant epistemic communities strengthens the tendencies of most specialised subdivisions of the system to prioritise different goals and even to work against other subdivisions in the case of mutually incompatible goal collisions.

The fact that the Charter deliberately established a check-and-balance to the benefit of the five permanent members of the Security Council in a certain way only encouraged the constituency of members disadvantaged by this provision to develop and utilise unofficial checks-and-balances more conducive to their own goals, when and where they could do so.

### **Varying Degrees of Development in Different Parts of the System**

Let us look briefly at the United Nations and its various subsections and to position the Security Council within it, and without, for the time being, even going into the question of conflicting goals or checks-and-balances.

The largely decentralised nature of the United Nations system is hardly perceived by informed public opinion, even less by its ill-informed counterpart, and frequently not even perceived by governments themselves. Moreover, the central treaty organisation (the United Nations proper) and its central organs appear much less interesting to the press and scholars than many of its specialised agencies or subdivisions. Major European newspapers are much more likely to report on the activities of the Human Rights Commission or the World Health Organisation than on the Security Council, and the General Assembly is hardly ever mentioned. The daily “UN-Wire” bulletins produced by the United Nations Foundation<sup>10</sup> normally devote three to four times more space such issues as international public health, gender equality and environmental protection than to those of collective security. An analysis of the articles appearing in *Global Governance*<sup>11</sup> shows a similar bias.

---

<sup>9</sup> Ibid, Art 27.3.

<sup>10</sup> [www.unfoundation.org](http://www.unfoundation.org).

<sup>11</sup> Published by Lynne Rienner, ISSN 1075-2846.

What is more significant is that there is a much greater favourable consensus about the achievements and value of the specialised subdivisions. WHO and UNHCR are respected as professional organisations performing a useful function despite occasional talk of mismanagement or scandals; UNICEF is practically treated as sacrosanct. With the central treaty organisation frequently under attack, its supporters accordingly respond to such criticism by pointing to useful work and acknowledged achievements in spheres outside the control of the United Nations proper.

The importance of economic development and related concerns has led to a disproportionately large apparatus of staff dealing with such issues and/or servicing a large number of specialised bodies and frequent specialised summits. The sheer size of such activities obscures the work of other sections of the system.

### **The Status of the Security Council in this System**

To exacerbate matters even further, the Security Council in particular contributes to its own isolation from the public by avoiding contact with non-State actors and narrowly channelling its relations with States via foreign ministries. It does not even have its own press officer. There is no need for one. Most of its deliberations are secret, are not even recorded adequately for internal use and, originally, even official records of private consultations could not be kept by the Secretariat. The decisions of some of its subsidiary organs, sanctions committees, are not even published,<sup>12</sup> although many of them are binding on member States.

The size of its staff is an illuminating indicator of its status. In 1994, for instance, the entire United Nations system employed about 50,000 people, the central Secretariat employing at that time about 10,000, half of them stationed in New York. Within the latter, the Department of Political Affairs, in charge of servicing the Security Council, employed 288 people. Of the latter, only 42 staff members were allocated to the Security Council and its subsidiary organs, seven of whom were occupied in editing a compilation of its resolutions from previous years.<sup>13</sup> This is less than 1% of the United Nations' operatives.

---

<sup>12</sup> Michael P Scharf & Joshua L Dorosin, "Interpreting UN Sanctions: The Rulings and Role of the Yugoslavia Sanctions Committee," *Brooklyn Journal of International Law*, vol 19, no 3, 1993, 822 et seq.

<sup>13</sup> Marrack Goulding, *Revised Structure for the Department of Political Affairs*, 15 April 1994 (departmental circular).

The substantive law of the Security Council and of its immediate subsidiary organs is not systematically recorded, even less codified, and even its rules of procedure are still referred to as “provisional” after fifty-five years of existence. Its procedural law is likewise underdeveloped.<sup>14</sup>

Its staff, numerically inadequate to its tasks in any case, is composed of generalists without any expertise in the type of specialised questions that frequently occur in its work. The Canadian ambassador to the United Nations has recently lamented the fact that its research capacity was non-existent.<sup>15</sup> For almost any activity outside of routine conference servicing, it has to fall back on operatives of other parts of the Secretariat or of other specialised agencies. Such assistance is normally forthcoming, but is completely voluntary since there is no statutory regulation of such matters and thus no absolute obligation for any other part of the system to provide such assistance.

Unlike other parts of the Secretariat, the Security Council’s staff offer no advice or substantive services to delegates in their work. The latter are generalist foreign service officers stationed at United Nations Headquarters and, like the staff, have no special expertise or relevant previous experiences. Except for the Permanent Five, most missions are thinly staffed and not adequately resourced for the work involved in their two-year stints on the Council. It would be considered an act of lunacy on the part of a government to send a generalist foreign-service officer to represent its interest at conferences where the law of the sea or arms control were on the agenda, yet no-one thinks anything unusual of having those same actors deal with complex and pressing crisis situations in obscure parts of the world in the context of the Security Council’s work..

This lack of expertise and competency in the Council and its direct subsidiary organs confront these bodies with the dilemma that professionalism and effectiveness can only be achieved by contracting activities out of the immediate control and purview of the Council itself. There is therefore always a tradeoff between authority and effectiveness in Security Council activities - to professionalise them and make them more effective, they must be moved away from the source of authority; keeping them close to that source of authority will strengthen their legitimacy, but they will be less effective.

---

<sup>14</sup> Scharf & Dorosin, *op cit*, 823.

<sup>15</sup> In connection with the issue of UNITA’s financing its activities by selling diamonds; the ambassador in question is the chairman of the relevant sanctions committee.

In extreme cases, “outsourcing” activities to professional subsidiary bodies makes it impossible for the Council’s members to control what those subsidiary organs do. One case in point was UNSCOM which operated under the formal authority of the Security Council with utmost professionalism, but with an extreme degree of autonomy, thus working de facto for the narrow interests of a small number of western countries and their intelligence communities.<sup>16</sup>

A more interesting case in point are the international criminal tribunals which the Council has reluctantly created under conditions which make it difficult to control their activities. Since such tribunals are expert-run by professional judges and prosecutors, there is no obvious way for the Council to stop them or divert their activities into diplomatically accepted channels.<sup>17</sup> While this is all the more to be welcomed from a human rights enforcement perspective, it poses the dilemma that the Council can only play one of two possible roles in such a structure: either it functions as a mere rubber stamp, or it acts as an adversary to, or brake on, its own creation.

### **Security Council Isolation in Goal Conflicts with Other Sections of the System**

The Security Council has in the last decade become prone to involvement in goal conflicts with other sections of the general membership, with the Secretariat and with other divisions of the global United Nations system. Its enforcement activities were in particular resented by divisions with humanitarian functions. The latter felt that they should not be subject to the authority of the Security Council or, in particular, of sanctions committees. The latter had trouble controlling them and getting them to comply with what were, in Charter-law terms, binding obligations to respect their authority. In some cases resistance was so successful that sanctions committees had to give up and accept the situation. The ironic situation thus evolved that Chapter VII obligations were supposed to be binding on member States but could not be enforced on United Nations system organisations.

It was in this vein that other sections of the global system began to militate against the work of the Council’s sanctions committees, a tendency that ultimately became predominant within the central Secretariat as well. The classic example are the activities of UNICEF in publishing statistics on infant mortality caused by sanctions. The constant disputes between the

---

<sup>16</sup> See Richard Butler, *Saddam Defiant*, Weidenfeld & Nicolson, 2000, reviewed in *Financial Times Weekend*, 27/28 May 2000, 5.

<sup>17</sup> See the recent remarks by the Russian Federation’s foreign minister, Mr Ivanov, unhappy about the militancy of the Hague Yugoslavia Tribunal in pursuing his Serbian friends. David Buchan, “Russia mounts attack on war crimes tribunal,” in *Financial Times*, 25 May 2000, 3; “Nato und USA weisen Iwanows Vorwürfe zurück,” *Neue Zürcher Zeitung*, 26 May 2000, 1.

Council and its dominant members and the coordinators of the oil-for-food programme in Iraq are another instance.

There are several explanations for this phenomenon, a simple one being that those dissident constituencies reject the objectives and designs of the dominant members of the Security Council. But in this author's opinion, it goes significantly beyond that. In fact, it is probable that even in the event that the Council were dominated by members more to that constituency's own liking and pursued corresponding goals more congenial to that constituency, it would probably act no differently.

### **Rejection by Other Sections of the System of an Enforcement Role for the United Nations**

The main reason for this phenomenon is that the function of enforcement is rejected in favour of a vision of a basically "soft" United Nations with largely remedial humanitarian functions, with a strong emphasis on neutrality in all international conflicts, a preference for mediation rather than involvement in conflicts, and a belief that long-term soft prevention activities (such as promoting economic development) will obviate the necessity of any international enforcement functions. Indeed, economic development itself has come by many to be seen as the organisation's and the system's main purpose, a view that cannot be easily dismissed when one considers the amount of effort, personnel, money and time devoted to it. The appeal of economic development as a prioritised goal of the system (including at the expense of collective security) is strong to many member States because it is interpreted in terms of ambitions lingering from the 1960s and 1970s of the United Nations functioning as a huge resource redistribution system between north and south.<sup>18</sup>

Attitudes of this nature are rife among United Nations staff throughout the entire system. Most member States are not adverse to these ideas either, including those serving on the Security Council. They frequently balk at and even sabotage the ramifications of the very resolutions that they have voted for. It can hardly be overlooked that since the early 1990s, most Security Council resolutions have been adopted with abnormally high degrees of unanimity, yet members are frequently not even interested in enforcing them. The Council's contradictory tendencies on peacekeeping missions is another example of the same tendency; the members frivolously create peacekeeping missions and then refuse to provide them with adequate mandates or reasonable

---

<sup>18</sup> See *For a Strong and Democratic United Nations: A South Perspective on UN Reform*, The South Centre, 1996.

resources.

There is more than one side to this coin. Since opposition to economic sanctions is now widespread, this situation might appear quite convenient, but the same tendencies in human rights matters would weaken the Security Council's possibilities of being an enforcer of universal human rights principles.

### **The Legitimacy of the Council**

After 1990, the Security Council began to emerge from its lack of development and its isolation within the United Nations system, but without radically overcoming any of the disabilities mentioned above. Worse still, its re-emergence has entailed a more serious problem in that the long-dormant doubts of major constituencies amongst member States and in informed public opinion about its structure and composition have been brought to the surface again. The central idea of a collective security organ with privileged options vis-à-vis other governance bodies and with a privileged status of the Permanent Five within it was never really accepted by the vast majority of the Organisation's members. They do not really accept it at present either.

Developments within the last decade have increased rather than lessened the visibility of this problem. As long as the Council is inactive or marginal in world affairs, its inequality-based membership is accepted, if it becomes more active, its structure is no longer an academic matter to the membership.

The immediate cause of this scepticism was the inordinate influence of three of the permanent members on the activities and policies of the Council throughout most of the 1990s. This has given renewed relevance to concerns that its membership is unrepresentative and that the privileges of the Permanent Five run counter to the interests of most of the members. That the tide within the Council has been turning against those particular permanent members does not help matters, because, as the intervention in Kosovo showed, they then proceed to bypass the Council altogether. They have proven to be stronger than the others, whether they get their way by talking the Council into doing their bidding or by flouting its legal authority.

The problem arises because of an unacceptably large gap between legal authority and de facto power. The Council's hierarchically superior authority in international law under the Charter lacks any real power base, precisely the situation that the invention of permanent members and

their privileges was supposed to prevent.<sup>19</sup>

The gradual redefinition, over 40 years, of the United Nations's role from being a source of peace and security enforcement to being a largely neutral humanitarian organisation with economic development functions has encouraged the vacuum that competing international governance systems like NATO then exploit.

### **The Threat to the United Nations from Competing Systems of International Governance**

The threat to the United Nations as a marginally underperforming international governance system does not come from States, bilateralism or international lawlessness, it comes now more from competing international governance actors that are better adapted to contemporary conditions. The increased importance of organisations like WTO and NATO is evidence of this threat. Because, however, collective security is central to the structure of the United Nations Charter and of critical importance to western countries, and because the system's biggest failure lies precisely in this area, it is more likely that the global system could be brought to demise by the elimination of this core function for the United Nations. In this sense, the least developed component is the system's Achilles' heel.

Such a collapse of the central collective security component could then lead to significant weakening or collapse of those parts of the United Nations system whose performance as international governance institutions has been much more satisfactory. It is therefore doubtful that those who wish to see the United Nations function in the long run mainly as a provider of humanitarian aid, a promoter of economic development and a guarantor of human rights can further their ideals by striving to weaken the central treaty organisation's core enforcement structure, the Security Council.

A critical issue in this regard is which driving force will be the one that strengthens international governance, moving it further along the continuum towards what we think of as government, i.e. greater authority. Will it be the same as, or vastly different from, the forces which led to the development of government in national states? Most probably it will follow a pattern more similar to that which led to the formation of modern states: The primacy of solving hard-

---

<sup>19</sup> Whatever merits the "realist" school may have on the desirability of *some* inequality in collective security matters, it is this author's argument that the *precise construction* of the present inequality system in the Security Council entails frustration of the "realist" school's aims.

core security first came to decide which actors and structures won out in the competition.<sup>20</sup> The possibility that advances in peripheral “soft” international governance functions will gradually strengthen global governance to the point where it can successfully ensure peace and security are slim.

### **The Attitude of International Governance Scholars**

What should scholars and others interested in furthering orderly and meaningful international governance do in the face of this dilemma?

First of all, the situation should be recognised realistically for what it is. The United Nations has been declining for some time and continues to decline. Unlike the international environment in which the League of Nations declined, the present world is characterised by increasing degrees of international governance of all kinds. The United Nations central organisation cannot keep pace with this strong pressure for more and stronger international governance.

It should be realised that small steps in the direction of innovation or modernisation by United Nations structures do not negate the general declining trend of the Organisation. Periods of systemic decline are frequently characterised by a certain degree of innovation and change. Pressure for stronger international governance has been so strong in recent years that even the Security Council has gotten involved with fairly innovative institutions like international election monitoring or the creation of international criminal tribunals. One need only read the Council’s debates preceding the establishment of the two relevant tribunals to sense the trepidation and distaste that the poor delegates of sovereignty-obsessed States must have felt at having to engage, in public, in such an unnatural act for a sovereign State. It is wrong in such instances to read a leadership role into the actions of the Security Council; it was in fact being dragged or pushed forward by forces which it would have liked to contain but could no longer control.

The possibility that the present structure built on the Charter of 1945 might ultimately have to be replaced, or that it might collapse under the pressure of developments and events, should be recognised. Thought should be given to what should be done at that juncture and to

---

<sup>20</sup> Related to the question posed in this paragraph is a related one of even greater intellectual interest: whether or not international law is essentially similar to national law. Increasingly, scholars are moving in the direction of answering that question in the affirmative. See Bardo Fassbender, *UN Security Council Reform and the Right of Veto, A Constitutional Perspective*, Kluwer International law, 1998, Chapter 2.

what could succeed the United Nations. Otherwise, in that very unpleasant eventuality, the international community might once again be forced to follow the lead of those countries that are less overwhelmed by the general predicament than the rest of us, or even of a single country thrust into such a position of superiority by default. That would only be repeating the mistakes of 1945.

What is to be feared is therefore a precipitous collapse of the current United Nations-centred international governance system and its collective security core around the Security Council, not the prospect that in the long run it will most probably continue to decline and therefore will someday be replaced.

The realistic possibility of further conflicts in international governance between competing constituencies and their preferred systems or organs of international governance must likewise be countenanced. In particular, there is a distinct possibility that WTO will become the bastion of the “pro-globalization” party, with one or more United Nations bodies acting as fora for the “anti-globalisation” party.

Furthermore, the contradictory tendencies discussed above may only exacerbate the discrepancy even further. This could very possibly be the case if current trends towards the promotion of human rights and other liberal values on an international scale widen the gap between the international community and one of its most conservative and least developed governance bodies, the Security Council, thus further weakening the central collective security component.

It should likewise be recognised that appeals to the charismatic authority of the United Nations or its Charter will have little effect and, most probably, are openly dysfunctional. The recent lamentations over the fact that NATO’s actions in Yugoslavia were a breach of the Charter are a case in point. It would have been more profitable to analyse the development which led to that breach. What is an advisable position to take in a period of ascendancy may not be advisable in a period of decline. The approach of portraying the United Nations as mankind’s great hope for the future whose authority must be supported under all circumstances most probably encourages excessive lip-service to ideals and authority as a substitute for meaningful compliance.

One should not assume an equation between the United Nations and international governance, nor argue that the latter is promoted by uncritical support for the former. International governance scholars should do nothing that would contribute to or accelerate the further decline of the United Nations systems, because we are not prepared, intellectually or

practically, for its absence at the moment, but this does not mean that its basic principles and structures must be canonised and treated as sacrosanct.