

The Security Council and Global Peace, “Issues and Challenges”

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Abstract: *The world consists of several sovereign states with multiple and diverse interest but paradoxically seeking for an integrated world order through deliberate and conscious approach instead of staying in isolation. The human society from incalculable period had suffered untold hardships arising from crises of varying dimensions such as the Cyprus, Chaco, Vietnam, Kosovo and world wars land II to mention afew. Against this background, at the conclusion of world wars II as a result of the failure of the League of Nations to avert that war, the United Nations Organization was born in 1945 to restore International Peace and Security and prevent further regional and global wars. In recent times, there have been crisis in Liberia, Libya, Sudan, Syria, Egjpt etc despising collective security of the UN- Security Council. The purview of this paper therefore, is to examine the socio-political environments that facilitate these cleavages and uncertainties. The author observed that the weakness of the council to confront new realities in terms of desire for good governance and democracy and economic amancipation by the emerging states of Africa makes crises and insecurity to be of contemporary relevance in the region. The researcher observed further that there is a shift of power for peace and security from the traditional Security Coiëncil to the North Atlantic Treaty Organization (NATO). The writer concluded that the frequent use of veto and double veto based on bloc politics weaken the council thereby given NATO a superior bargaining leadership role in the management of global peace and security. The author therefore recommended that for global peace and security to be guaranteed, the council should be re-structured, with contemporary realities of member states in terms of poverty, politics and socio-economic conditions. This paper relied absolutely on secondary sources of materials and in follow-up on current unfolding events in world politics.*

Key Words: *Procedural and non-procedural matters, veto and double veto, permanent missions to UNO-status of an Ambassador, containment policy v. expansionism, affirmative and supporting votes.*

I. Introduction

The only and most global institution called the United Nations was born in 1945 at the conclusion of World War II following the allied planning and intentions expressed during that conflict as a result of the absolute failure of the League of Nations to avert the occurrence of World War II.

The umbrella organization comprises of 5 organs, namely the Security Council, the general assembly, the economic and social council, the trusteeship council and the secretariat as provided in articles 27, 4, 62, 101 etc. As the UN system became operational in 1946, the human race sued for peace and till date the cold war and other wars never became or had the character of World Wars. In this arrangement, the Security Council was intended to operate as an efficient executive organ of limited membership, functioning continuously with the mandate of maintaining international peace and security ‘nay’ humanity thought peace had finally come to stay. Nevertheless, in recent times, crises, general instabilities and wars have assumed tremendous dimension that humanity is now catching cold. For examples, wars in Liberia, Sudan, Libya and in most parts of the world threatens peace and security contrary to the purpose of the United Nations. Therefore, having established the Security Council under article 27 of, the United Nations, this paper intends to appraise the council visa-vis its objectives and contemporary realities so as to determine the issues and challenges for the way forward in the light of global threat to peace and security and by doing so one would look at the declaration, purposes and principles of the United Nations as well as the workings of the Security Council as the most important Executive Organ charged with the responsibility of managing Global Peace on behalf of the entire United Nations.

II. The Charter of the United Nations (1945)

This fundamental instrument exotically declares:

We the people of the United Nations determined to save succeeding generations from the scourge of war, which twice in our l(fe time has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to establish conditions under which justice and respect for the obligation arising from treaties and other sources of international law can be maintained and to promote social progress and better standards of life in large freedom, AND FOR THESE ENDS.

To practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security and to ensure, by the acceptance of principles and the institution of methods that armed force shall not be used, save in the common interest and to employ international machinery for the promotion of the economic and social advancement of all people, HAVE RESOLVE TO COMBINE OUR Efforts To Accomplish These Aims.

Accordingly, our respective government through representatives assembled in the city of San Francisco, who have exhibited their full power found to be in good and due form, have agreed to the present charter of the United Nations and do hereby establish an international organization to be known as the United Nations (as amended).

III. Purposes and Principles

Article I

1. To maintain international peace and security, and to that end; to take effective collective measures for the prevention and removal of threat to peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situation which might lead to breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.
3. To achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedom for all without distinction as to race, sex, language or religion; and to be a centre for harmonizing the actions of nations in the attainment of these common ends.

IV. The Security Council

Of about 189 member states of the UN, only fifteen of them are represented in the Security Council. Initially it was eleven and following the charter amendment in force on the 31st day of August 1965 it was enlarged to fifteen and five seats were made permanent and ten seats non-permanent. The permanent seats are occupied by USA, Russia, Britain, France and China while the non-permanent seats were occupied through election and the Assembly takes cognizance of the antecedents and potential of states in their contribution to the maintenance of international peace and security as well as equitable geographical distributions.

Although, the issue of equitable distribution has not been easy as was the case with Poland and Turkey and Romania and Philippines in 1959 and 1962 respectively. This obnoxious situation was remedied at the 18th session in 1963 by allocating five seats to Africa and Asia, one seat to Eastern Europe, two seats to Latin America and two seats to Western Europe. The Security Council has its head quarters at New York. The council acts on behalf of the members of the organization as a whole in performing its functions and its decisions are binding upon all member states which are concentrated into two particular categories, peaceful settlement of disputes and the adoption of enforcement measures. Under article 27, the UN charter assigned to the council the following functions and powers:

- To maintain international peace and security in accordance with the principles and purposes of the UN.
- To investigate, any disputes or situations which lead to international conflict and recommend methods of settlements.
- To formulate plans for the establishment of a system to regulate armaments.
- To determine the existence of a threat to the peace or act of aggression and to recommend appropriate action to be taken.
- To call on member states to apply economic sanctions and other measures not involving the use of force to prevent aggression.
- To take military action against an aggressor.
- To recommend the admission of new member.
- To exercise the trustee functions of the UN in strategic areas.
- To recommend to the General Assembly the appointment of the Secretary-General and together with Assembly, elect the judges of the International Court of Justice (ICJ).

The UN meets as regularly as necessary hence the need for the representatives of the member states to be always available at the Head Quarters so as to convene in the event of urgency. The chairman of the council is rotated among its member states according to their English Alphabetical order with frequent changes. Member states are usually represented by the heads of their permanent missions to the UN who have the status of an Ambassador. The council usually invites any non-council member state who is a party to the dispute under consideration to participate in the proceedings but such member would not have the right to vote, but if the issue

under discussion is not actual dispute, the council is at the discretion whether to invite the disputants. The council grants audience to representatives of National Liberation Movements/Organizations.

Also, on voting, each member of the council has one vote. On issues of procedure, a motion is upheld if it gets the support of any nine of the fifteen members. On substantive question issues, a resolution should have the affirmative votes of nine members and also supporting votes of the permanent members. However, any member that is a party to the dispute under reference must abstain from voting irrespective of her status whether permanent or not. On the issue of veto, the charter provided veto on all but procedural/matters, as decision of the council must be made by affirmative votes of nine members, including the concurring votes of the permanent members. A negative vote by any of the permanent members is therefore sufficient to veto any resolution of the council save with regard to procedural/questions, where nine affirmative votes are all that is required. It is interesting to note that this was written into the charter following the exigencies of power politics. In the statement of the sponsoring powers at San Francisco, it was declared that the issue of whether or not a matter was procedural/was itself subject to the veto this "double" veto constitutes a formidable barrier although it is possible for the president of the council to rule that a matter is procedural and if the ruling is supported by nine members the issue is resolved. One critical issue is that the five supreme powers of 1945 will not continue to hold that rank, nevertheless, the complicated mechanisms for amendment of the charter coupled with the existence of the veto, makes any change unlikely.

V. Issues and Challenges

It was not a hasty decision at the initial conceptions of the birth of the UN and its security council as an executive organ having the mandate to act on behalf of the organization in all matters relating to international peace and security and so humanity was assured of full protection against any aggressor(s) by collective enforcement measure. Unfortunately, holding the maxim that believe the unpredictability of man, the supposedly panacea to general crises and insecurity — the council with all the teeth could no longer bite 'behold the failure.' It is on record that the council in the Iraq-Kuwait crisis adopted a series of twelve crucial binding resolutions, culminating in resolution 678 (1990) which authorized the use of all necessary means in order to bring about an Iraqi withdrawal from Kuwait and the restoration of International Peace and Security in the region failed. The council is always in a dilemma in any matter involving the big 5-permanent members as evident in the UN Resolution for the apartheid South Africa to be expelled and the United States vetoed which rendered it null and void.

Also, the issue of veto on all procedural and non-procedural matters to "double veto" is a major barrier to council effectiveness as this veto is frequently used based on power bloc politics. The failure of the council in its primary responsibility to preserve world peace stimulated a number of other developments. For example, it encourages the General Assembly to assume residual responsibility for maintaining international peace and security. Besides, it encouraged the Secretary-General to take upon himself a more active role which hastened the development of peace keeping operations. It also encouraged in some measure, the development of military alliance and regional groupings as provided by the League of Nations covenant in article (21) and the UN in article 52 (1). Consequently, the OAU-AU was formed, the European Union, the organization of American States, the Warsaw pact and NATO. These regional arrangements arose on the onset of the cold-war having the power to bypass the Security Council. Of the whole, the most dreadful organization is the North Atlantic Treaty Organization (NATO) formed in 1949 to counter possible threats from the East. The United States and Canada with fourteen European powers altogether for their protection using the "contain policy" against "soviet expansionism".

It is a fact, that the United States of America is the greatest financier of the United Nations and its Security Council organ and any military enforcement of the North Atlantic Treaty Organization led peace-keeping force is authorized by the Security Council.

However, without twisting facts, based on perceived "interest" America, as the greatest enemy to Gaddafi of Libya compelled NATO led peace-keeping force in Libya without the mandate of the Security Council and this action by implications weakens the Security Council.

In general, it is on records that the Council has been criticised for not fulfilling most of the expectations as most interventions authorized by the Council were carried out in countries where the super-powers especially USA, economic interest is at stake, while blind eyes were turned to conflicts in countries where they had little or no interest at all, as in Rwanda where ethnic cleansing was carried out in 1994 or in Nigeria's civil war (1967 — 1970) but the Western power really showed sincere concern.

Again, the Unilateral declaration of independence by racist minority regime in Rhodesia in 1965 attracted the Security Council sanctions, but the sanctions were dropped in 1979 following the seemingly recognition of the right of the people to self-determination. Similarly, the Council did not do enough to bring to an end the apartheid regime in South Africa.

Other challenges include, lack of standing army and the unwillingness of contributory countries to contribute peace-keepers. The use of veto as a diplomatic covers for nation's economic interests, against global peace. For example, China and Russia on Darfur Sudan's crisis as China threatened to veto any sanction against Sudan because she is the greatest consumer of Sudan's oil while Russia is the greatest supplier of Khartoum's arms. For their economic interest, they neutralized all attempt to bring Sudan under the Council's control.

Also, America threatened to use veto power to neutralize the Council's resolution on peace-keeping, if his peace-keepers are not exempted from international crime court (ICC) trial on human rights abuse during peace-keeping mission.

Another major challenge is unclear mandates on rules of engagement and delay in the deployment of peace-keeping troops to trouble or crisis area due to complex and rigid procedure as was the case in Rwanda and Burundi. The peculiar nature of post cold war conflict especially in Africa, which is mostly between ethnic groups and not between states poses serious challenges as complex dimension of the conflict is heightened with poverty and bad governance as the Council could not stop or prevent.

In the same vein, global terrorism with faceless actors constitute a barrier to Security Council effectiveness.

However, in the face of all these weaknesses, the Security Council of the United Nations had made a number of resolutions and interventions in line with its mandate of maintenance of world peace and security. Take for instance its intervention in the Congo (1960

— 64) which prevented the spread of civil war, (Korea 1947-1953) Hungary (1965). The Security Council authorized the use of all necessary means in order to bring about an Iraqi withdrawal from Kuwait and many other countries in Africa.

Indeed, the United States under the auspices of NATO seems to have attracted the emerging states of Africa through its swift response and support for democracy, its action against undemocratic governance in the above mentioned region including Nigeria as to support her to mention a few to fight Boko Haram terrorism is enough credibility to silent and usurp the powers of the council.

Indeed, by the treaty... the parties accepted that an armed attack against one or more of them in Europe or North America should be considered an attack against all.

More recently the United States of America supported by NATO members are combat ready to attack Syria for alleged use of chemical weapon subject to congressional approval when the UN and the Secretary-General is yet to conclude investigation and debate; people are therefore apprehensive especially as Russia insists that such approach will be a flagrant violation of international law particularly as provided in articles 23, 27 and 61 of August 31, 1965 in respect of Aerial Bombardment.

VI. Summary

A corollary of the discussion in the preceding parts demonstrates the barriers -weakness and failure of the UN — Security Council in the maintenance of international peace and security. However, the UN has prevented major world wars. Nevertheless, in view of the huge success recorded by NATO in cooperation with the Western European Union

helped in implementing UN Sanctions in the former Yugoslavia, maintains the principles of international law to fulfill its good faith on the declaration of Human rights of the UN charter and commitment to the preservation of democratic societies and respect for existing borders. Currently, it leads the multi national implementation force in most crisis ridding areas as already cited.

Indeed, the use of "veto power and double veto" par excellence by permanent members exacerbates the performance of the council. Also, the alternative use and by-pass of the Security Council by block power politics speaks volumes. From the foregoing and the political history of the "might of nations" succinctly shows that some super power states have flagrantly violated international law especially during the cold-war and in the light of unipolar power politics where the United States would go ahead to defend her national interest and foreign policies as would likely be the case in the current Syria political mayhem.

Indeed, reminiscent of the Iraqi-Kuwait invasion in which the United States championed before the Security Council approval which led to the general turn-up of other members.

VII. Conclusion

From the foregoing, it is very obvious that NATO focused upon practical defence related and military cooperation with less bureaucratic bottle-neck, fully equipped with swift operation which makes it more relevant to contemporary realities. Therefore, one can conclude that the operational structure of NATO makes it capable to address exigencies, thereby neutralizing the Security Council complex — mechanism to confront issues of very fundamental nature and expedient. Perhaps, following the fall of the Berlin wall in 1989, whereby the Eastern Block became weaker while the power of the Western Block and United States became stronger which

obviously compound the ineffectiveness of the Security Council with regards to her statutory function as an executive organ that acts on behalf of the

United Nations on matters of peace, security and threats to peace globally. Collective enforcement measures became dependent on high Regional Power Block Politics.

VIII. Recommendations

In general, taken into consideration, the issues and challenges arising from the manifest and latent functions of the Security Council, one would inevitably recommend its restructuring so as to enable it perform its traditional functions particularly in the light of new conceptions, hopes and experiences of emerging states and contemporary realities of the world.

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