International Organization

Polity, Politics and Policies

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palgrave
macmillan

REVIZE 2008

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Chapter 8

Security

The so-called security dilemma that results from the anarchic structure of the international system sets the fundamental conditions under which international cooperation takes place in the field of security (see Chapter 2). Due to this anarchic structure no state can rely on others to provide for its security; all states have to provide for their own security themselves. Since their security can always be undermined by the threat or use of force by others, all states have to be prepared to protect themselves and deter others from threatening or actually using force against them. This preparation entails the strengthening of a state's own relative power position and the building of powerful alliances. In turn this power is likely to be conceived by others as undermining their security, which then leads to further attempts to prepare for the threat or use of force. The distrust inherent in the security dilemma therefore entails the risk of threats and of the use of force even among states that agree cooperatively to renounce such activities against each other (Herz 1950). In short, this distrust may be regarded as the most fundamental obstacle to international cooperation in the security field.

However, there are four further conditions which render international cooperation in the security field particularly difficult to achieve. First, states tend to assess not only their absolute gains from international cooperation but also their gains relative to others, because a relative loss from cooperation can result in a relative decrease of power which then undermines security for a particular state. This may result in conflicts over the distribution of gains, thus making cooperation especially elusive (Efinger, Rittberger & Zürn 1988: 92–8; Efinger & Zürn 1990). Second, in the security field states are particularly reluctant to trust others, because once their security, that is their physical existence and autonomy, is lost the chances of re-establishing it are almost nil. For this reason states prefer to protect themselves against a possible worst case, which makes international cooperation highly unlikely (Jervis 1983: 359). Third, this mistrust is further exacerbated by the low degree of transparency inherent in the security field. Arms programmes and military planning are usually subject to strict secrecy. This practice of secrecy, of actively disguising programmes and plans and even misleading others, makes it all the more difficult for states to trust in the cooperation of others, thus further diminishing the prospects for cooperation (Jervis 1983: 359). Finally, domestic interest

groups might be against international cooperation in security matters. If they have a large influence within society, as in the case of the military-industrial complex in the United States and the former Soviet Union during the Cold War, they can inhibit states from participating in international cooperative efforts. See Table 8.1.

Table 8.1   *Conditions for cooperation in the field of security*

Security dilemma
Conflict of interest about relatively assessed goods
Inability to recoup the loss of physical existence
Limited transparency of measures; secrecy
Cooperation blocked by domestic interest groups
➤ *Limited probability of cooperation*

However, neither the security dilemma itself nor the other conditions that account for the limited probability of international cooperation in the security field are unalterable. International organizations can help to change the structural conditions in order to facilitate cooperation in the security field. In this the activities of the United Nations, as the most significant international security organization in two issue areas, those of 'violent self-help' and of the 'dynamics of arms procurement', are important.

Violent self-help

Inherent in the security dilemma is the latent danger of the threat or use of force by each individual actor, independently of the good or bad intentions of the actors concerned. Thus even actors who prefer mutual non-aggressive behaviour can be tempted to threaten or use force in order to guarantee their own security. The fundamental security problem therefore consists in stabilizing actors' expectations about the non-violent behaviour of others in order to make it possible for them reciprocally to desist from the threat or use of force. International organizations can contribute to stabilizing expectations through their political programmes and operational and information activities. We shall focus on the United Nations as the most significant international security organization.

Policy programme of the UN

The principal aim of the United Nations is 'to maintain international peace and security' (Article 1 of UN Charter). To achieve this the UN Charter already contains a programme which has since been complemented by further detailed acts such as resolutions of the General Assembly and the Security Council and also agreements reached by international conferences organized by the UN. The result is a regulative programme which – although incomplete – attempts to curb the threat and use of force. In fact, the Charter lays down, for the first time in history, a general ban on the threat or use of force between states. Article 2, paragraph 4 states that '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.' This general ban on the threat or use of force is complemented by Article 2, paragraph 3 whereby 'all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.' Thus, not only does the Charter prohibit wars of aggression but also any other use of force and even the threat thereof. Moreover, the Charter prohibits the threat or use of force even to enforce international agreements and requires that disputes about these agreements be settled peacefully.

Since the UN Charter also recognizes the 'inherent right of individual or collective self-defence' (Article 51) the use of military force is usually justified as an act of self-defence. Although the right to self-defence is safeguarded, this should not be open to abuse as a cover for aggressive behaviour. The UN General Assembly was asked to define the concept of aggression. This proved to be difficult and the General Assembly only decided on a definition in 1974 after lengthy and tough negotiations (Resolution 3314 (XXIX)). An act of aggression is committed when a state uses military force first, but to be able to prove such an act of aggression according to the Resolution requires casuistic definitions of actions which encompass the notion of aggression.

The security policy programme of the UN also forbids interference in the domestic affairs of states. Initially, in this context, the Charter only refers to the activities of the UN itself. Apart from enforcement measures under Chapter VII of the Charter, it excludes intervention 'in matters which are essentially within the domestic jurisdiction of any state' (Article 2, paragraph 7). However, the matters which are considered as being within the domestic jurisdiction of states have been subject to change. The General Assembly judged that questions of decolonialization, racism and apartheid are not essentially within domestic jurisdiction. The Security Council has intervened in the domestic affairs of member states if they represent a threat to international peace and security in certain situations.

The first such situation is that of internal wars and of conflicts dealt with by force. Thus in 1991 the Iraqi state's action against its Kurdish population in the north (not forgetting the actions against the Shi'ites in the south) was condemned by the Security Council as a threat to peace in Resolution 688. Of course the cross-border effects of the conflict, with the massive outflow of refugees blocked at the Turkish border and the actual movement of refugees into Iran, played a considerable role. Unambiguous in this respect was the determination by the Security Council of a threat to peace in the case of the Angolan civil war in 1993 (Resolution 864). The Council based its conclusion entirely on the situation inside the country (Chesterman 2003: 137, 138). Following these precedents the Security Council also considered the internal wars in, for instance, Somalia, Bosnia, Kosovo and East Timor as threats to peace.

The second such situation was given far greater consideration. The Security Council increasingly viewed continued serious human rights violations within states as a threat to international peace and security and declared them to be a basis for intervention (for more details see Chapter 10). Despite strengthening the protection of human rights through the Security Council's actual practice since the 1990s, it seems premature to conclude that the principle of non-intervention has been replaced by a right or even a duty of the Security Council to authorize humanitarian interventions in case of serious human rights violations. At this stage we can merely note a trend in the Security Council's actual practice in that direction (Ebock 2000: 295-8). The fact that all relevant Security Council resolutions in which enforcement measures were decided upon in response to massive human rights violations referred to the uniqueness of the prevailing circumstances leads us to conclude that decision makers have so far refrained from recognizing a generally valid principle of humanitarian intervention (Chesterman 2003: 160-2).

The UN Charter does not explicitly ban the intervention of states in the domestic jurisdiction of other states. Nevertheless, the General Assembly has created such a ban through a series of resolutions: Res. 290 (IV), Res. 1236 (XII), Res. 2131 (XX) and Res. 2625 (XXV), according to which military as well as economic, political or other actions which impair another state's sovereign rights are forbidden (Czempiel 2000: 510). Having been confirmed by several General Assembly resolutions the ban on intervention between states can by now claim the status of international customary law, despite repeated breaches in practice (Chesterman 2003: 57ff.).

Very controversial is intervention by one state upon the request of another state. While this does not infringe international law it does provide a loophole to circumvent the general ban on the threat or use of force, as in the case of the US intervention in Grenada in 1983 and the

Soviet Union's intervention in Afghanistan in 1979. Indeed, in many small, mostly local conflicts it may not be clear which political group in the war zone has legitimate state power and is therefore entitled to request intervention in accordance with international law (Bothe & Martenczuk 1999: 129; Woyke 2000: 226).

Apart from this loophole the UN Charter also stipulates circumstances under which the threat and use of force are allowed (Ebock 2000: 305; Gareis & Varwick 2005: 68-73). Thus the Charter (Article 51) confirms the right of states to individual and collective self-defence in case of aggression by others. Furthermore, military enforcement measures decided by the Security Council under Chapter VII do not come under the general ban on the use of force. The 'enemy state' clauses of Articles 53 and 107 of the Charter, while exceptions to the general ban on the use of force, have become obsolete (Gareis & Varwick 2005: 78).

All in all the United Nations requires states to solve their disputes peacefully, prohibits the threat as well as the use of force between states and, with the exception of intervention on request and the right to self-defence, gives a monopoly to the Security Council in legitimizing the use of force.

Operations of the UN

To help states to conform with the ban on the threat or use of force, the United Nations has embraced three types of operation: enforcement (collective security), peaceful settlement of disputes (consensual security), and peacekeeping (consensual security).

Collective security: enforcement

The United Nations has devoted the smallest part of its operations in the security field to enforcement, under the rubric of collective security. This gives member states a guarantee against the threat or use of force by other member states. Unlike collective defence based on an alliance, collective security is not aimed at threats from outside but at threats from within. It provides for collective enforcement, by military or non-military means, by the community of member states against any aggression on the part of one or more of its members. Collective security is, in effect, an alliance which deals with any aggressor from within its own ranks.

The UN Charter allocates far-reaching competencies to the Security Council in order to implement collective security. The Security Council can authorize collective enforcement measures by the community of states in the event of a breach of or acute threat to international peace. Only the Security Council can determine whether an infringement of the ban on the

threat or use of force has occurred. In the first instance threatened or attacked states themselves inform the Security Council of any aggression against their territorial integrity or political independence. In addition other states or the UN Secretary-General may bring to the attention of the. Security Council any matter which in their opinion may threaten international peace and security (Article 99). The Security Council has to determine 'the existence of any threat to the peace, breach of the peace or act of aggression' (Article 39). Only such a conclusion by the Security Council legitimizes further measures of collective enforcement within the framework of the UN system of collective security.

In view of the number of wars waged since 1945, the number of breaches of and threats to the peace or acts of aggression determined by the Security Council has been modest. We must, however, point out that the number of international wars in comparison with internal wars has also been modest. During the Cold War, only in the case of pariahs like South Africa and Rhodesia did the Security Council – normally hamstrung by a veto of one or other of the main contenders in the East–West conflict – repeatedly determine that there was a breach of or threat to the peace or an act of aggression. In addition, North Korea was condemned for its attack on South Korea (1950) and Argentina for its occupation of the Falkland Islands (1982). Since 1990 the number of condemnations by the Security Council has increased noticeably (see Chapter 10). While the end of the Cold War accounts for much of this, there has also been a broadening of the concept of a threat to peace. Thus the condemnation of Iraq after its aggression against Kuwait (Resolution 660 (1990)) determined a traditional act of aggression, namely the violation of the territorial integrity of a member state. The same holds for the conflicts in the former Yugoslavia: the clashes between the states were decisive in determining a threat to international peace and security by the rump of Yugoslavia, that is Serbia and Montenegro (Resolution 713 (1991)). The cases of Somalia (Resolution 746 (1992)) and Rwanda (Resolution 918 (1994)) were different. Here the Security Council saw the threat to peace in humanitarian crises resulting from internal armed struggles.

Once the Security Council has determined the existence of a breach of or threat to the peace or an act of aggression in accordance with Article 39 it can decide on binding recommendations to states. Thus the Security Council condemned Iraq's invasion of Kuwait and demanded the immediate and unconditional withdrawal of its armed forces (Resolution 660 (1990)). It simultaneously called on Iraq and Kuwait to settle their differences through negotiations. In the Kosovo crisis the Security Council condemned the acts of aggression by the Serb police forces in Kosovo as well as acts of terror by the Kosovo Liberation Army (Resolution 1160 (1998)). It linked the demand for the start of a political dialogue with concrete pro-

posals such as the re-establishment of the Kosovo region's autonomous status. The Security Council can demand cessation of military action, withdrawal from occupied territories, respecting of the sovereignty and territorial integrity of a state, destruction of nuclear weapons or cessation of human rights violations. In short, the Security Council imposes clear limits to the freedom of action of the parties concerned and prescribes behavioural guidelines aimed at maintaining or restoring international peace and security.

Both the Security Council and the General Assembly can condemn the behaviour of states in the form of resolutions, thus exerting moral pressure. A further sanction by the United Nations is suspension (Article 5) or expulsion of a member who 'persistently violates the Principles contained in the present Charter' (Article 6) by the General Assembly upon the recommendation of the Security Council. However, since the expulsion of a member state robs the organization of the possibility of influencing the behaviour of the state concerned this form of sanction is a double-edged affair and so far the UN has not made use of it. However, the temporary freezing of Serbia's membership in connection with the military clashes in Croatia and Bosnia-Herzegovina was tantamount to suspension.

Should the parties concerned not follow its recommendations the Security Council can decide what measures of collective enforcement 'are to be employed to give effect to its decisions' (Article 41). In other words the Security Council has the power to impose more far-reaching sanctions in case of non-compliance with its resolutions. First of all, it can decide on non-military enforcement measures. The Charter foresees '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' (Article 41). The Security Council, which needs the cooperation of member states, can make a legally binding request for them to implement its decisions.

During the Cold War the Security Council only twice used Article 41 of the Charter to enforce the general ban on the use of force. In the first case it imposed economic sanctions on Rhodesia in 1966 (Resolution 232), having determined that the declaration of independence by the White minority regime constituted a threat to peace (in accordance with Article 39). Subsequently the Security Council intensified its enforcement measures through a series of additional resolutions until 1979, when these were lifted following Rhodesia's attainment of independence as Zimbabwe under a Black majority government. In the second case, that of the Apartheid regime in South Africa, the Security Council imposed an arms embargo (Resolution 418 (1977)) following the bloody unrest in the black townships in 1976. Legally binding economic sanctions were not imposed and the Security Council chose instead to recommend to member states a

voluntary imposition of comprehensive economic sanctions against South Africa. These were lifted in 1994 after the end of the Apartheid regime.

Since 1990 the Security Council has imposed sanctions through non-military enforcement measures in numerous instances: Afghanistan, Angola, Côte d'Ivoire, the Democratic Republic of the Congo, Ethiopia and Eritrea, Haiti, Iraq, Liberia, Libya, Rwanda, Sierra Leone, Somalia, Sudan and the former Yugoslavia. For example, only four days after the invasion of Kuwait by Iraq in 1990 a comprehensive trade embargo was imposed (Resolution 661). To stem the fighting in the former Yugoslavia the Security Council decided on a total arms embargo (Resolution 713 (1991)) which extended to the whole territory of the former Yugoslavia. In addition economic sanctions were imposed upon Serbia and Montenegro (Resolution 757 (1992)), specifically the interruption of trade in raw materials and manufactured products as well as air traffic. The Security Council lifted the sanctions in 1996 (Resolution 1074) but imposed an arms embargo only two years later in the context of the Kosovo conflict (Resolution 1160 (1998)) which was then lifted in September 2001 (Resolution 1367 (2001)). More recently, the Security Council extended sanctions against Taliban-controlled Afghanistan to all al-Qaeda members worldwide (Resolutions 1333 (2001) and 1363 (2001)) and imposed sanctions against Côte d'Ivoire (1572 (2004)).

When deciding on non-military sanctions after the Cold War the Security Council has also used the possibility of asking UN members (in accordance with Article 48) to enforce these non-military sanctions through the use of armed force. In relation to Iraq the Security Council called 'upon those Member States cooperating with the Government of Kuwait which are deploying maritime forces to the area to use such measures commensurate to the specific circumstances as may be necessary under the authority of the Security Council to halt all inward and outward maritime shipping in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions related to such shipping laid down in resolution 661 (1990)'. The arms embargo against former Yugoslavia was policed by the maritime forces of NATO and the WEU in the Adriatic Sea on behalf of the United Nations.

Where non-military enforcement measures have proved inadequate to implement the Security Council's decisions, it can resort to measures of military enforcement. According to the Charter it can take 'such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security' (Article 42). To allow the Security Council to apply military enforcement measures, the Charter provides for the establishment of a Military Staff Committee, responsible for the strategic direction of armed forces (Article 47). Its role is to assist the Security Council in the implementation of military action. Article 43 stipulates that member

states 'undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces ... '. In reality no such special agreements have been reached and the United Nations does not have any armed forces permanently at its disposal (Kühne 2000a: 295). Although the permanent members of the Security Council had passed a resolution in 1946 asking the Military Staff Committee to debate the availability of UN troops, the principal powers were unable to agree on the modalities of such a UN force in the context of the East–West conflict. Thus one of the conditions for an effective collective security system has remained unfulfilled. The United Nations has to rely on the case-by-case supply of armed forces from member states (in accordance with Article 48) or of regional arrangements (in accordance with Article 53, paragraph 1).

During the Cold War the Security Council could not agree in a single instance on measures of military enforcement. The measures decided in relation to the Korean War in 1950 came close to enforcement as stipulated by the UN Charter only because there was the exceptional situation that the USSR at the time was boycotting Security Council meetings and thereby losing the possibility of using its veto. Thus in accordance with Article 48, UN members were recommended to provide assistance to the Republic of Korea. However, since the United States was asked to form the UN supreme command, rather than the Military Staff Committee, the deployment had the character of a US-led military action rather than that of a UN deployment in the spirit of collective security.

Since the Cold War measures of military enforcement decided upon – or at least authorized – by the Security Council have become more common. However, in many of these instances the Security Council has not mandated military enforcement in clear terms, but resorted to circumvention. The Gulf War of 1991 is a case in point. In the aftermath of Iraq's invasion of Kuwait the Security Council did not take military action itself (in accordance with Article 42), nor did it call upon its members to take military enforcement measures (in accordance with Article 48). It only gave its consent 'to use all means necessary', thereby in effect authorizing member states collaborating with Kuwait to employ military force against the Iraqi occupation. Thus the liberation of Kuwait can be seen as an act 'of individual or collective self-defence' (Article 51), albeit explicitly supported by the Security Council.

The first time in UN history that the Security Council really called for military enforcement measures was in 1994 when it asked NATO to implement the no-fly zone above Bosnia-Herzegovina (Resolution 816 (1993)). The massive air strikes by NATO against positions of the Bosnian Serbs were also based on a Security Council resolution (Resolution 836 (1993)) which empowered member states and regional agencies to provide support for the United Nations protection force (UNPROFOR) through

the use of force. By contrast, the NATO operation 'Allied Force' in the Kosovo conflict in the spring of 1999 was carried out without the approval of the Security Council. Despite Resolution 1244 of 10 June 1999, passed by the Security Council after the cessation of military hostilities, the NATO strikes against the former Federal Republic of Yugoslavia were not authorized according to the UN Charter (Bothe & Martenczuk 1999) and took place outside its collective security system (Brock 2000: 136; Chesterman 2003: 213 ff).

Consensual security I: peaceful settlement of disputes

The relative ineffectiveness and rarity of collective security action within the UN framework has led to a concentration on activities of a consensual nature. Systems of consensual security, like those of collective security, are inward-looking. The aim is to pacify violence-prone relationships between members. Unlike a system of collective security which envisages collective enforcement measures against individual member states, the measures in a system of consensual security always require a consensus of all the parties involved. Thus the United Nations system of consensual security provides operational measures aimed at fulfilling the obligation to see to the peaceful settlement of disputes (Chapter VI of the Charter).

The United Nations seeks to enhance the possibilities of peaceful settlement of disputes through the use of a variety of different techniques. Such techniques include *good offices*, usually undertaken by the UN Secretary-General or their representative, whereby the Secretary-General offers communication channels to the disputing parties. The parties concerned can make use of the good offices to agree on conditions for starting negotiations. They can communicate in this way without officially entering into negotiations, that is to say, without recognizing the other side as a negotiating partner. The Secretary-General lowers the costs of communication and thus contributes to the initiation of negotiations which can lead to the peaceful settlement of the dispute. The Secretary-General has repeatedly offered his good offices in disputes, for instance between the US and Iraq. For example, in 1998 Kofi Annan helped to settle the dispute over arms inspections in Iraq. Using the prestige of his office he convinced Saddam Hussein to allow the continuation of UN inspections.

Another technique of peaceful dispute settlement is the conduct of investigations through the United Nations, often conducted by commissions which are given the task of clarifying the facts behind a dispute. This provides the disputing parties with reliable information established by a neutral third party. Although the disputing parties are not bound by these findings, they can be helpful in reaching a settlement. Article 34 of the Charter specifically authorizes the Security Council to establish commis-

sions of inquiry. It has used this possibility in a series of cases although only in two situations (1946 in relation to Greece and 1948 in relation to Kashmir) with specific reference to Article 34.

Mediation also involves a third party. The mediator plays an active role in the negotiations and can contribute to a negotiated settlement by suggesting solutions. Mediation clearly goes beyond the possibility of good offices and investigation since it is concerned with procedures, factual information and the specific content of a peaceful settlement. The Secretary-General has repeatedly been charged by the Security Council with mediating in conflicts between states or with naming a representative as mediator. The latter was the case in the wars in former Yugoslavia where UN representatives (Vance and Stoltenberg), in conjunction with EU mediators (Owen and Bildt), strove to secure a peace plan. The mediation efforts, however, only led to the ending of hostilities under the leadership of the United States with the Dayton Accord of 1995 (Holbrooke 1999).

In the case of legal disputes between member states there is the option of a *judicial decision* through the International Court of Justice. An appeal to the Court, whose Statute is part of the UN Charter, can be an effective means of peaceful settlement of a dispute since its judgments are binding. However this presupposes a declaration by the parties that they recognize the jurisdiction of the Court. By the end of 2004 only 65 UN member states had declared their general submission to the jurisdiction of the Court. The remaining states have to declare their acceptance for each specific case where the Court is asked for a judgment. For this reason a multitude of international legal disputes did not reach the Court. Since 1946 the Court has delivered only 89 judgments (as of the end of 2004).

Consensual security II: peacekeeping

Peacekeeping is not mentioned in the UN Charter but it has been a major UN activity in the security field (Weiss, Forsythe & Coate 2004: 29ff.). Peacekeeping activities were first developed at the time of the Cold War and – like the techniques of peaceful dispute settlement under Chapter VI of the Charter – required the consensus of all the parties involved. Since the classic form of peacekeeping is based on the agreement of the parties to the dispute to deploy UN observers or a UN force ('blue helmets'), it belongs to the system of consensual security (Chapter VI) and not to the system of collective security (Chapter VII). Admittedly it assumes the deployment of military personnel, which is why peacekeeping has also been called Chapter six-and-a-half of the Charter (Dag Hammarskjöld, cited in Weiss, Forsythe & Coate 2004: 37). The repeated recourse to peacekeeping and its recognition by the community of states has become part of customary international law.

The Security Council authorizes all peacekeeping operations (Article 24). Not only does it specify the deployment of UN observers or a peacekeeping force in the relevant mandate and deployment resolutions, it also decides upon the material conditions for deployment, adapting them to the requirements of the specific conflict. In addition to the Security Council, the Secretary-General, the parties to the dispute and the countries supplying the peacekeeping force play an important role in the definition and content of a peacekeeping operation. The Secretary-General must determine with the parties the area of deployment, the objectives, the competencies of UN personnel and similar matters in a Memorandum of Understanding which must then be confirmed by the Security Council. Furthermore the Secretary-General must request all civilian personnel (police, administrative and technical specialists) and the troop contingents necessary from the member states and must coordinate their deployment with all the participating states.

Peacekeeping operations have a variety of functions, which have expanded progressively over time. Traditionally, such operations dealt above all with monitoring. The United Nations sends observer groups or a peacekeeping force with the aim of observing and supervising adherence to a ceasefire agreed between the parties to the dispute. UNIIMOG, the 400-strong UN force charged with supervising the ceasefire between Iraq and Iran after the first Gulf War of 1988 to 1991, is a classic example of an observer mission. The observer group or peacekeeping force also determines which party to the conflict is responsible in the case of a breach of the ceasefire. Thus the party violating a ceasefire agreement is subjected to international pressure and perhaps even to pressure from its own population. This helps to create a minimum expectation of trust in a ceasefire situation. The presence of witnesses also reduces the risk to the parties of being at a disadvantage in the case of an unequal respect for the ceasefire. An interesting innovation more recently is the preventive deployment of UN military observers in the former Yugoslav republic of Macedonia (UNPREDEP 1995–99) where a mission was deployed to deter the outbreak of hostilities.

Under the aegis of peacekeeping more operations have taken place in recent years which have gone beyond the original tasks. Those conducting peacekeeping operations are increasingly given the task of creating the conditions in which a peaceful settlement of the dispute can emerge. Thus UN observers or peacekeeping forces supervise elections; are involved in the democratization process (for example UNMIBH in Bosnia-Herzegovina since 1995); deal with or supervise the disarmament of the parties in a civil war (for example UNMOT in Tajikistan after extending the mandate from 1997 to 2000); assume the role of state bureaucracies (for example UNOSCOM I and II in Somalia 1992–95); or

provide humanitarian aid (for example UNPREDEP in Macedonia 1995–99).

These new tasks are also reflected in *An Agenda for Peace* of 1992 (UN-document A/47/277; S/24111) proposed by former UN Secretary-General Boutros Boutros-Ghali (1992–96). In this document Boutros-Ghali pleaded for a strengthened UN involvement in connection with civil-war situations and the onset of the breakup of states. This led to a further broadening of peacekeeping operations. Since the mandates of traditional and multidimensional peacekeeping can only be fulfilled if there is a ceasefire in the area, which is often not the case in civil-war zones, peace missions were now authorized under Chapter VII of the UN Charter to create a secure environment – if necessary by force – to enable them to fulfil their mission. The peacekeeping operations in Somalia (UNOSOM II 1993–95) and in the former Yugoslavia (UNPROFOR 1992–95) thus represent another peacekeeping innovation called 'robust peacekeeping'. However, this broadening of the mandate is not entirely new: it had already been tried out in the mission to the Congo (ONUC) in 1960, almost 30 years before the multidimensional peacekeeping which began in 1989 with UNTAG in Namibia (Doyle 1999: 456, fn. 3). Missions which belong to the category of robust peacekeeping have entered the system of collective security since the consensus of one or more parties to the conflict is no longer a condition for sending a mission (Doyle 1999: 448).

Lastly, the mandates of the peacekeeping operations in Kosovo (UNMIK, since June 1999) and East Timor (1999–2002) lead to the conclusion that we have witnessed the emergence of yet another category of peacekeeping. These complex mandates combine securing the peace through the deployment of armed forces with consolidating the peace through deployment of civilian personnel (Kühne 2000b: 1357). The latter is characterized by the taking of substantial political and administrative responsibility; civilian personnel assume government responsibility in trust until local or regional self-government can be put in place.

The system of consensual security, with its further development in the area of UN peacekeeping, provides at least in part a suitable example of cooperation in the area of security. For example, the peace missions to Namibia (1989–90), El Salvador (1991–95) and Cambodia (1991–93) are repeatedly cited as success stories (Gareis & Varwick 2005: 104–5; Weiss, Forsythe & Coate 2004: 51–4). As to robust peacekeeping under Chapter VII of the Charter, the organization recognized the necessity to get involved, even against the will of at least one of the parties to a conflict. Yet it failed – as is painfully exemplified by the missions to Somalia (1992–95), the former Yugoslavia (1992–95) and Rwanda (1993–96) – because of insufficient operational capacity and ultimately also because of the indecision, mainly of the Western members, in providing timely and

adequate financial, material and personnel resources (Gareis & Varwick 2005: 105–8).

Nevertheless, complex peace missions, as well as the considerable capacity of the UN to reassess its own role, have seen the great disappointment of the mid 1990s transformed into guarded optimism. However, despite the increased use of peacekeeping – 59 such operations (as of 2004) have taken place since 1990 – continuing discussions about fundamental reform of the peacekeeping apparatus make clear that such operations in their present form cannot provide a decisive answer to specific problems in the field.

Information activities of the UN

International cooperation always depends on the availability of reliable information. The United Nations can exert some influence on this in the security field. First and foremost it represents a forum for the exchange of information between states and also between non-governmental organizations. In the meetings, negotiations and discussions taking place in the various organs and bodies of the United Nations, states share with one another their understanding of the international situation, their ability to react, their proposed action policies and so forth. Thus, they supply one another with information which helps to shape their own behaviour (Dicke 1988: 2, 6). To obtain reliable information about certain conflict hotspots, government representatives increasingly make use of humanitarian NGOs like Oxfam and Médicins sans Frontières.

Especially significant in this context is the Secretary-General's Annual Report. This receives considerable publicity and enables the Secretary-General to exert a real influence on the agenda of international politics. This is especially so if they are able to marshal public opinion using the information supplied and so exert pressure on state representatives. United Nations information activities contribute at least indirectly to world public opinion, despite the lack of democracy in their formulation.

Evaluation of the organization's outputs

Does the United Nations make a relevant contribution to overcoming the threat or use of force in international relations and to stabilizing the peace? Simply by banning the use or threat of force between member states the United Nations creates a minimum trust concerning expected behaviour. Operations within the framework of collective security ensure the maintenance of the physical existence of political entities and can dis-

mantle the mistrust between states inherent in the security dilemma. During the Cold War, however, only exceptionally could the UN impose collective enforcement measures. The end of the East–West conflict gave the Security Council a new ability to make better use of the available options, but these do not constitute a panacea.

There are two principal reasons for the ineffectiveness of collective security even following the end of the Cold War. First, continuation of selective authorization of measures by the Security Council hindered the creation of an expectation of reliability for both aggressors and victims (Rittberger, Mogler & Zangl 1997: 39ff., 60). Secondly, the 1990s showed that the system of collective security was insufficiently adapted to threats stemming from conflicts within states. The Security Council reacted by continuously broadening the interpretation of Article 39 of the Charter (Chesterman 2003: 127ff.; Forsythe 2000: 57ff.) by widening the preconditions for the existence of a threat to the peace beyond that of armed conflict within states, to encompass continuing and serious violations of human rights and humanitarian emergencies within states. These measures constituted a change in the concept of security, going beyond the territorial inviolability of states to consider the physical integrity of individuals and peoples as worthy of protection (Miller 1999: 325). Thus it is concerned not only with states' security but also with human security. However, there is certainly not an unconditional acceptance of this new interpretation of threats by the permanent members of the Security Council, as can be seen by the selective nature of the measures taken. Moreover, codification has not yet happened. Thus it remains unclear which actions by which agents (states or even units within states such as liberation movements) necessarily require measures to be taken by the community of states within the framework of a system of collective security.

The increased use of peacekeeping and the broadening of its mandate led to a gap between the demand for and the supply of resources by member states. This is now recognized and forms the basis for fundamental reforms. The Brahimi Report of 2000 contains far-reaching suggestions for reform of the peacekeeping machinery (UN-document A55/305; S/2000/809). The Special Committee on Peacekeeping Operations of the General Assembly presented its final report in time for the 56th General Assembly in which some – though by no means all – recommendations of the Brahimi Report were proposed for implementation (Kühne 2001). The lengthy negotiating process of the Special Committee, as well as the continuing uncertainty about the readiness of member states to support the reform process financially and organizationally, point to an uncertain future. Yet more recently another attempt to reform peacekeeping has been made with the establishment in September 2003 of a High-Level Panel on Threats, Challenges and Change. Its report, presented in December 2004,

contains inter alia recommendations that aim at increasing the efficiency of peacekeeping. For example, the Panel recommends establishing a Peace Building Commission that should coordinate the whole range of measures running from early warning through preventive action to post-conflict peacebuilding (www.un.org/secureworld/).

Dynamics of arms procurement

By using the term 'dynamics of arms procurement' rather than that of the 'arms race' we want to emphasize that arms may be procured not only for external but also for internal reasons. As noted above, the security dilemma may result in the stimulation of arms procurement despite the fact that the states involved would prefer an arms-control agreement rather than an arms race. But here, too, matters are exacerbated by the problem of limited transparency about armaments and the difficulty of restoring one's physical existence once it is lost. What, and how, can international organizations contribute to overcoming these obstacles to security cooperation and therefore to the advent and stabilization of arms control? To clarify these questions as precisely as possible we shall concentrate on the non-proliferation of nuclear weapons.

Policy programme of the UN

The UN is rather vague on how to limit the armaments dynamic. Precise instructions about the size of arsenals, the legality of specific types of arms or even the implementation of possible arms limitations are not referred to in the Charter. A definition of disarmament and arms control programmes is required. In Article 26 the Charter states that 'the Security Council shall be responsible for formulating ... plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.' Due to the Security Council's blockage during the Cold War the General Assembly assumed this task in its place, in accordance with Article 11 of the Charter, by discussing the principles for disarmament and the regulation of armaments and by making recommendations.

As early as 1945 an agreement on the peaceful use of nuclear energy as well as on complete nuclear disarmament was requested and discussed within the United Nations. The first initiative to create norms and rules to prevent the proliferation of nuclear weapons was taken to the General Assembly in 1958 by Ireland, but met with no support. Following a further Irish initiative in 1961, the General Assembly unanimously endorsed the goal of the non-proliferation of nuclear weapons in

Resolution 1665 (XVI). In Resolution 2028 (XX) (1965) it demanded that the Eighteen-Nation Committee on Disarmament, which had been founded in 1961 and which met in Geneva, should concentrate on negotiating a nuclear-weapon non-proliferation treaty. The Committee, consisting of five states each from the Western and Eastern blocs as well as eight representatives of the non-aligned states, entered into a concrete intergovernmental negotiating process that is typical for reaching policy programme decisions (see Chapter 6). As the model of intergovernmental negotiating processes leads us to assume, the negotiations were dominated by the most powerful states, especially the USA and USSR, which attempted to make the renunciation of nuclear weapons more acceptable to the weaker states through concessions in the area of the civilian use of nuclear energy and in the form of promises of disarmament. In the end members of the Committee were able in 1968 to agree on a text which was accepted by the General Assembly in that same year (Resolution 2373 (XXII)) by a large majority with the recommendation that the member states should sign and ratify it speedily (Müller, Fischer & Kötter 1994).

The basically regulative programme of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) largely mirrors the factual inequality of states in its distribution of rights and duties (Müller 1989: 282–7; Müller, Fischer & Kötter 1994). While it contains a broad limitation of options for non-nuclear-weapon states, those with nuclear weapons (for these purposes the USA, USSR, UK, France and China) were far less restricted. The non-nuclear-weapon states were required 'not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices' (NPT, Article II). Thus the treaty meant a loss of the nuclear-weapon option for those states which did not already possess these weapons, whereas the nuclear-weapon states were only required 'not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly' (Article I). At the same time the nuclear-weapon states that signed and ratified the treaty undertook 'to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control' (Article VI). This linkage of the ban on horizontal proliferation with the limit on vertical proliferation of nuclear weapons (nuclear arms race of the superpowers), however, remained very tenuous. In reality, despite repeated reminders by the non-nuclear-weapon states, and espe-

cially the developing countries of the South, the ban on vertical prolifera-
tion was only realized in part (for example in the SALT and START treaties
as well as in the INF treaty) (Marin Bosch 1999: 381ff.). In this sense the
commitment by the nuclear-weapon states to concrete and verifiable steps
to disarmament, including a comprehensive test-ban treaty (CTBT) negoti-
ated in 1996, represented an important precondition for the unlimited
extension of the NPT in May 1995 (Müller 2002: 169ff.). However, the
test-ban treaty has still not entered into force since two recognized nuclear
powers, the USA and China, stubbornly refuse to ratify it. The same holds
for the unofficial nuclear powers – Israel, India and Pakistan.

Besides the promise to disarm, nuclear-weapon states were able to tie
non-nuclear-weapon states to the NPT with the promise to drop the policy
of refusing to transfer nuclear technology as a weapons-non-proliferation
strategy. They guaranteed the nuclear have-nots participation in the inter-
national civilian nuclear trade on the basis of equal opportunity (Article
IV). However, the treaty requires safeguards for the civilian nuclear trade
'with a view to preventing diversion of nuclear energy from peaceful uses
to nuclear weapons or other nuclear explosive devices' (Article III, para-
graph 1). For their part the nuclear-weapon states committed themselves
only to trade in nuclear matters with those non-nuclear-weapon states
which have accepted the supervision measures (Article III, paragraph 2).

Operations of the IAEA

To avoid the norms and rules of the NPT remaining a dead letter, the
International Atomic Energy Agency (IAEA) was given the task of
assuming the operational activities necessary for implementation. To
implement the policy programme, its content needed to be specified.

In order to specify which nuclear source materials and installations
could be exported by states, a list of nuclear goods, the export of which
presupposed supervision measures by the IAEA in the importing country,
was negotiated in the NPT Exporters Committee of the IAEA, the
'Zangger Committee' (named after its first chairman, the Swiss, Claude
Zangger). The Zangger Committee was composed of the main exporters of
nuclear technology and was supposed to lead to a harmonization of their
export practices to prevent goods suitable for the production of nuclear
weapons from being passed on without safeguards (Inventory of
International Non-proliferation Organizations and Regimes 2000: 36ff.).
However, it was not until 1974 that the nuclear supplier states reached the
first, very general and limited agreement about their nuclear export policy
(the 'trigger' list, published as IAEA document INFCIRC/209). In the same
year India detonated a nuclear device. In 1975 strict export guidelines and

the need for greater care in exporting nuclear technology were agreed
upon. However, coordination took place outside the framework of the
IAEA in an export cartel of supplier countries of nuclear technologies, 'the
London Suppliers Club' (Spector 2002: 127–8). Their strategy of refusing
technology transfer to potential nuclear states among the developing coun-
tries of the South had its basic weaknesses. On the one hand, it led to open
discrimination between the countries importing nuclear technologies. On
the other hand, adherence to these agreements was left to the discretion of
the supplying countries since they had not decided on any supervision of
export practices.

Due to this lack of control the nuclear supplier states could keep
exporting nuclear technologies without running the risk of discovery. This
practice became evident with the disclosure of the clandestine nuclear
weapons programme of Iraq (Spector 2002: 128–9) that had obtained
from abroad a large part of the installation materials required, by pur-
chasing them from states that dispose of nuclear technology. The discovery
of Iraq's nuclear-weapons programme led members of the London
Suppliers Club to renegotiate the obsolete export guidelines. They gave
special consideration to those regulations concerning the export of dual-
use technology, that is nuclear installations and materials suitable for both
military and civilian application.

The specification and implementation of the export-control norms of the
NPT, enjoying limited success and neglected for a long time, stand in con-
trast to the largely successful specification and implementation of the safe-
guard norms by the IAEA. Unlike the negotiations for export-control
guidelines, the elaboration of the safeguards, the core of the operational
implementation of the programme of non-proliferation of nuclear
weapons, proceeded relatively quickly (Chellaney 1999: 380ff.). Even
before the coming into force of the NPT, the IAEA had safeguards at its
disposal in the form of the model safeguards agreements INFCIRC/26 and
INFCIRC/66, adopted by its Board of Governors in 1961 and 1966
respectively. A new model safeguards agreement INFCIRC/153 was
worked out only one year after the signing of the NPT in 1968. Coming
into force in 1970, the treaty retained its validity until the decision was
taken to proceed to a fundamental reform of the safeguards regime in
1995 and 1997.

According to INFCIRC/153 every non-nuclear-weapon state which has
concluded a safeguards agreement with the IAEA is obliged to notify the
IAEA of all facilities and materials deployed in the peaceful use of nuclear
energy. Furthermore, it must keep a record of nuclear materials for the
declared facilities, which enables verification of whether nuclear material
for peaceful uses has been diverted to military purposes. The new and so
far unique character of the safeguards is that the system of accounting for

and control of all nuclear materials is being supervised by an international organization, the IAEA. To this end the IAEA inspectors have the right to check the declared facilities on site. Furthermore the IAEA has the right to install instruments and surveillance equipment, such as cameras, at key measurement points (den Dekker 2001: 274–97).

Despite these far-reaching control mechanisms, the safeguards system of the IAEA did not provide complete protection against diversion of nuclear fuel suitable for weapons. In practice the IAEA was not in a position to verify whether a state had really declared all its facilities and the entire nuclear source material of its nuclear activities. The loopholes in the safeguards system of the IAEA became obvious in 1991 when a United Nations Special Commission encountered signs of a substantial nuclear weapons programme in Iraq. The country had made false declarations to the IAEA concerning both its facilities and the available nuclear source material (Chayes & Chayes 1995: 181).

In 1991 the Director-General of the IAEA formulated a reform programme having three points. First, the organization was to gain unhindered access to all suspicious facilities. Second, its inspectors should be able to share their knowledge with the secret services. Third, the UN Security Council was to cooperate with the IAEA to strengthen the sanctions process. In 1997 the Board of Governors adopted a new model safeguards agreement INFCIRC/540. Although the Director-General's wish for unhindered access was not granted, the new model safeguards agreement contains a substantial extension of member states' duty to report as well as of the IAEA's inspection rights (Colijn 1998: 95–7; den Dekker 2001: 297–305; Loosch 2000).

The IAEA safeguards system can be seen as an important contribution to the non-proliferation of nuclear weapons. It represents a transparency rare in the field of security. Supervision by the IAEA provides some guarantee to the non-nuclear-weapon states that other non-nuclear-weapon states will not gain an advantage in arms technology and procurement by diverting nuclear energy from peaceful uses. Thus the safeguards system encourages the expectation that there will not be a danger of being overtaken by other states by renouncing one's own nuclear-weapon capacity (Beckman et al. 2000: 223). Only with such mutual expectations of security does the option of renouncing nuclear weapons appear possible.

However, in the case of a breach of the NPT there is only a small chance of imposing sanctions even if the Board of Governors of the IAEA can pass this information to the UN Security Council. If the Security Council sees the breach of contract as a threat to international peace and security, it has the right to impose collective enforcement measures against the respective state (Müller, Fischer & Kötter 1994). Yet this path has never been followed. Even the destruction of Iraq's nuclear facilities in the wake of its

defeat in the 1991 Gulf War was not a consequence of the sanctions process of the NPT but a result of the outcome of the war and the related ceasefire conditions as decreed by the UN Security Council (Resolution 687 (1991)).

Information activities of the IAEA

A central obstacle to cooperation in the field of security is the tendency of states to keep secret such measures as are meant to guarantee their own security. Where states are prepared to exchange sensitive information they generally do this on the condition of confidentiality. Thus those international organizations active in addressing arms-procurement questions tend to serve as non-public exchange markets for confidential information. This holds in particular for the 44 members (2005) of the London Suppliers Club which has been criticized because of its extreme levels of secrecy. In contrast to the London Suppliers Club, the IAEA functions as a public information platform. Its annual *Activity Report* and the quarterly *IAEA Bulletin* give information about the organization's programme and operations concerning nuclear non-proliferation. Numerous information brochures complement its publicity (www.iaea.org). In addition the organization is at the centre of a worldwide network of researchers and experts in the areas of nuclear non-proliferation and of the peaceful uses of nuclear technology. With the help of research institutes all over the world and other international organizations, the IAEA maintains a multitude of numerical, bibliographical and other databases. Finally, through its own three laboratories and research institutes, the organization contributes to the independent generation of information in the area of nuclear safety and nuclear technologies. The results of research projects funded by the IAEA are published.

Evaluation of the organization's outputs

The analysis of the outputs of the United Nations and the IAEA has shown that these international organizations participate in the creation of cooperative networks in the field of international security. They make an important contribution on questions of arms procurement, especially in preventing the proliferation of nuclear weapons between states (horizontal proliferation). By concentrating on generating policy programmes, their specification and implementation, and supervising adherence to rules with the possibility of sanctions, the United Nations and the IAEA seek to reduce the structural mistrust inherent in the security dilemma. It would be

difficult to overestimate the value of the safeguards. They create an essential minimum transparency, thus strengthening international trust that agreed norms and rules will be respected and followed. The discovery of Iraq's clandestine nuclear programme raised doubts about the reliability of the IAEA safeguards and led to a tightening of the rules. Yet the reform remains incomplete in the face of the refusal of states like North Korea to cooperate with the IAEA on the basis of the new model agreement INFCIRC/540. Thus the strengthening of the sanctions mechanism is a pressing task for the future. Although India, Israel and Pakistan have a nuclear-weapons capability, the effectiveness of the United Nations' and IAEA's non-proliferation regimes has to be recognized. Without their policy programmes and their operational activities we would have to confront a far greater number of nuclear-weapon states (Beckman et al. 2000: 222ff.).

However successful non-proliferation policy may have been regarding horizontal proliferation, it was unable to halt the nuclear arms race of the superpowers (vertical proliferation) (Beckman et al. 2000: 222). It was not until the end of the Cold War that progress was made in this area. However, any agreement about nuclear disarmament between the USSR (and later Russia) and the USA was negotiated and reached outside the United Nations. Furthermore, we must note that limitation of the proliferation of nuclear weapons so far represents an exception in international arms control. Efforts by the United Nations to put in place a system of arms control for non-nuclear weapons had already failed at the stage of policy programming. Only in the negotiations for a general treaty banning chemical weapons, the Chemical Weapons Convention (CWC), presented for signature in 1993, was the United Nations able to give an important forward impulse. The Convention came into force in April 1997, bringing to life at the same time the Organization for the Prohibition of Chemical Weapons which was intended to supervise the implementation of the treaty regulations, including the destruction of existing chemical arsenals, according to a fixed time plan. By the end of 2004 the organization had undertaken over 1,800 inspections (www.opcw.org) and first evaluations of its activities are positive (Zanders et al. 2001: 548).

Conclusion

Summarizing, we can say that the question of the dynamics of arms procurement, with the exception of a few agreements, has been left largely to a policy of self-help by states. Yet the few areas where regulation became possible show, as in the case of nuclear non-proliferation, that international organizations can and do make an important contribution to arms control.

Chapter 9

Welfare and Economic Relations

In welfare and economic relations, as in security, there is a dilemma which sets the parameters for cooperation. The welfare dilemma arises in an international economy in which each state can, without the intervention of a central authority, decide on its own trade and monetary policies. Thus each state may try to increase its share of the economic pie by raising tariffs, imposing import restrictions, or devaluing its currency. If, however, all or most states seek to increase their share of the economic pie through a policy of 'beggar thy neighbour', some may achieve a degree of short-term success; in the long term, however, the shares will remain equal but the overall pie will shrink. The welfare dilemma describes a social trap in which trade or monetary policies aimed at increasing welfare for individual states place both the community of states collectively and also each state individually in a worse situation than would have been the case with effective international cooperation.

Although there are structural similarities between the welfare and the security dilemmas, nevertheless the conditions for international cooperation are much better in the welfare and economic relations field. First, the tendency of states to assess their own gains from cooperation in comparison with those of others is less important. States usually assess whether they gain in absolute terms and are less concerned that others might gain even more than they do. While conflicts over the distribution of gains from cooperation can be an obstacle to such cooperation, they are easier to resolve than conflicts arising out of concerns over relative gains (Efinger, Rittberger & Zürn 1988: 92–7; Efinger & Zürn 1990). Second, states are more willing to trust in each other in the welfare and economic relations field because it is easier to recoup losses than in the security field since damage to material well-being is easier to correct. A third advantage in international cooperation is the relatively high degree of transparency inherent in this field. Since raising tariffs or the devaluation of a currency are difficult to hide, states can trust in each other's cooperation more easily than in the security field. Fourth, as in the field of security, special interest groups, such as industry lobbies, can prevent states from engaging in international cooperation. See Table 9.1.

Thus on the whole, the structural elements of the welfare and economic relations field are characterized by a relatively limited element of distrust when compared with the field of security. However, conflicts about the dis-