

ELEMENTS OF COLLECTIVE SECURITY & THE EFFICACY OF THE UNITED NATIONS.

THE YUGOSLAV & SOMALI EXPERIENCES.

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ABSTRACT

The goal of establishing the collective-security-system is not just fiscal expediency, but also to shape a world that is more than an agglomeration of states, and a principled community. Any nation within the international system that commits aggression, imperils the peace, or grossly exceeds the bounds of civilized behaviour, violates the norms of the collective-security-system. The Security-Council of the United-Nations established in 1945 is vested with the responsibility of maintaining international peace and security. However, the world has witnessed two world-wars and many inter/intra state wars, which have claimed many lives. Irrespective of the arrangements made under the League-of-Nations; which obviously failed, and the United-Nations, conflict continues to be a scourge which raises its ugly head in virtually all continents of the world. Even the end of the cold-war has not guaranteed permanent peace. Using the Yugoslav and Somali experiences as case studies, this work takes a more realistic view of the intrinsic nature of the present-day international-system and a reexamination of the elements of an ideal collective-security-system with a view to enhancing the efficacy of the UN in the realization of international peace and security. Data collection was through content analysis and analysed using the quantitative chi-square scientific method. Findings revealed that there is no significant relationship between the resolution of the Yugoslav and Somali crises, and the application of the elements of the collective-security-mechanism, that the UN consciously or unconsciously presented itself as an instrument for attaining the strategic objective of a mega power – the U.S, and that there is a total disconnect between the elements of collective-security & the UN outing in the Yugoslav & Somali crises. For countries to trust collective-security, they have to know it works well enough to safeguard their security. Therefore, the work recommends a critical reform of the working hypothesis of the UNSC, by building into the system devices and innovations that could constrain member States from paralysing the system by arbitrary actions. Collective enforcement operations must be fully accountable to the Security-Council, and should be representative. Also, establishment of a UN military academy without friends or foes and with a new philosophy of universal peace, honour, justice unfettered, and security for all. Adoption of a wider scope of the concept of aggression to include indirect aggression in the form of sabotages, economic aggression, and other forms of pressure, initiated by the powerful states, aimed at bringing the weaker states under the subjugation of the world mega-powers. The work concludes that even the legitimacy of the humanitarian intervention or the use of military force by individual states must conform to the norms of the UN-Charter. The UN is not; in any way, irrelevant. Indeed it remains the only body with sufficient legitimacy to pull the world back from the chasm of lawlessness that it is yet again looking down into. The UN should therefore, not compromise its laws and principles in the face of increasing violence committed by states (powerful or not) as well as non-state actors.



1. INTRODUCTION:

The time must come when the imperative necessity for the holding of a vast, an all-embracing assemblage of men will be universally realized. The rulers and kings of the earth must need attend it, and, participating in its deliberations, must consider such ways and means as will lay the foundations of the world's Great Peace amongst men. Such a peace demandeth that the Great Powers should resolve, for the sake of the tranquility of the peoples of the earth, to be fully reconciled among themselves. Should any king take up arms against another, all should unitedly arise and prevent him. If this be done, the nations of the world will no longer require any armaments, except for the purpose of preserving the security of their realms and of maintaining internal order within their territories. This will ensure the peace and composure of every people, government and nation [Bahaullah in Effendi, 1983: 248].

This research is an enquiry into one of the most sensitive tasks confronting mankind today— the maintenance of international peace through collective security. The world has witnessed two world wars and many inter/intra state wars, which have claimed many lives. Irrespective of the arrangements made under the League of Nations, which obviously failed, and the United Nations (UN), conflict continues to be a scourge which raises its ugly head in virtually all continents of the world. Even the end of the cold war has not guaranteed permanent peace.

The premise of this research is the conviction that the UN is not just fundamentally capable of dealing with the main geo-political problems – understood, in the broadest sense, as the creation of a secured world, but is, in fact indispensable to that end, and that individual shortcomings can be solved by reforms.

At the initial stages, one is tempted to believe that conflict is an integral part of human existence. For reasons of protection from both humans and animals, people hunted collectively, lived collectively and defended themselves collectively. It is from this early period that the concept of collective security evolved. When nation states emerged, they were forced into military blocks and alliance in order to protect what they perceived to be threats to their peace and security, especially against hostile neighbours (Sun Tzu, 1971). This process gradually developed into the international system.

The purpose of this work is to analyse the ideal elements of collective security that will enhance the efficacy of the UN in the maintenance of international peace and security. Using the Yugoslav and Somali experiences as case studies, the research intends to recommend clear and practical measures for ensuring effective collective action, based upon a rigorous analysis of future threats to peace and security.

2. CONCEPTUAL ANALYSIS:

...Security is the absence of danger to the fundamental values of any nation... the absence of fear and uncertainty in individuals and in nations... the absence of the danger of aggression or domination and



the absence of threats to sovereignty, territorial integrity, independence and self-determination... the absence of the danger of domination through the direct or implied use of military might, as well as through economic, financial and political means of control to dictate and use of human or natural potentials of another country. Security is to be free from hunger, disease, ecological catastrophes and foreign exploitation of human and natural resources. Security has national, international and humanitarian dimensions – all of them encompassed by freedom- freedom from fear of all the forms of bondage that are widespread in the world and reported daily by the media (Golob in UNDoc- Global security, 1987:51).

Against the background of the experience of the Second World War, the UN Charter of 1945 saw the classical inter-state war as the main threat to world peace. It attempted to deal with this threat through an organised form of collective security, the centre of which is formed by the UN Security-Council (UNSC) and its powers as defined in Chapter VII of the charter.

However, new assertions of nationalism and sovereignty have sprung up, and the cohesion of States has been threatened by ethnic, religious, social, cultural, and linguistic strife. Social peace has been challenged, moreover, by discrimination and acts of terrorism seeking to undermine change through democratic means.

While the concept of peace may be easy to grasp, that of international security is more complex, for a pattern of contradictions has arisen as well as the proliferation of weapons of mass destruction threatened to increase, and conventional arms continue to be amassed in many parts of the world. Since the creation of the UN in 1945, more than 100 major conflicts around the world had left some over 20 million dead. (UNHLP Report, 2004).

As first conceived by the founders of the UN, the collective security system was like a "vintage wine" (Claude, 1971:247). The idea of collective security is basically a politicolegal concept. The charter of the U.N. especially the Preamble, and Articles 1 and 2 use the terminology- "international peace and security", which also means that international peace and security could be guaranteed only through collective measures by all the member states of the organization.

Article 1(1) of the Charter gives a clearer insight into the concept. It stipulates that the maintenance of international peace and security is to be achieved through effective collective measures for the prevention and removal of threats to peace and to bring about adjustment or settlement of international disputes by peaceful means. To achieve this objective therefore, states are required to act, in conformity with the principles of justice and international law (Art. 26).

Albright clearly recognizes that collective security is not another term for alliance. Rather, as the theory suggests, she points out that any nation within the regional or international system that commits aggression, imperils the peace, or grossly exceeds the bounds of civilized behavior, violates the norms of that collective security system. She observed that, the international system faces a threat that-

...only collective security can ultimately manage...a world where weapons of mass destruction proliferate and ethnic and regional conflicts trigger



massive refugee flows, enormous economic dislocations, unacceptable human rights atrocities, environmental catastrophes, and the senseless killing and maiming of millions of civilians (Albright, 1993:65-66).

The distinction between unilateral and collective use of force is not one of numbers but of authority and purpose (Dixon, 2000). Irrespective of the number of states involved, unilateral force is the result of a unilateral decision and is designed primarily to achieve goals personal to the acting state(s). Collective use of force, by contrast, is the result of the decision of a competent international organization and is taken on behalf of its representative community at large.

However, it must be recalled that the concept of collective security was actually used in Article X of the Covenant of the League of Nations. Unfortunately, the League of Nations did not recognize the concept of equality of nations as African states were still colonies.

The idea of collective security is basically a mutual insurance plan in which membership would either be universal or as nearly universal as possible.

According to Hartman, all the members of the security organization would assist any member attacked either by another member or members or from outside the organization. The idea is rested upon certain assumptions. First, it was rooted in the hope that at the time of crisis, such obligations would be honoured by the members. Second, and even more fundamental, it assumed that the security interests of most states were fundamentally compatible. Thirdly, it assumed that the power of revisionist "have-not" states desiring the overflow of the existing status quo, would be so small in comparison to the power of the law abiding states, that none would dare start a war, or, if they did, they would be defeated in short order and with relatively small effort (Hartman, 1978).

Ernest Hans on the other hand, opined that collective security is the strategy used by the inter-governmental organizations to restrain the use of force among the members. It provides the normative injunctions and modus operandi for dealing with acts of aggression. It also include the norms and procedures for inducing members to delay hostilities, summed up under the label- pacific settlement of disputes (Haas, 1968).

Pacific settlement of disputes is delineated and defined in Chapter VI, Articles 33, 34, 35, 36, and 38 of UN charter. More importantly, collective security also comprises, the organisation's own ability to use force against a member if pacific settlement fails. The spirit of this action is contained in Chapter VII of UN's Charter. Article 39 of the UN charter states:

The Security-Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

While Article 41 stipulates that:

The Security-Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the members of the UN to apply such measures. These may include complete or partial interruption of economic



relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations.

Collective security also implies that the members are confident of their definition of aggression, so that all members can agree when aggression against one member has occurred. In international politics, however, such clarity has been rare.

The theory of collective security invokes a strong analogy to domestic law enforcement. Scholars have also noted that it is similar to the principle that anyone who takes another's property by force will be arrested and punished, no matter whether the particular seizure seems to threaten other taxpayers or not, and no matter whether the assailant claims legitimate grounds for the attack. In domestic societies, such claims are permitted to be argued in a court suit, but not by violence. To the extent that this domestic analogy is accepted, it poses severe problems for the logic of collective security in the international system, where there is no authority to adjudicate disputes (Betts, 1992).

The idea of collective security is novel in that it differs fundamentally from all other security arrangements made by states historically, though it is not entirely new. Past efforts to regulate international relations never really aspired to anything quite so universal. Balance-of-power systems generally have been attempts by the major actors to provide regional solutions to the problems of aggression. In contrast, collective security aspires to an unprecedented degree of universality, by requiring every member of the system to act.

Inis Claude sees collective security as a compromise between the concept of world government and a nation-state based on balance of power system, where the latter is seen as destructive or not a good enough safeguard for peace, and the first is deemed unaccomplishable at the present time. And while collective security is possible, several prerequisites have to be met for it to work (Claude, 2006).

First: all states; especially all powerful states, have to be in the collective security arrangement and committed to it, for it to work. The League of Nations faced major problems with this, given that the United States, a leading international power, did not join nor give its support to the organization. Similarly, when Italy invaded Abyssinia, British and French governments were more committed to blocking the rise of Germany, and hence did not seriously chide Mussolini, who they saw as a potential ally against Hitler in 1935.

Second: no one state can block the decision making process. This was a major issue with the League of Nations, as it gave every state veto power, as well as with the UN, which gives it to five powerful nations. Should vetoes be allowed, the collective security arrangement will be greatly weakened as one country can subvert a democratic decision.

Third: for sanctions to work, the international economy has to be sufficiently interdependent such that sanctions harm the intended country enough, but do not harm the countries doing the sanctioning. And for sanctions to work, universality of their application is especially important for them to have an effect.

Fourth, for countries to trust collective security, they have to know it works well enough to safeguard their security. But at the same time, unless countries trust it, it's less likely to work. And while it is possible for collective security to start off with a small number of states and gradually have more adopt the idea, the first three issues need to be addressed in the first place, especially the second with regards to the UN's allocation of veto power and permanent seats.



Another approach would be to take a more realistic view of the intrinsic nature of the present-day international system and to try to work for the realization of international peace and security within the reality of the present Charter framework.

...the Security-Council is fully empowered under Chapter VII of the Charter . . . to address the full range of security threats with which States are concerned and that therefore the task is not to find alternatives to the Security-Council as a source of authority but to make the Council work better than it has (UNHLP Report, para. 198).

Whichever approach one takes, however, it is clear that the issue of building legitimacy and effectiveness of the UNSC as the executive organ for implementing international public order in the name of the international community is a crucial point. When one examines closely the record of performance/non-performance of the UNSC at the crucial moments of the post-Cold War era, where major issues of peace and security were involved, including cases of human security crises such as the Kosovo crisis of 1995, the Rwanda crisis of 1994, and the Darfur crisis, one finds that there was almost always tragic dilatoriness and/or lamentable inactions.

Claude cautions his readers lest they feel collective security be used as an enforcement mechanism for all violations of international law – such logic is what created the over confidence described in the early days of the UN's history. States must not threaten collective security action for violations of all international norms; it must not be appropriated to apply to just any multilateral intervention and is not, as Allen Dulles believed, a form of state insurance (Dulles in Finkelstein and Finkelstein,1966) to be used as an enforcement mechanism for the whole body of international law (Claude, 1971). However, because collective security has always been described in ideal terms, it has never been defined by treaty, or by the supreme international tribunal which has been functioning at The Hague since 1922. Collective security, therefore, is always in danger, according to Martin, of being high jacked as a "cry for the moon" (Martin, 1952:13).

3. THEORETICAL POSTULATIONS:

There are several theories that can be applied to this study such as, the liberalist theory, the hegemonic stability theory, the constructivist theory, the realist theory, among others. However, the theory that best explicate this study is the system theory based on its methodological and explanatory powers.

From the perspective of the system theory, a political system is a set of elements which are interrelated and interdependent, and comprises patterns of behaviours in dynamic interactions. These patterns of behaviours are generally all-inclusive in character and produces results that are authoritative and binding, and which enhances the peace prospects of the system objectives (Easton, 1965; Wiseman, 1966).

This theory could be traced to scholars such as Ludwig Von Bertallanfy -1965, Gabriel Almond -1965, David Easton -1965, Oran Young -1968, among others. It posits that the world is a system of an organized whole in a dynamic interaction, and that by creatively constituting parts or sub-systems and structures into a system, the sub-systems become specialized units. These units are incapable of fulfilling by themselves all the separate functions



needed to ensure their increased stability or homeostasis. They therefore depend on one another and it is this dependence that gives rise to rules which bind the system together.

Accordingly, every system aims at providing the ideal and appropriate environment for its parts or sub-system. Once the correct environment is established, the sub-systems act in ways that are beneficial to the maintenance of the system: survival, stability or homeostasis. But if the correct environment is lacking, the system will act in ways which move towards the disintegration of the system.

Though this theory may be lacking because the objectives of the State may be considered revolutionary as it challenges the international system as an undesirable imposition and seek to change its objectives/dynamics, which will certainly generate system dysfunction, in collective security arrangements, actors identify each other as citizens who are obliged to uphold agreed-upon rules of behavior and act collectively to punish those who do not uphold those rules. There is no presumption that actors will universally agree to the directive-rules; an enforcement mechanism that includes military force is thus needed to punish any transgressors of the rules. A collective security arrangement may enforce only the rule of state sovereignty, or it could enforce rules regarding weapons proliferation, terrorism, human rights, among others. The use of force is considered to be sometimes necessary and acceptable to enforce system rules (Wendt, 1999).

Collective security orients actors to act with a sense of duty to generate rules of peaceful behavior and punish those who break the rules. Through the explosion of multilateral treaties, UNSC resolutions and UN peacekeeping missions, actors have been slowly institutionalizing an international collective security arrangement in the post-cold war period. In the collective security, actors identify each other as friends committed to the peaceful resolution of conflict. Actors in the security system have a strong consensus about the obligation to follow the rules of their system, and they engage in peaceful, multilateral decision-making to ensure security through political relationships. The directive to follow the rules of the system does exist in the security system, but enforcement does not include the possibility of force. Given the lower level of threat in these social arrangements, security often refers to alternative security issues like the environment and the economy (Adler & Barnett, 1999). The security system orients actors to act with great trust and togetherness toward one another.

4. THE ELEMENTS OF IDEAL COLLECTIVE SECURITY SYSTEM AND THE UN CHARTER:

...only collective security can ultimately manage...a world where weapons of mass destruction proliferate and ethnic and regional conflicts trigger massive refugee flows, enormous economic dislocations, unacceptable human rights atrocities, environmental catastrophes, and the senseless killing and maiming of millions of civilians (Albright,1993:65-66).

Collective security may not be an insurance against all threats and it is neither anarchy nor world government. The ultimate objective of collective security is to frustrate attempts by states to change the status quo with overwhelming force (Martin, 1952). A change in the status quo meant a change to the world order of independent, sovereign states. The mechanism for change is assumed to be acts of aggression or violence by one or more states that would or could lead to war. To counter this aggression; and after exhausting non-violent methods of coercion,



overpowering collective force would be threatened and then applied to end the aggression and deter other would-be aggressors. Of course the experience of World War II is instrumental to these assumptions about what constituted a threat? Who could project this threat? And what is the appropriate response?

Naidu and Claude posit that the ideal form of collective security is constructed with seven necessary elements. These seven elements are really a reflection of the UN lessons learned from the League of Nations. However, with these elements in place, global action, through preponderant physical power would deter or defect actual or potential breaches of peace and security anywhere in the world (Naidu, 1975), thus rendering the world more stable and individual states more secured.

The failure of the League of Nations to invoke collective security to prevent World War II was fore in the minds of the authors of the Charter. If the UN were to succeed where the League had failed, then a collective security system would be essential. However, in order for states to adopt an ideal system, they must be prepared to sacrifice a degree of sovereignty. As outlined in the Charter, a state could no longer solely make the decision to use force – this was to be a collective decision. States, however, were not prepared to accept this compromise and one sees this tension throughout the Charter. For every article that ensures that the ideal elements are in place, there is a countering article that frustrates the ideal.

The elements and their manifestation in the Charter:

1). Permanency and Generality of the System: The system must be permanent, abstract and general as opposed to ad hoc, expedient or particularistic (Naidu,1975). The collective security system must be institutionalized for international security against all dangers. In other words, the system cannot be whimsical or hesitant.

This element has been realized through the UN. What distinguishes the UN from an alliance system is the fact that it is neither ad hoc nor an expedient arrangement. Rather, it is a permanent and nearly universal institution with one hundred and ninety-one (191) member states. Unfortunately, due to the veto power of the permanent five members, the generality of the system must be called into question as some breaches of the peace are not subject to the collective security system principally because they involve one of the permanent members.

2). Automatism in Collective Action: Collective guarantees of action must be absolute and automatic. As Woodrow Wilson stated, there can be no 'ifs' or 'buts' – violation of the prohibition of force must be regarded ipso facto as an act of war (Wilson in Claude, 1971). Collective security must be a mechanism that, like a mousetrap, springs automatically when tested. The response must be immediate and impartial. Naidu and Claude are rather circumspect on the issue of nuclear weapons. Presumably, automatism would be unaffected by these weapons of mass destruction because they may never be used in the first place.

We suspect Naidu has fused the concept of deterrence with disarmament and/or had not anticipated that the weapons of mass destructions technology would be transferred to non-super power states so fast.

Article 39 of the UN charter stipulates that the UNSC "shall" determine the existence of breaches to international peace but does not guarantee either the extent or speed of the response. These facts in conjunction with the veto are what undermine automaticity. The UNSC is not a mousetrap that springs automatically, as a result, this element is on shaky ground.



3). Prohibition of the use of force: Whether one has a Kantian or Hobbesian outlook on mankind's nature, history has proven that man can and will resort to armed force. Therefore, by prohibiting armed force, wars can be eliminated. However, as history has shown that not all states will refrain from the use of force in spite of its prohibition, it is better that all states are armed to counter attacks and preserve the peace through a collective security system.

The argument is circular. Really, this element advocates the prohibition of arbitrary, unilateral force. It is generally accepted that all states recognize and accept the fundamental importance of the primary ban on the resort to force – it is said to have reached the status of general acceptability, but states also accept that there are cases, including self defence (unilateral or collective), that are acceptable exceptions to the primacy of this principle.

As a cardinal principle, the Charter enshrined the prohibition of the use of force in Article 2(4). This was an improvement on the League's Covenant which did not ban war - war was only a "concern" (Art.11). However, by introducing self-defence as a right of all states, a contradiction regarding use of force was also enshrined in Article 51.

A system of collective security cannot tolerate states going it alone, rather than submitting to the system. Realistically though, few states feel secured enough to rely solely on a collective system of security. "Collective security cannot do for the international society what police actions do for the domestic community" (Thompson,1953:755) and therefore, self-defence and other military alliances help to bolster the security of individual states but detract from the 'collectivity' of collective security.

The circular argument is present in the Charter as well to a certain extent, though somewhat cushioned by the fact that Article 51 demands the states invoking self-defence to inform the UNSC immediately and do not impinge on the UNSC's primary role to maintain international peace and security.

4) Assignability of Guilt: This element assumes that all states accept a universal definition of aggression, and can recognize such acts of aggression instantly. Moreover, this necessitates procedures for the determination of aggression and an impartial institution entrusted by all to make the final (but largely forgone) determination.

The difficulty for the UNSC has been the fact that aggressions was not defined, nor were breaches to peace and security, when the Charter was drafted. This was deliberate so as not to constrain the UNSC, as the Council had been under the League of Nations.

Since then, the General Assembly had defined aggression to be "the use of armed force by a State against the sovereignty, territorial integrity, and political independence of another State…" (UNGA,Res.3314-xxix).

Breaches to the peace are still left to the determination of the UNSC on a case-by-case basis. Therefore, there is often considerable debate before a breach to the peace is determined.

Furthermore, while the act may be identified, naming the guilty party is another separate issue that the Security-Council is neither mandated nor inclined to determine. This has much to do with political precedent (Naidu, 1975), but also the fact that the UNSC had no mechanisms for prosecuting individuals. However, this has now changed with the establishment of the International Criminal Court.

5) Collective Force as Deterrence/Sanction: If the first two elements are in place, then deterrence should be achieved in theory. However, should an aggressor dare to use force then the combined forces of all the other states should so overwhelm the aggressor that hostilities



would cease, and furthermore, any other would-be aggressor should be deterred. This certainly is sanction.

Collective force is meant to be far superior to a balance of power because the philosophy underlying the former is the overall diffusion of power rather than shifts in the concentration of power to balance the power of other states.

Collective security, therefore, is thought to be more stable in the sense that instability is believed to lead to war. This presumption, however, was complicated by the existence of superpowers during the Cold War. Superpowers can impede the operation of collective security simply by being potentially stronger than the collective body (Claude, 1971). Should one of the superpowers be the aggressor, the deterrence capacity of the system vitiates significantly. The only solution for dealing with superpowers, or in today's case, a hegemon, according to Naidu, is universal disarmament- preferably, or armament control- more practically.

Unfortunately, the Charter only mentions disarmament in Article 47(1) - in reference to the duties of the never-used Military Staff Committee, Article 11(1) - in reference to possible topics of discussion for the General Assembly, and Article 26 - in reference to the Security-Council's responsibility to armament regulations in consultation with the Military Staff Committee.

The first article only refers to possible disarmament and the second refers to the regulation of armaments. Article 26, though, refers only to the regulation of armaments and not universal disarmament (Naidu, 1975).

Of course it must be remembered that the Charter was drafted during the Second World War and it would have been unrealistic to expect states to become members of an institution that advocated the renouncement of armaments and military capability for the sake of the collective good. Rather, the authors of the Charter expected to use force against aggressors defensively and not offensively. However, the paradoxical outcome was a practical arms' race to theoretical levels of destruction never presumed imaginable.

Ernest Haas, on the other hand, suggests that discussions about disarmaments are side conversations at best because the permanent five members were expected – and expected themselves – to settle their differences privately outside the UN (Haas, 1968). Therefore, whether these states were disarmed or not was largely irrelevant to discussion about collective security that really was meant to benefit conflicting smaller nations (UNSC/2002/1441).

Anonymity of Aggressor and Victim: The collective security system must be above alliances and history, it cannot harbour eternal friends or everlasting foes (Naidu, 1975). As a result, regardless of who are the aggressors or the victims, the system must be unbiased and concentrate solely on the act of aggression. Collective security, therefore, is different from a collective defence system like the North Atlantic Treaty Organization (NATO), which will only attack external enemies but not members within the alliance (Lipson, 1997).

This is closely related to the element of Automatism of Response. Remembering Naidu's position that a collective security system cannot permit eternal friends or everlasting foes, then the UNSC should have no compunction acting against any state on behalf of any state. Of course, in reality, this is decidedly not the case. Most assuredly, anonymity of aggressor and victims is conspicuous if one of the permanent members is involved. In other words, the mousetrap is very particular about and sensitive to which mice trigger the trap.



7) Collective Guarantee of Security: The guarantee of security necessitates that all states render assistance to the victim state. No state can claim neutrality and it is presumed that no state would dare to support the aggressor. Thus, this element may require states to use armed force against former allies in order to achieve collective security. This element implies the "all for one and one for all" principle (Finkelstein and Finkelstein, 1966:1).

The preamble of the UN Charter invokes this element- "to unite our strength to maintain international peace and security", as do Articles 1, 39, 41 and 42. These articles constitute the core articles of the UN's collective security system. Not only do states confer on the UNSC primary responsibility for determining and acting on breaches to peace and security but the Council members may authorize all necessary means, including the use of violent force to restore peace and security. Of course, because of the veto power of the five permanent members of the UNSC, collective approaches are contingent on their approval or at least their abstention. This, according to Naidu, "reintroduces decentralization of decision-making, and thereby neutralizes the collectivist approach..." (Naidu, 1975:37).

Indeed, the veto is a profound challenge to all of the seven elements and the Charter and a potential qualifying sub-element for collective security in the UN.

In addition to these seven elements, scholars have also referred to other subjective and objective prerequisites specific to the system of collective security (Naidu, 1975). The subjective/internal prerequisites are:

- 1. Conviction in the indivisibility of peace All states must believe in the postulation of Harry
- S. Truman: "the breaking of the peace anywhere is the concern of peace-loving nations everywhere" (Truman, 1945). There must be a positive commitment to the value of world peace by a majority of states.
- 2. Confidence in the impartiality of the system- The collective security system does not respect states it is simply an instrument to be directed against any aggressor. Confidence is the quintessential condition of the success of the system. States must be prepared to rely on its effectiveness and impartiality (Claude, 255). Of course, the impartiality of the system must be viewed with skepticism especially if veto-wielding permanent members are involved.
- 3. Dedication to the status quo- As Claude states, "The essential commitments of a collective system necessitate the willingness of states to fight for the status quo" (p254). Therefore, states must be prepared to go to war even though this may involve injury to innocent people.

An anarchic world order may not be the best world order, but through collective security, a minimum world order has been obtained (Bull, 1977).

- 4. Faith in the rationality/goodness of man Man will seek to settle differences peacefully if provided the opportunity. However, one must ask if this is a rational assumption given the examples of Hitler, Idi Amin, among others?
- 5. Trust and dependence on collective guarantees All aggressors must be convinced that any act of aggression will be met with overwhelming collective measures and every victim must believe that the system will come to their rescue. Really, this prerequisite can be summarized in one word: certainty- as collective security is replete with absolutes.

But Claude cautions states not to underestimate the significant sacrifice required of states to participate in such a system. It necessitates no less than the "relinquishment of sovereignty in the most crucial area of national policy" (Claude, 1971:253), that is, the use of force.



National policies must be adjusted to suit collective security and not the state. The state leader must give up the right to make novel decisions regarding the use of force and the protection of his citizens. Moreover, the citizens must place their good will and confidence in 'foreigners'. States must fully be committed to the system.

6. Loyalty to a world community - it is assumed that national interests are subordinated to the collective system. Buzan hints at this need to consider the world community in formulating state policy, when he proposed that international security is only possible if states temper their actions with due regard for the impacts on the larger world community (Buzan,1991).

This is a moderate view. For the realists, however, this is tantamount to state suicide. This is because to the realist, the interests of other states must never supplant survival of the state especially if state survival is incompatible with the goals of the world community.

On the other hand, the objective/external prerequisites include:

- 1. An international framework of considerable power diffusion What has not been stated explicitly is that collective security aims at a pronounced disequilibrium between would-be aggressors and all other states in the system. It is this disequilibrium that distinguishes collective security from balance of power (Levontin, 1957). It is assumed that the peace-loving majority of states will always out power a peace-disrupting minority of states. This, of course, is predicated on the assumption that all states are relatively homogeneous in make-up and capabilities.
- 2. Universality of membership for the system- While this was not the case while communist China was not recognized by the UN until 1971, all other states have been encouraged to join including those that persistently violate the principles of the Charter. In fact, the fundamental rules and principles of the Charter apply to members and the few remaining non-members (Art. 2(6)).
- 3. Legality of concepts and procedures of the system: The UNSC and the other arms of the UN have tried to adhere to and promote the value system outlined within the Charter. However, as some concepts were never defined such as threat to peace and security, and much of the UN was frustrated by the ideological conflicts of the Cold War, norms and values were often trumped by politics.

The fact that the jurisdiction of the International-Court-of-Justice (ICJ) is not universally compulsory and its decisions are non-binding is further impediments to the legality of concepts and procedures.

In analyzing the elements and the subjective/objective prerequisites, many authors including Naidu, Claude, Martin, Dixon, Thompson and others, readily acknowledge that the UN security system resembles a system of collective security but it does not fulfill the requirements of an ideal type of collective security (Naidu, 1975).

The research on the collective security ideals omits; especially in the 1950s to 1970s, a discussion on what constitutes national security. In other words, while early researchers in collective security concentrated on the legal and institutional factors necessary for an ideal system, they side-stepped the discussion on whether or not collective security was actually the best mechanism for improving the security of states which were all considered to have identical risks (Eban, 1995).

The assumption in the early days of the Charter was that security threats would be largely state-on-state; in other words, interstate wars. Therefore, the absence of war is equals to security.



Furthermore, it was assumed that every state would view acts of aggression similarly - no man's aggression could be considered another man's self-defence or liberation (Eban, 1995). During the Cold War, the collective security system was often paralyzed, but on the rare occasions when it did function, state-on-state aggression or war was the trigger for war.

Contemporaneously, many including the authors of the HLP as well as Feinstein and Slaughter, wish to expand the issues for enforcement via the UN's collective security system to include shared norms and principles and not just acts of aggression (Finnemore, 2003). In other words, whereas the 'old' UN collective security system separated the two UN souls, and armed intervention was only employed in order to counter external state security threats/another aggressive state, the 'new' system would promote collective force to counter internal as well as external state threats. For example, gross violations to human rights, justice and social progress; the second soul of the UN, as well as weapons of mass destructions especially in the hands of weak and failing states would now be considered threats to international peace and security.

At a minimum, this requires a reexamination of the elements of the ideal collective security system to see if there are robust enough to tackle this expanded definition of threats to peace and security.

5. METHODOLOGY AND ANALYSIS

5.1. Research design

Here, the paper is concerned with the systematic study of the method that has been applied, the rationale and the philosophical assumptions that underlie this study.

The content analysis design; supported with the chi square, was adopted in this research. Content analysis as a methodology in the social sciences is a type of secondary data analysis, that is used to analyse text, including newspapers, books, journals, manuscripts, and web sites to determine the frequency of specific ideas (Krippendorff, 1980) with regards to the natural behaviors of the UN super power states in the maintenance of international peace through collective security, particularly as it relates to the Somali and Yugoslav crises. The aim is to ensure the deductions of generalizations that provide the basis for making predictions.

5.2. Area of study

(i) Somalia: According to Lewis (1995), the Somali people; with a population of 4,000,000 (plus 500,000 in Kenya) practices the Islamic religion and inhabits almost the entire Horn area of Africa. Majority of the Somali people live in the country of Somalia, and are also the principle inhabitants of the Ogaden region of Southeastern Ethiopia. Somalis also live in the Southern half of the country of Djibouti, and in the North Eastern Province of Kenya. The Digil and Rahawiin (Reewiin) clans, who speak the Maay language, and the Jiiddu and Tunni, speaking their Maay-related languages, are also part of the broader Somali clan structure and political alliances. These clans include an additional 1.5 million people whose distinct characteristics warrant classifying them as separate ethnic groups. The Somalis are most closely related to the Rendille and the Afar, and distantly related to the Oromos, all Eastern Cushite people. Somalis are not a unitary people group, but a grouping of broad clan federations divided by language and clan conflicts. Although all Somalis profess strong allegiance to Islam, they hold stronger primary loyalties to self, family and clan, in that order (Lewis, 1995).



(ii) Yugoslavia: Like the Kingdom of Yugoslavia that preceded it, the socialist Federal republic of Yugoslavia (SFRY) bordered Italy and Austria to the Northwest, Hungary to the Northwest, Romania and Bulgaria to the East, Greece to the South, Albania to the Southwest, and the Adriatic Sea to the West. The most significant change to the borders of the Socialist Federal Republic of Yugoslavia occurred in 1954, when the adjacent Free Territory of Trieste was dissolved by the Treaty of Osimo. The Yugoslav Zone B, which covered 515.5km², became part of the Socialist Federal Republic of Yugoslavia.

Yugoslavia was formed under the name- Kingdom of Serbs, Croats and Slovenes. In January 1929, King Alexander I assumed dictatorship of the country and renamed it- Kingdom of Yugoslavia, for the first time making the term 'Yugoslav', which was used colloquially for decades, even before the country was formed, the official name of the state (Benson, 2001). After the Kingdom was occupied during World War II, the new Yugoslav state was proclaimed in 1943 and named Democratic Federal Yugoslavia, with its name leaving the question of republic or kingdom open. In 1946, it became the Federal People's Republic of Yugoslavia (Benson, 2001) and in 1963 the Socialist Federal Republic of Yugoslavia. The state is most commonly referred to by this last full name (Socialist Federal Republic of Yugoslavia), which it held for the longest period of all.

The population of Yugoslavia spoke three languages, Serbo-Croatian, Slovene and Macedonian. The Serbo-Croatian language was spoken by the population in the federal republics of SR Croatia, SR Serbia, SR Bosnia and Herzegovina, and SR Montenegro – a total of 12,390,000 people at that time. Slovene was spoken by approximately 1,400,000 inhabitants of SR Slovenia, while Macedonian was spoken by 931,000 inhabitants of SR Macedonia. National minorities used their own languages as well, with 506,000 speaking Hungarian (primarily in a part of SAP Vojvodina), and 780,000 persons speaking Albanian in SR Serbia and SR Macedonia. Turkish, Romanian, and Italian were also spoken to a lesser extent.

In 1992, the Socialist Federal Republic of Yugoslavia's territory disintegrated as the independent states of Slovenia, Croatia, Republic of Macedonia and Bosnia and Herzegovina separated from it, though the Yugoslav military controlled parts of Croatia and Bosnia prior to the state's dissolution. By 1992, only the republics of Serbia and Montenegro remained committed to the union, and formed the Federal Republic of Yugoslavia (FRY) in 1992. The full official name of the country, however, varied significantly between 1943 and 1992 (Benson, 2001).

5.3 Method of data collection

The data for this work were collected through the survey of available relevant literature and scholarly contributions on the Yugoslav and Somali crises, arising from conferences, discussants, and publications on these crises. The choice of this data is influenced by the fact that a critical survey of such literature will provide a more versatile and practical information on which to base sound decisions.

5.4 Sources of data collection

In the course of carrying out this research, the qualitative and secondary sources of data collection was used. Responses/articles were based on available contributions from scholarly works on the Yugoslav and Somali crises, arising from conferences, discussants, and



publications on these crises. Such secondary and qualitative data here include the UN documents, policy statements, Government reports, newspapers, books, magazines, websites, journals and publications, and research papers.

Advantages of secondary data are that it is less expensive, already available, and easily accessible. It also saves time and efforts, avoid data collection problems, and it provides a basis for comparison. The disadvantages are related to the credibility of the source that has published this information and the small nuances that may not fit into ones research objectives. Another disadvantage can be that the data might be outdated.

Similarly you have no control over the quality of data and you do not know how authentic the measures used for data collection have been. However, this research made use of the qualitative method of secondary data collection and analysis, and rely on information derived from libraries, published materials/reports, books, journals and publications, and particularly from basic documents of the United Nations.

5.5 Method of data analysis

The method of data collection and analysis for this research was through content analysis. Content analysis as a methodology in the social sciences is a type of secondary data analysis that is used to analyse text, including newspapers, books, journals, manuscripts, and web sites to determine the frequency of specific ideas (Krippendorff, 1980).

As an evaluation approach, content analysis can be based on knowledge of everyday life experiences, particularly when such analyses or judgments are based on values (Frisbie, 1986). However, the content analysis as used here was supported with the chi-square method in order to scientifically test the weighted scale result. The results of content analysis here, will allow this research to identify, as well as qualify the relationship between the elements of collective security & the efficacy of the UN in the maintenance of international peace, using Yugoslavia & Somalia crises as case studies.

5.6 Testing of hypotheses

The hypotheses upon which this research is premised are cast in the null forms: Hypothesis:

- H_o: There is no significant relationship between the resolution of the Yugoslav and Somali crises, and the application of the elements of the collective security mechanism.
- H_i: There is significant relationship between the resolution of the Yugoslav and Somali crises, and the application of the elements of the collective security mechanism.

In the above hypothesis, the "collective security" mechanism is the independent variable, while the resolution of the "Yugoslav and Somali crises" is the dependent variable. Decision rule:

This relates to the indicators of the elements of the collective security mechanism with the resolution of the Yugoslav and Somali crises. Where available data show that the elements of the collective security mechanism were not significant in the resolution of the Yugoslav and Somali crises, the null hypothesis will be accepted and the alternate hypothesis will be rejected. While the alternate hypothesis will be accepted, and the null hypothesis rejected where the available data show that the elements of the collective security mechanism were significant in the resolution of the Yugoslav and Somali crises.

Available data from the surveyed literature indicate as follows:



Having used content analysis in the presentation of data as shown above, the chi-square method of data analysis shall be adopted to scientifically test the weighted scale.

TABLE 5.6
Chi-square analysis of the relationship between the resolution of the Yugoslav and Somali crises, and the application of the elements of the collective security mechanism

| ARTICLES | ALTERNATE | NULL | TOTAL |
|----------|-----------------------|------|-------|
| | HYPOTHESES HYPOTHESES | | |
| | (Hi) | (Ho) | |
| YUGOSLAV | 3 | 23 | 26 |
| SOMALIA | 4 | 14 | 18 |
| TOTAL | 7 | 37 | 44 |

| Of | Ef | Of – Ef | (Of-Ef) | $(Of - Ef)^2$ |
|----|-------|---------|---------|---------------|
| | | | | Ef |
| 3 | 4.14 | -1.14 | 1.30 | 0.31 |
| 23 | 21.86 | 1.14 | 1.30 | 0.06 |
| 4 | 2.86 | 1.14 | 1.30 | 0.45 |
| 14 | 15.14 | -1.14 | 1.30 | 0.09 |

$$X^2 = \sum \underline{(Of - Ef)^2} = 0.91$$
Ef

Chi-square formula = $X^2 = \sum (Of - Ef)^2$ and 0.05 as critical value Ef

Where $\sum =$ Summation

Of = Observed frequency

Ef = Expected frequency

Degree of freedom (df) = (N-1) (C-1) where N = number of category, and C = number of columns. From table 5.1 therefore:

(1)
$$A = \underline{26 \times 7}$$
 $B = \underline{26 \times 37}$ $44 = 4.14$ $44 = 21.86$

(2)
$$A = 18 \times 7$$
 $B = 18 \times 37$ $44 = 2.86$ $44 = 15.14$

Degree of freedom (df) = (N-1))C-1) = (2-1)(2-1) = 1 x 1 = 1



Critical table value = 0.05Computed X^2 value = 0.91

Using X^2 table, df = 1 under 0.05 = 3.84

Therefore, since the computed X^2 value of 0.91 is less than the critical table value at 0.05 of 3.84, the alternate hypothesis (Hi) which states that there is significant relationship between the resolution of the Yugoslav and Somali crises and the application of the elements of the collective security mechanism is rejected. While the null hypothesis (Ho) which states that there is no significant relationship between the resolution of the Yugoslav and Somali crises, and the application of the elements of the collective security mechanism, is hereby accepted and upheld.

A critical evaluation of the above discourse clearly reveals the following uncontestable findings:

That the UN was not above suspicion in its handling of the Yugoslav conflict as epitomized by the above analysis. The European-Community-Monitoring-Mission, itself allowed the relics of the Cold War era and possibly the tottering shadow of President Tito to blur its vision in the conflict. Its efforts went obviously beyond the views it expressed openly. That there were negative elements bent on seeing Yugoslavia divided is therefore, not in doubt.

There is no doubt that with a friend like the European-Community-Monitoring-Mission, Yugoslavia did not need another enemy to assist in its break-up.

The UNSC Resolution 757 of 30 May, 1992 which instituted an embargo on the remaining parts of the then Yugoslavia (Serbia and Montenegro), especially the embargo on its products and commodities, and economic and financial contacts were done in bad faith. The suspension of sports, contacts, scientific and technical exchange, and imposition of air embargo by the same resolution was uncalled for. Worse still, diplomatic mission belong to the realm of bilateral relations. The demand that Yugoslavia should reduce its diplomatic missions was outside the jurisdiction of the UNSC.

That the demand by the UNSC that Bosnia-Herzegovina's neighbours should interfere to end interference by JNA and Croatian Army was unrealistic as it worsened rather than improved the situation.

That the constitutional arrangements for Bosnia-Herzegovina were not aimed at dividing Yugoslavia, but rather

to give autonomy to the region. This, in the researcher's opinion placed the UN in a difficult position in the conflict

in former Yugoslavia. The UN has been known 'not to interfere' in disputes within member states which border

on their sovereign existence as legal entities, and dismemberment. The UN was not quite straightforward in the

former Yugoslavia.

Even when the Federal Republic of Yugoslavia tried to accept the status quo of its ceasing to exist as an independent entity, by applying to be the successor to the former Socialist Federal Republic of Yugoslavia, one expected that this could have been accepted just as the Republic of Russia was allowed to be the successor to the former Union-of-Soviet-Socialist-Republic (USSR), this was refused (UNSC Res. 777, 1992).



Paragraph 1 of the Resolution states:

Considering that the state formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist...Considers that the Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist-Federal-Republic-of-Yugoslavia in the United-Nations; and therefore recommend to the General-Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United-Nations, and that it shall not participate in the work of the General-Assembly until this is done (UNSC, 1992: Res. 777).

In the case of Somali, the research submit that as in the former Yugoslavia, the UN did not carry out a thorough investigation into the Somali conflict to arrive at the root cause of it all.

The researcher observe here, that the UN consciously or unconsciously presented itself; on a platter of gold, as an instrument for attaining the strategic objective of a mega power – the U.S.

In addition, before the conflict, Somalia was like a problem child to all its neighbors, Siad Barre had postulated the idea of a 'Greater Somalia' which spans from the Ogoden region of Ethiopia to Northern Kenya, and had also laid claims to Dhibouti. Naturally, these neighbours are more at peace when Somalia is confronted by internal problems, and conflicts that appear insurmountable. These factors should have been taken into consideration while adopting Resolution 794 (1992). For even peace enforcement itself, as a concept, is only realizable when those involved go with clean hands.

As a world body that could mobilize the best of brains in the world to confront any situation, this research sincerely believe that the UN seems to have had limited vision on the Somali episode. Therefore, there is a total disconnect between the elements of collective security & the UN outing in the Yugoslav & Somali crises.

6. SUMMARY, CONCLUSION, AND RECOMMENDATIONS

Despite the problems with the theory of collective security, and, more specifically, the problems with the practice of peacekeeping, the advocacy for collective security remains strong. This research continues to favour multilateral approaches to the issues of security. Yet, as the evidence suggests, this preference entails financial costs and even risks to some major powers' security. While contributing to myopic foreign and defense policies towards Somalia, Yugoslavia, Bosnia, and to some extent, North Korea, such myopia undermines the credibility of the debate on multilateralism that it is an issue of tactics, not goals (Lake, 1993).

For sanctions in particular to work, the international economy has to be sufficiently interdependent such that sanctions harm the intended country enough, but do not harm the countries doing the sanctioning. And for sanctions to work, universality of their application is especially important for them to have an effect. Therefore, for countries to trust collective security, they have to know it works well enough to safeguard their security. For unless countries trust it, it's less likely to work.

Consequently, the researcher makes bold to recommend as follows:

A review of the UN Security-Council: It has been the conventional wisdom to regard the arrival of the Cold War as the cause that effectively paralysed the collective security system.



While this is true, the question whether the demise of this anomaly has restored the originally designed, 1945 institutional framework, built on the premise that the Great Powers cooperation would be available to ensure the viability of the system for the maintenance of international peace, would seem to be much more controversial.

A critical review of the present state of international relations should be made aimed at a radical reform on the working hypothesis of the UNSC, by building into the system devices and innovations that could constrain member States from paralysing the system by arbitrary actions. However, it is clear that the issue of building legitimacy and effectiveness of the UNSC as the 'executive organ' for implementing international peace in the name of the international system is a crucial point of reference for reform. When one examines closely the record of performance/non-performance of the UNSC in the Somali and Yugoslavia crises, and at the crucial moments of the post-Cold War era, where major issues of peace and security were involved, including cases of human security crises, one finds that there was almost always tragic dilatoriness and/or lamentable inaction.

Accountability for this state of affairs has been placed squarely at the feet of the UNSC, including both the non-permanent members and the permanent members with veto powers. Whatever the cause for this state of affairs, world consensus is emerging that this is simply not acceptable, since it is tantamount to negating the very basis of the cause of collective security which the Security-Council is meant to serve.

The reform of the UNSC has to ensure that the Council in its entirety, including its permanent and non-permanent members, must primarily be represented by those members who can demonstrate the capacity and the commitment effectively to work for implementing the peace of the international system.

There should be a more frequent use of Article 41 (Chapter VII), relating to collective measures not involving the use of armed force, such as economic sanctions to ensure compliance with UNSC resolutions.

Furthermore, collective enforcement operations must be fully accountable to the Security-Council, and should be representative. This could be achieved by strengthening Article 46, which gives a role to the Military Staff Committee, and its composition should be broadened to include non-permanent members.

Consideration should also be given to extending Article 27 (3) to apply to decisions taken under Chapter VII, so that those who wield the veto power cannot block the imposition of sanctions, or any other collective enforcement actions, where they are a party to a conflict.

On the question of disarmament, we feel that it can best be dealt with in the Organization's multilateral forum and can be enhanced by the use of Article 26 and Article 47 (1), which empowered the Council to put in place a system for the regulation of armaments.

Establishment of a UN military academy: The UN soldiers are supposed to be without enemies, but the way the UN used it troops against non-aligned nations shows that they have enemies especially in countries that refuse to succumb to the whims and caprices of the superpowers.

To avoid this, we recommend the establishment of a UN military academy for the training of its soldiers. Such academy must have soldiers recruited from all member states, and a new philosophy, the philosophy of universal peace, with honour, justice unfettered, and security for



all. Indeed a philosophy based on universal love and understanding should form the basis of their military operations.

Adoption of a wider scope of the concept of aggression: This research reveals that the concept of aggression was not properly defined by the UN due to political interests of the superpowers.

We recommend that a more robust theoretical foundation of the concept should be adopted to include indirect aggression in the form of sabotages, economic aggression, and other forms of pressure, initiated by the powerful states, aimed at bringing the weaker states under the control of the world powers.

We wish to emphasise that the world must not replace collective security system with collective defense system. For example, what started as a collective security arrangement in Yugoslavia ended up as a collective defense system. This leaves one with the conclusion that the international system has been deceived by the UN in the way it handed over its security arrangements in the former Yugoslavia to NATO. This is a dangerous development as it now leaves a former non-aligned country in the hands of a military block-NATO which Yugoslavia; under General Tito as President, strongly opposed.

The work therefore conclude that even the legitimacy of the use of military force by individual states must conform to the norms of the UN Charter as they were determined in 1945, with emphasis on the central role of the UNSC. The work supports neither the legitimacy under International Law of a humanitarian intervention without the express authorization of the UNSC, such as maintained by the NATO states in the case of the Yugoslav crisis, nor the expansive interpretation of the right to self-defence most often proclaimed by the US.

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