COLLECTIVE SECURITY AND THE TWIN PRINCIPLES OF THE RESPONSIBILITY TO PROTECT & THE DUTY TO PREVENT. A CASE STUDY OF THE YUGOSLAV & SOMALI CRISES.

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ABSTRACT

To propagate the UN philosophy of collective-security as a system of cooperation among states such that an act of aggression against one of its members is an act of aggression against all of its members, meaning the safety of all by all, the United-Nations-High-Level-Panel suggests collective-security should rest on three pillars: the continued need for collective-responses at the global, regional and national levels, the acceptance that certain threats pose serious security concerns to all states, and the Responsibility to Protect, in the realization that some states cannot and will not protect their own people and will harm their neighbours. A fourth pillar; the Duty to Prevent, which focuses attention on the threat posed by weapons-of-mass-destructions, rogue states and terrorism and the need for collective military intervention has also been added. However, there is a danger in adding these new principles to the UN-collective-security-system already plagued by radical defects. Wouldn't these new pillars – Responsibility to Protect and Duty to Prevent - result in international insecurity? The premise of this research is the conviction that the UN is capable of dealing with the main geo-political problems- the creation of a secured world, and is, in fact indispensable to that end. Using the Yugoslav and Somali experiences as case studies, the intent therefore is to explore the collective-security-mechanism as envisioned by the UN-Charter and the incorporation of the Responsibility-to-Protect, and the Duty-to-Prevent. The data were collected through content analysis and analysed using the quantitative chi-square scientific method. Findings revealed that there is no significant difference between the UN collective security/twin principles of the responsibility to protect & the duty to prevent and the vested interest of the U.S in the management of the Yugoslav and Somali crises. The UN consciously or unconsciously allowed itself to be manipulated by a world power- the U.S, seeking universal hegemony. The research recommends a review of the present five-permanent-membership structure of the UNSC to include at least one powerful State from each continent. The membership of the UNSC should be restructured to include three major-countries from each continent, each representing their sub-regions aimed at making the system more balanced. 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 powers. Review of the UN-charter to give an explicit definition of what constitutes threat to international peace and security. Arms control/regulation, as the 'Big-Five'/economically powerful states are still investing more in developing deadly weapons-of-mass-destruction. A new international treaty making it a crime to test weapons of mass destruction should be concluded by the UN. The UN must therefore act; as envisaged in the Charter, as the guardian of the security of nations, especially the small countries, and as a catalyst for promotion of the primacy of the rule of law in international relations.

1. INTRODUCTION

> It suggests that collective security today should rest on three pillars or assumptions. The first is the continued need for collective responses at the global, regional and national levels. The second is the acceptance that certain threats pose serious security concerns to all states and the third, also known as the Responsibility to Protect, is the realization that some states cannot and will not protect their own people and will harm their neighbours (UNHLP Report,2004:11).

The premise of this work is to explore the collective security mechanism as envisioned by the authors of the UN-Charter and the incorporation of the Responsibility-to-Protect, and the Duty-to-Prevent into this framework. If collective security is to include these new principles, it is important to ensure there are no fundamental clashes of logic between the current collective security system and these new principles.

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.

In the opinion of Inis Claude and Mumulla Naidu, the potential of collective security was never as great as it was post WW I, because of the considerable diffusion of power across many states. Since then 'new wine' has been added in the form of state interests and political wrangling to dilute the potential of the collective security system. Overconfidence in collective security as a panacea for action by the international community gave it an aura it could never live up to (Claude, 1971).

In the contemporary times, ironically, 'under confidence' in the UN collective-security-system; largely because it was designed with WW II in mind, has resulted in calls to broaden the scope of threats the system tackles with force, making the system more elastic, in order to maintain international peace and security (Martin,1952).

However, the arrival of the Cold-War soon after the establishment of the UN shattered the premise of unity of action and put the collective security system into complete paralysis. The question to ask is whether the end of the Cold-War structure that paralysed this system has restored the viability of this premise and allow the system to work as originally planned.

There is an agreement, for instance, on the difference between the international structure when the UN was first established compared to the Cold-War era on the one hand, and the current era on the other hand, particularly with the addition of the new threats to the classic threats from inter-state armed conflicts and weapons of mass destruction.

According to Antonio Cassese, security means not only military security, but also freedom from fear and want, i.e. the realization of economic and social conditions that can render life in the international community less intolerable than it is at present. Therefore, security means the elimination or at least the reduction of armaments, the resolution of regional conflicts and also the resolution of that extremely serious problem represented by the North-South conflict (Cassese in UNDoc- Global security,1987).This definition is persuasive as it addresses not only military security, but also security of the world from the point of view of the deplorable

economic situation which Cassese pointed out that the $1,000 billion, spent on armament is equal to the debt the developing countries are owing.

It therefore behooves that international security cannot be seen exclusively from military angle. The debt burden must also be addressed as an integral part of a global strategy to guarantee international peace. In addition, global security cannot be guaranteed – in a world where the intensity of regional conflicts continues to increase daily. This, according to Cassese, has negative repercussions for security in the years ahead.

Collective security implies global survival of the human race. It is precisely because of this factor that the idea of collective security evolved as a grass-root idea.

Roland N. Stromberg agrees with this when he stated thus –

>   The idea of collective security certainly did not come from the more
experienced
>   diplomats and statesmen, who were in the main quite skeptical about
it. It came
>   from journalists, moralists, popular politicians, from the people, it
responded to a
>   cry of protest against the intolerable existence of world war and a
demand for
>   reassurance that such wars be not permitted to happen again
>   (Stromberg,1965:273).

Although Stromberg sees the concept of collective security as being very slippery, he, however, identifies the following points as being associated with the concept-

(i) All international disputes are subject to peaceable, just, and satisfactory settlement.

(ii) Nations are for the most part inclined to peace, not war.

(iii) The inclination to war is everything: war results only at least when one side is guilty of a deliberate aggressive action.

(iv) Since wars are always caused by deliberate aggressor, this must be checked in its first stages, if it will lead on to greater aggression; the incipient criminal will certainly become a hardened one if not caught in time.

From the above principles, it is explicit that collective security is to states what food is to the body. This is because, from the history of wars, it has been shown that no matter where a war may occur, whether local or regional in nature, initially, but a state that properly assesses it interest cannot help, but assist in suppressing it for the possibility of its assuming global character which usually looms in the air.

This was the case of the first and second world wars. Thus:

>   The advocates of collective security have tended to believe that some final
>   and just world order is possible, a reasonable and stable status quo where
>   everyone is happy; they have obviously felt that the coercive powers of the
>   international organization would have to be used rarely and, as time goes
>   on, hardly at all. If peace is the rule, and conflict the exception, if wars are
>   only the occasional deviation from the norm, the madness or chronic
>   criminality in individuals, then the task of the United Nations becomes
>   feasible (Strumberng,1965:277).

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).

More importantly, collective security also comprises, the orgnaisation's own ability to use force against a member if pacific settlement fails:

> 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 United-Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations (Article 39).

Some scholars have given contradictory signals as to what form collective security theory is to take. Much has already been written on the Wilsonian origins of the idea of collective security (Claude-1962, DeConde-1957, Northedge-1986, Stromberg-1963, Wolfers-1962), but its fundamental tenets need to be understood.

First, it is a system of cooperation among states such that an act of aggression against one of its members is an act of aggression against all of its members. As defined in the 1930s, the meaning is "the safety of all by all" (Current in DeConde, 1957:45). In contrast to alliances and coalitions, which are by nature directed towards an external aggressor, collective security is internally oriented against aggression from one of the members of the system. But because it cannot be known ahead of time who might become the aggressor, collective security entertains a certain ambiguity regarding the development of threats to it. 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.

Secondly, enforcement must have a degree of automaticity among the members of the collective security system. Members of the system must 'be willing and able at all times to muster overwhelming strength for collective defense at successive points of conflict' (Thompson in DeConde, 1957:175-176). If not, then member-states that do take action, alone or in combination with other states, act like states in an anarchical balance-of-power system. Thus, unless there is a high degree of commitment to the system, it will quickly fall apart. 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 society, 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).

A third element is some level of commitment to the status quo. That is to say, the members of the system are states, and the vast majority of such states regards as sufficiently equitable their boundaries and other relationships. For example, trade, so that preponderant force can be mobilized to deter, or reverse, an act of aggression. This theory may appear elegant in its simplicity. Yet its simplicity may be the crux of the problem of collective security, for at the nexus of theory and policy, the simple things are often the most difficult to achieve.

The concept of collective security is really difficult to exhaust. This is because it is like a living organism or a living concept. Its relevance might seem to eclipse when there is peace but, the romantic idea of a world without wars, makes it shine with so many stars, for it re bounces with even more and more supporters.

A forum through which states can act in common to ensure that international peace is maintained seems even more relevant today than it was seventy years ago.

The United Nations High Level Panel (UNHLP) report has put forward a new vision of collective security - one that addresses all of the major threats to international peace and security felt around the world. The UNHLP suggests collective security today should rest on three pillars or assumptions.

The first is the continued need for collective responses at the global, regional and national levels. The second is the acceptance that certain threats pose serious security concerns to all states, and the third, also known as the Responsibility to Protect, is the realization that some states cannot and will not protect their own people and will harm their neighbours (UNHLP Report, 2004).

Lee Feinstein and Anne-Marie Slaughter (2004), opined that a fourth pillar; which they coined the Duty to Prevent, should be added. This pillar focuses attention on the threat posed by weapons of mass destructions, rogue states and terrorism and the need for collective military intervention.

While the first two pillars are well-established principles of 1945-style collective security, these last two pillars would expand the scope and reach of the UN's collective security system. Some suggest there is a danger to adding these new principles to the UN's collective security system already plagued by radical defects (Strumberg, 1965 and Haas, 1968). They ask: wouldn't these new pillars – Responsibility to Protect and Duty to Prevent - result in international insecurity?

The crucial point to be examined therefore is the question as to whether the premise on which this conclusion is based, i.e, the premise that 'the world has changed' since the demise of the Cold War now holds valid and will allow us to believe that the UNSC is not only empowered in law but is also now able and willing in fact to address the full range of these security threats, particularly as there is a growing acceptance that, while sovereign Governments have the primary responsibility to protect their own citizens from such catastrophes, when they are unable or unwilling to do so, that responsibility should be taken up by the wider international community (UNHLP Report, para.202).

Considering the warning of Inis Claude, states must be willing to give up a significant portion of their sovereignty to participate in a collective security system. The portion of the

sovereignty they forgo is the independence of decision-making to use or not to use force to protect the state. However, as it has proven inconsistent, no state would put all its eggs in the collective security system, and would likely support the option of acting more quickly with a coalition of the willing, even if it is at the expense of the UN's credibility.

Furthermore, the main threat to be challenged is a weapon, terrorist group or weak government. It is not a state as is the normal aggressor under a collective security system. As we have seen, analyzing the principle of the Responsibility to Protect, changing the type of aggressor from state to individual(s) is not a transition that is easily made.

2. THEORETICAL ANALYSIS

Several theories exist that can be applied to this study such as, the liberalist theory, the system theory, the constructivist theory, the realist theory, etc.

However, the theory that best explicate this study is the hegemonic stability theory based on its methodological and explanatory powers.

The central idea of the hegemonic stability theory is that, the stability of the international system requires a single dominant state to articulate and enforce the rules of interaction among the most important members of the system. This is based on the strong and willing leadership that Keohane (1980) and Kindleberger (1981) describe as 'the theory of hegemonic – stability'. Hegemony is a condition of dominance without necessarily resorting to coercion, due to the dependence of the subordinate actors in the sub-system on the fortunes of the hegemon. A hegemon is functionally necessary to institute and provide 'international collective goods' that make the international system work better.

For a state to be a hegemon, it must have three attributes: the capability to enforce the rules of the system, the will to do so, and a commitment to a system which is perceived as mutually beneficial to the major states. A hegemon's capability rests upon the likes of a large, growing economy, dominance in a leading technological or economic sector, and political power backed up by projective military power. An unstable system will result if economic, technological, and other changes erode the international hierarchy and undermine the position of the dominant state (Olson, 1985).

The Dutch were hegemonic in the European world economy of the 17th-century. The British rose to hegemony in the 19th-century, and the United-States and the former Soviet-Union emerged as the economic and military powers of the 20th-century in the Western and Eastern blocs.

In practical terms, equity among sovereign powers has always been a convenient international relations fiction. It has never been backed by reality because some powers have always been more dominant than others and, therefore, have been charged with the responsibility of enforcing the agreed-upon norms of international behavior.

The theory posits that the hegemonic power facilitates international-cooperation and prevents defection from the rules of the system through the use of sanctions, but can seldom, if ever; coerce reluctant states to obey the norms of the regime.

The presence of the hegemon serves as a positive force for building a peace and security system. To lead, other member countries in the system would have to accept such a benign hegemony and put sufficient effort in order to project their interest. The hegemonic leader's economic strength and political stability, for example, would holster the economic vitality and

political stability of the system. It should also champion the use of cooperation and integration by pulling the less willing and the less able countries along, as it may not be possible for all countries to move at the same time and pace (Keohane, 1980).

Thus, the role of the United-States in NATO, the emerging role of Germany in the EU, the Nigerian strategic role in the activities of ECOMOG in West-Africa, and that of the Republic-of-South-Africa in the Southern-African-Customs-Union, are excellent contemporary examples of hegemonic-stability.

According to Olson (1995), the world works better when there is a hegemonic power – one that finds it in its own interest to see that various international collective goods are provided. Indeed, effective international system tends to rest on a political and economic base established through a strong and effective leadership that can persuade, induce or force others to cooperate.

3. THE TWIN PRINCIPLES OF THE RESPONSIBILITY TO PROTECT & THE DUTY TO PREVENT

3.1. Responsibility to Protect:

"…there is a growing international consensus that, under certain circumstances characterized by massive human rights abuses, a legitimate case for armed intervention is emerging. So long as states can make the fundamental shift in thinking from sovereignty as authority; meaning, sovereignty as an unrivaled control over a delimited territory and the population residing within it, to sovereignty as responsibility; meaning, sovereignty as conditional on a state demonstrating respect for a minimum standard of human rights, then a norm of responsibility to protect will emerge. If this shift can be made, then armed force can be employed legitimately… (Welsh, 2002: 511)"

One of the advocates of the need to expand the UN's collective security system to include armed humanitarian intervention was Kofi Annan. Deeply disturbed by the international community's limited response to the Rwandan genocide, Yugoslavia, Somalia, Darfur and other intra-state conflicts that resulted in gross and systematic violations of human rights that affect every precept of our common humanity (Evans and Sahnoun, 2001), he believed it was time to equate and translate these gross violations into threats to international peace and security. But, there appears to be a resistance to this concept.

First, the idea of intervening collectively with force in a state that is abusing its own people is not new – many argue, it predates the Charter and is supported by early just war theory. This theory expounded the permissibility of war if the attacking states believed that their war was waged against an immoral enemy. This was considered just cause. But, just war theory is now considered antiquated customary law that has since been supplanted by the Covenant of the League, various treaties such as the Kellog–Briand Pact and, of course, the Charter (Dixon,2000). These legal bodies outlaw traditional war to varying degrees. Reinterpreting these bodies of law to promote armed intervention for the purpose of ending human rights abuses requires counter-restrictionist, i.e. more liberal, interpretations of these international bodies of law that some states are hesitant to support.

Furthermore, states have not used the protection of innocent civilians as a reason to use military force consistently. Rather, the UNSC has preferred to decide each case on an individual basis and has shunned doctrinal constraints that force their collective hand (Malone,2005).

The problem for proponents of Responsibility to Protect is that numbers are simply not in their favour – a majority of states still believe that the principle of sovereignty, as enshrined in the Charter, protects states from interference in their domestic affairs – even if those states are engaged in the large-scale extermination of their own people. As well, adopting Responsibility to Protect as another pillar of the UN's collective security system means that the UNSC now has a responsibility to act (Malone,2005). There would be greater impetus on the Council to respond to massive human rights violations because Responsibility to Protect articulates when armed intervention is needed.

Many have written on this new responsibility, including Simon Chesterman's "Just War or Just Peace? Humanitarian Intervention and International Law" (Chesterman, 2001: 295) and Nicholas Wheeler's "Saving Strangers: Humanitarian Intervention in International Society" (Wheeler, 2000:336). However, while they debate the legality of the responsibility, what is missing are the arguments that concretely transfer gross violations from 'respect for human rights' to 'threats to peace and security' that necessitates collective armed force.

The International-Commission-on-Intervention-and-State-Sovereignty (ICISS) and UNHLP both agree that regardless of whether a legal norm has developed or not, there is a growing international consensus that, under certain circumstances characterized by massive human rights abuses, a legitimate case for armed intervention is emerging. So long as states can make the fundamental shift in thinking from sovereignty as authority; meaning, sovereignty as an unrivaled control over a delimited territory and the population residing within it, to sovereignty as responsibility; meaning, sovereignty as conditional on a state demonstrating respect for a minimum standard of human rights (Welsh, 2002), then a norm of responsibility to protect will emerge. If this shift can be made, then armed force can be employed legitimately. Similarly, in the view of Martha Finnemore (2003), the UNHLP has concluded that norms and practices regarding armed interventions have and are in the process of changing. But is the UN's current collective security system predicated on inter-state wars robust enough to accommodate a new pillar – the Responsibility to Protect? Let us apply the seven ideal elements of collective security to the responsibility to protect.

3.1.1. The Ideal Elements and the Responsibility to Protect:

1. Permanency and Generality of the System: The UN Charter binds states only to refrain from the threat or use of force in their international relations and explicitly protects their domestic jurisdiction from outside interference. As a result, the 1990s were replete with examples of internal conflicts - civil wars, ethnic bloodletting and resurgent nationalism – against which the UN's collective security system chooses not to counter. At the same time, however, there were examples of cases when the UNSC did choose to intervene. E.g. Kurdish refugees flooding into Europe – especially France and Turkey - were some of the arguments for intervening and establishing no-fly zones in northern Iraq in 1991 (UNSC/RES/0688,1991). Over time, conservative interpretation/restrictionist thinking has held less weight in discussions in the UNSC.

2.   The element of automatism in collective security, is a perennial problem for Responsibility to Protect. Why intervene in Somalia and not Rwanda, why Haiti and not Darfur? Why Yugoslavia and not Russia? One of the elements raised a discussion regarding size of the state army, but an element of political will must also be considered as an impediment to the Responsibility to Protect. If Responsibility to Protect were adopted formally as a pillar of the collective security system, then a debate about using force to end the atrocities should, in theory, only focus on whether it is or is not the best means for ending the human rights violations and not whether it is or is not permissible. But would this mean that collective force would be used to stop human rights abuses?

Political realities (who is the abuser, what is the state, where is the state, etc.) are still factors that could overrule the Responsibility to Protect despite the legal green light.

3.   The prohibition to use force is considered to have general acceptability. Its exceptions, self defence and/or to combat acts of aggression that threaten peace and security, are well-established customary rules of law (Dixon, 2000), that took years to develop. Humanitarian intervention as a collective practice has yet to be established. The great danger to expanding collective use of force for collective security to this new responsibility to protect is that it may weaken the entire system. Conservatives are still not convinced that states should meddle in the domestic affairs of another state. Using force to end massive human rights abuses may serve only as a guise for other purposes. In the eyes of some, it is better to restrict uses of collective force to very specific and well-established legal precedents than to run the risk of slippery-slope use of force for any and all purposes.

4.   Assignability of Guilt: Since the UN lacks its own intelligence forces (Sutterlin, 2003), it depends on member states and the Secretary General to bring situations of concern to the attention of the UNSC. It is not an obligation for states to report information that they might have regarding a certain situation. One may run into the perverse situation where potential aggressors are also members of the UNSC when an item that pertains to them is discussed. This limits the objectivity of other members of the Council to counter assertions that the situation is under control. What states are members of the Security Council does impact the assignability of guilt and the call for armed intervention.

5.   Collective Force as Deterrence/Sanction: Unless states believe they will be threatened with armed force for not respecting the rights of their citizens, then deterrence in these cases cannot be achieved. This harkens back to the early discussion on the leap of legal faith to intervene thus contravening a state's domestic jurisdiction. Which state is doing the abusing matters? Gilligan and Stedman have concluded that the UN is "significantly less likely to intervene in civil wars with large government armies." (Gilligan and Stedman,2003:48) Power, therefore, must matter. Of course power also matters when discussing collective security – the system will not engage superpowers states because there is little chance of success. It would seem that the same chance of success is an important determinant for the responsibility to protect as well. What is important to note is that military power discussions, still matter particularly now that the US is the sole superpower.

6.   Anonymity of Aggressor and Victim is another element. The difficulty is that who or what constitutes the aggressor and the victim are radically different under Responsibility to Protect than under ideal collective security. The international community must consider individuals and non-state actors as potential aggressors and victims rather than just seeing states

as the aggrieved and victimized. The UN is extremely reluctant to denounce the actions of individuals, except for the recent activities of the International Criminal Court. Furthermore, the dilemma of the UN then becomes weighing the sacrifice of blood and treasure of member states' armed forces against the lives of strangers (Wheeler, 2000).

7.   Adding a responsibility to protect does not change the element of the collective guarantee of security. The same dilemmas are faced by this new principle as was discussed for collective security in general. The unknown is whether or not the UNSC is more or less likely to sanction the use of force for massive human rights abuses than for acts of aggression. However, before the 1980s, UN peacekeepers were more likely to be sent for interstate rather than for intrastate conflicts. In recent times, the number of intrastate conflicts; characterized by massive human rights abuses, has been on the rise and the international promotion of intrastate peace has only recently become more common than the promotion of inter-state peace (Heldt and Wallensteen, 2004).This shows that the UN does equate intrastate conflict with threats to peace and security. Furthermore, there is a positive relationship between civil war duration and number of casualties, and, the probability of a UN operation (Gilligan and Stedman, 2003). This suggests that need, rather than great power interests may condition UN decisions. So, as long as the UN can be convinced that there is a need to intervene to protect civilians from massive human rights violations, there is a reasonable chance that the collective system will be invoked.

Slowly, the UN has adopted a new interpretation of what constitutes a threat to international peace and security representing an evolution in thinking. Compared to the ideal system of collective security, the new principle of Responsibility to Protect, in its ultimate form as armed intervention for the purposes of protecting individuals, has an uncertain future. But, so did collective security during the Cold War. The key will be, to what extent the UN is able to establish and impose the two other responsibilities that make up the responsibility to protect. This include the responsibility to prevent (addressing root causes), and the responsibility to rebuild (recovery, reconstruction and reconciliation so as not to slip back into a state of conflict). These Soul 2-type mandates are always preferred to armed conflict. If after a concerted effort to stop the conflict, Soul 2 scenarios fail, the UNSC must entertain the use of force as well as the possibility of a regime change. There is no point stopping a man from killing his people only to leave him in-charge once the troops have left. And here represents the most difficult dilemma for the Responsibility to Protect.

Implicit in the doctrine is the need for regime change. Collective security, based on WW.II thinking, is all about stopping the unilateral use of force and not promoting regime change and democratization. It is this expansion of the collective security system that will prove most difficult for the UN system.

The six subjective- (Conviction in the indivisibility of peace, Confidence in the impartiality of the system, Dedication to the status quo, Faith in the rationality/goodness of man, Trust and dependence on collective guarantees, and Loyalty to a world community), and three objective- (An international framework of considerable power diffusion, Universality of membership for the system, and Legality of concepts and procedures of the system) requirements also apply, but they are not unduly challenged by the new principle of responsibility to protect. Of course, these prerequisites are dependent on the member states. The principle of responsibility to protect would, of course, be strengthened if each of these pre-requisites were met (ICISS Report, 2001). Certainly, faith in the impartiality of the system has

been badly damaged by events in the 1990s including Yugoslavia, Somalia, Rwandan, Bosnia and Sudan.

While the Responsibility to Protect does not undermine collective security elements per se, it would require that the UNSC define threats to peace and security to include massive human rights abuses. The Council may adopt such a new definition. But, one shouldn't be surprised if the UNSC chooses not to intervene despite a new definition.

3.2. Duty to Prevent

There is a lot of confusion about duty to prevent because two different versions have been promoted. The first, which this paper shall investigate, is the Duty to Prevent as collective military force directed at rogue states to eradicate the immediate threat posed by weapons of mass destruction in the hands of terrorists and/or the governing elite of these failed states. The second- challenge of prevention (HLP, 2004), also applies to the elimination or control of weapons of mass destructions and terrorism, but the focus is on collective actions short of force. For example, the HLP would be most pleased that the General Assembly, on April 13, 2005, adopted by consensus the text of the International Treaty for the Suppression of Acts of Nuclear Terrorism, which makes it a crime for terrorists to possess or threaten to use nuclear weapons (Aida, 2005).

This second duty to prevent is about strengthening the second soul of the UN and only advocates employing collective force in very particular circumstances once specific criteria of legitimacy are met and all non-violent forms of coercion have been exhausted. However, once collective force is used, it is no longer prevention according to the HLP.

Feinstein and Slaughter (2004) have suggested that the international community should not wait for the issue to be debated and transferred from the second soul prevention, to the first soul action. In their opinion, weapons of mass destructions in the hands of rogue states and/or terrorists, necessarily constitutes an immediate international threat, and the use of force may be the only sensible solution to ensure peace and security.

These authors have been influenced heavily by the former US President's doctrine of pre-emption and its use in the Iraq war. While the Bush doctrine promotes unilateral action, Feinstein and Slaughter believes a collective armed response is the preferred preventive course of action because collective action is more legitimate.

According to Feinstein and Slaughter, current non-proliferation regimes have been ineffective. The result is the unprecedented threat posed by terrorists and rogue states armed with weapons of mass destruction. Their suggestion is that a doctrine of armed anticipatory self-defence, conducted collectively rather than unilaterally, is a necessary new corollary to be added to the UN's collective security system. They argue that the threat posed by rogue states and closed societies headed by autocratic rulers pose immediate threats to international peace and security because they are more likely to pursue possession of weapons of mass destructions, menace their own citizens and their neighbours (Feinstein and Slaughter, 2004).

As a result, the threat to international peace and security is a direct link and does not require debate – it is all about disarming rogue states of potentially catastrophic weapons.

The big question is, will the duty to prevent be feasible in the UN's current collective security system? Again, let's apply the seven elements of an ideal collective security system to the duty to prevent.

3.2.1. The Ideal Elements and the Duty to Prevent:

1)   Permanency and Generality of System: There is a fear that if the UN pursues the doctrine of duty to prevent as envisioned by Feinstein and Slaughter, states may chose to leave the UN rather than pursue this new corollary. Perhaps this is why the HLP tread rather more gingerly than Feinstein and Slaughter and presented a less force-driven version of duty to prevent with respect to failing/rogue states and terrorism.

2)   Automatism of Collective Security: It is one thing to threaten force against a small state. It is another to threaten the use of force on a small state potentially armed with weapons of mass destructions and headed by a highly unpredictable ruler. One of the reasons why North Korea may not have been threatened with force is that there is no guarantee that North Korean ruler (Kim Jong 11) will not launch nuclear weapons indiscriminately. Having proven, North Koreas' leadership is not averse to killing his own people, why would he feel any compunction toward neighbouring enemies and potential adversaries? No one wants another war in Korea, so states are extremely reticent to go so far as to wage war.

Of course, North Korea is just one example but the researcher sees it as the archetypical example for application of this new corollary. We are not convinced that automatism of armed force is assured.

3)   Prohibition of use of force: Though Feinstein and Slaughter do not propose declaring war on rogue states immediately, but they rather suggest states engage the usual diplomatic processes including diplomatic and economic sanctions first. However, given the track record of certain states – especially North Korea, Iran and Iraq, prohibition of force is not respected by these types of states and therefore, pre-emptive force should be used, to stem the spread of weapons of mass destructions to terrorists and other rogue states. Of course, use of weapons of mass destructions is also a major concern and demands preventive force. The time delay between measures short of force and force should be minimal. They make no comments about the need for a corresponding regime change. Rather, Feinstein and Slaughter argue that the Duty to Prevent concerns the eradication of weapons of mass destructions.

4)   Assignability of Guilt: This may be the only element that has a chance of success. When it comes to rogue states like North Korea, Iraq, and Iran, most states can agree who they are. However, not all states are willing to make the jump that these states represent threats to international peace and security and not just a local security concern for surrounding states. Rather, some suggest that by just leaving them alone, the world order status quo can remain rather happily. We see this as the laissez-faire theory. However, as more and more states reveal they have the technology and appetite for weapons of mass destructions, will laissez-faire serve as a wise international strategy?

Buzan (1991) would argue that it is preferable for the world order for every state to have nuclear weapons than for just a few to possess those. Politically, however, this is not a popular position to adopt.

5)   Collective Force as Deterrence/Sanction: Feinstein and Slaughter believe "keeping force on the table is often a critical ingredient in making diplomacy work." (Feinstein and Slaughter, 2004:147). In their opinion, the unmatched legitimacy of the UNSC to order force against rogue states, makes it harder for targeted governments to evade the UNSC by playing political games. The more likely scenario is that UNSC members are more likely to engage in political games

and delay any decisions to enforce all necessary means. States like North Korea are well aware of the international community's reticence to engage them militarily. One may ask who is in control, the UN or the rogue states?

6)   Anonymity of Aggressor and Victim: The Duty to Prevent represents the antithesis of this element. The duty to prevent is directed at closed, weak or rogue states with weapons of mass destructions that lack internal checks. The list is small but includes North Korea and Iran, Iraq having been dealt with already. It would be wishful-thinking/willy-nilly to direct attention to China, India, Pakistan, Israel, the US, France or the UK, because there is little chance of success in disarming these states.

The point of collective security is not to rid the world of weapons of mass destructions, but to what extent states with weapons of mass destructions have sufficient and robust internal checks. Collective security is about minimizing the use of force. India, Israel, the US, France and the UK have sufficient internal checks. But Pakistan and China arguably do not have sufficient checks (Buzan, 1991). The danger with a Duty to Prevent becomes the possibility of moving beyond the management of weapons of mass destructions to the establishment of acceptable state governance models, which is beyond the scope of collective security.

As for the victim, the duty to prevent is not particularly concerned with the citizens of these rogue states (although Feinstein and Slaughter readily accept that rogue states usually abuse their citizens terribly). The victims in this case are what Buzan would refer to as "strong states." (Buzan, 1991:96). This new pillar is about saving and securing states. From this perspective, this does correspond to the goals of collective security.

7)   Collective Guarantee of Security: The guaranteed collective security is highly unlikely because the global effort to stop the shipment of weapons of mass destructions, their delivery systems and related material at sea, by air or on land is led by the major powers, particularly the Americans (Feinstein and Slaughter, 2004). The member nations include Australia, Japan, Poland and Western European countries (including Canada). If only eleven countries are interested in stopping the spread of weapons of mass destructions, how many countries would be willing to send their soldiers to attack a rogue state in possession or suspected possession of such weapons? Since the issue, from deductions, is not ultimately the desire to stop the proliferation of these weapons, limited coalitions of the willing is possibly the only option.

Feinstein and Slaughter would disagree. They point to the EU's strategy against proliferation that identified coercive measures, including; as a last resort, the use of force in accordance with the UN Charter, as a key element. The G-8 group has agreed that weapons of mass destructions and the spread of international terrorism are 'the pre-eminent threat to international society' and that force was not out of the question.

Rather than a defensive, reactive response of force to an established collective threat, a Duty to Prevent would require an offensive, preventative response of force to a potential collective threat. This would require a significant change of thinking on the part of states, if the current UN collective security system were to be used. Not only does it require states to act before a traditional act of aggression takes place, but the threat may never be realized. In which case, states would be engaging in war against another state without the necessary threat to peace and security. Furthermore, the use of force is switched from a defensive posture to an offensive one. The truth is, a right of anticipatory self-defence has been evident in international law for some time. A right of self-defence would be recognized if the elements of "instant,

overwhelming, leaving no choice of means, and no moment for deliberation." (Dixon and McCorquodale, 1991: 561) can be proven. It would seem prudent for Feinstein and Slaughter to include these four criteria in their duty to prevent.

On the review of the prerequisites, several changes must be made in order for a duty to prevent to be accommodated by the UN's current collective security system.

The rationality/goodness of man and the impartiality of the system prerequisites would require re-thinking for a duty to prevent since states are specifically targeted because they are weak and/or the government/governing elites are incapable or unwilling to maintain law and order. The implicit assumption of duty to prevent is that certain individuals are barbarous and untrustworthy. As well, the prerequisite - legality of the concepts and procedures requires a particular note of discussion. A Duty to Prevent as conceived by Feinstein and Slaughter, is really a form of collective (offensive) self-defence and, as such, is different from collective security. Collective self-defense (as is practiced by NATO) is meant to be an emergency response to an emergency situation, but, according to Dixon, 'self defence also implies that the defenders are entitled to use force for so long as they are threatened…' (Dixon, 2000:317).

4. METHODOLOGY AND ANALYSIS

4.1. **Research design:** Here, the analysis of the principles of methods, rules, and postulates employed in carrying out this research. It is concern with the systematic study of the method that has been applied, the rationale and the philosophical assumptions that underlie this study.

4.2. **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 515.5km^2, 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 into 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 thequestion 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).

4.3. **Method/source of data collection:** The data for this research 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.

4.4. **Method of data analysis:**

The content analysis design 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). It is used here to analyse the place of collective security in the context of the twin principles of the responsibility to protect & the duty to prevent as it relates to the Yugoslav and Somali crises. However, the content analysis as used here was supported with the chi-square method in order to scientifically test the weighted scale result. The aim is to ensure the deductions of generalizations that provide the basis for making tested postulations.

4.5. **Testing of hypotheses**

The hypothesis upon which this paper is premised is cast in the null form:

Hypothesis

H_o: There is no significant difference between the UN collective security/twin principles of the responsibility to protect & the duty to prevent and the vested interest of the U.S in the management of the Yugoslav and Somali crises.

H_i: There is significant difference between the UN collective security/twin principles of the responsibility to protect & the duty to prevent and the vested interest of the U.S in the management of the Yugoslav and Somali crises.

In the above hypothesis, the "vested interest of the U.S" in the management of the Yugoslav and Somali crises is the independent variable, while the "UN collective security/ twin principles of the responsibility to protect & the duty to prevent" is the dependent variable.

Decision rule:

This relates to the indicators of the vested interest of the U.S in the management of the Yugoslav and Somali crises and the UN collective security/ twin principles of the responsibility to protect & the duty to prevent.

Where available data show that the vested interest of the U.S was not significant in the UN collective security/ twin principles of the responsibility to protect & the duty to prevent in the Yugoslav and Somali crises, the null hypothesis will be accepted and alternate hypothesis will be rejected. While the alternate hypothesis will be accepted, and the null hypothesis rejected where the available data show that the vested interest of the U.S was significant in the UN collective security/ twin principles of the responsibility to protect & the duty to prevent in the Yugoslav and Somali crises.

Available data from the surveyed literature indicate as follows:

Yugoslavia = = $H_{o=}$ 17   Somalia = = $H_{o=}$ 14

             H_i =   2 H_i =   3

               -------------   --------------

Total   19   17

              ========   ========

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 4.5

Chi-square analysis of the difference between the UN collective security/ twin principles of the responsibility to protect & the duty to prevent and the vested interest of the U.S in the management of Yugoslav and Somali crises

ARTICLES	ALTERNATE HYPOTHESES (Hi)	NULL HYPOTHESES (Ho)	TOTAL
YUGOSLAV	17	2	19
SOMALIA	14	3	17
TOTAL	31	5	36

Of	Ef	Of – Ef	(Of-Ef)	$\dfrac{(Of – Ef)^2}{Ef}$
17	16.36	0.64	0.41	0.03
2	2.64	-0.64	0.41	0.16
14	14.64	-0.64	0.41	0.03
3	2.36	0.36	0.13	0.06

$$X^2 = \sum \frac{(Of – Ef)^2}{Ef} = 0.28$$

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

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 5.2 therefore:

(1)   A $= \dfrac{19 \times 31}{36} = 16.36$ B $= \dfrac{19 \times 5}{36} = 2.64$

(2)   A $= \dfrac{17 \times 31}{36} = 14.64$ B $= \dfrac{17 \times 5}{36} = 2.36$

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

Critical table value = 0.05

Computed X^2 value = 0.28

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

    Therefore, since the computed X^2 value of 0.28 is less than the critical table value at 0.05 of 3.84, the alternate hypothesis (Hi) which states that there is significant difference between the UN collective security/twin principles of the responsibility to protect & the duty to prevent and the vested interest of the U.S in the management of the Yugoslav and Somali crises is rejected. While the null hypothesis (Ho) which states that there is no significant difference between the UN collective security/twin principles of the responsibility to protect & the duty to prevent and the vested interest of the U.S in the management of the Yugoslav and Somali crises is hereby accepted and upheld.

A critical analysis of the above discourse clearly reveals the following findings:

Even though the Government of the former Federal Socialist Republic of Yugoslavia invited the UNSC, to assist in restoring peace, the UNSC, we submit, did not do this with utmost honesty.

That the UNSC virtually helped in the balkanization of Yugoslavia through its open support for Bosnia-Herzegovina, and the demand that elements of Yugoslav People's Army (JNA) should withdraw from part of the territory of Yugoslavia was totally in bad faith.

Another bone of contention is the hurried admission of the Republic of Croatia, and Slovenia into the United Nations (UNSC, 1992; Res. 753 and 754). The work submits that, this did not help the so-called peace efforts. By these Resolutions, the UNSC that was supposed to be a

neutral arbiter in the conflict, clearly turned against the Republic of Yugoslavia and mobilized the forces at its disposal as a world body in favour of secessionist elements in Yugoslavia. That the embargos, the partiality of the European-Community-Monitoring-Mission, and the admission of the republics that make-up the former Federal Socialist Republic of Yugoslavia, fueled the embers of injustice and conflict and left deep sore in the minds of honest men is not in doubt.

The singling out of a member state for punitive measures, just because of its attempt to maintain its territorial integrity, signals danger to the weaker states of Africa, Asia and Latin America.

The demand that one of the symbols of state power, the Armed Forces of a country fighting for the unity of the country be disbanded was also illegal and constituted nothing but fragrant interference in the internal affairs of Yugoslavia by the UNSC.

The restriction of the territory of a member nation; Yugoslavia, to only Serbia and Montenegro, portrayed the United Nations in bad faith.

It is also observed that it is not within the jurisdiction of the UN to determine the constituent elements and the administrative structure of its member states. There is no provision in the UN Charter; the legal instrument for its operation, to warrant such fragrant interference.

This, certainly 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 on 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).

The work submits that a situation where the UN appeared to be working together with a military block to attain strategic objectives cannot bring international peace and security. Therefore, the work still considers the UN support for NATO occupation of former Yugoslavia as a negation of the UN charter.

In the case of Somali, the research submit 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 failing to appreciate the political dimensions and strategic interests of those seeking for global hegemony and the establishment of a foothold in post Siad Barres' Somalia, the UN betrayed the confidence reposed on it by the international community.

The UN, in blaming General Aidid and his supporters for using women and children as human shields to screen attacks on fixed guard posts of strong points, showed that the UNOSOM II forces in Somalia had mismanaged an already bad situation by taking sides (UN Dept of Infor., 1994).

The UN should have maintained dignified neutrality, so that it could deal with the situation at hand effectively in spite of the provocation. The inability of the UN to adopt this posture led to distrust, and its inability to disarm some clan leaders and the opposition, as provided for by the Addis Ababa agreement and mandated also by the UNSC.

The deployment of the U.S Rangers, and its Quick Reaction Forces in Mogadishu, in support of UNOSOM II operation, under the control of the US, worsens the situation in the country. With the vengeance of a world power losing control over its strategic areas, it pounded civilian targets as a reprisal of those who were suspected of complicity in the June 5, attack, as well as subsequent attacks on UN personnel, and facilities (UN Dept of Infor., 1994).

It must be noted that the involvement of the U.S forces in the bombing of Somali, did not help the image of the UN. The UN consciously or unconsciously allowed itself to be manipulated by a world power, seeking universal hegemony.

The research submit that the participation of France and the U.S; permanent members of the UNSC, in the Somali crisis, violated one of the two basic principles of peace-keeping as mentioned earlier.

5. SUMMARY, CONCLUSION, AND RECOMMENDATIONS

The answer to international crises lies in collective security: working together, sometimes as leaders, sometimes as partners, with friends and allies. Collective security does not mean ceding sovereignty to the UN or any other institution. It means by working together with others, states can affect important outcomes at a price their public opinion is prepared to support (Boren, 1992).

Collective security has broadened in theory and practice to encompass far more than military remedies to keep the peace. It is a potent means to impose tough economic sanctions on defiant regimes and has increasingly become an essential ally in many humanitarian relief operations. Contemporaneously, we are fusing peacekeeping, peace enforcement operations, and peace building operations into the various dimensions of collective security (Albright, 1993).

In line with these changes, the UNHLP constituted to refashion and renew the UN to effectively meet these threats, recommended the expansion of the UN's collective security system to be broader and more comprehensive.

It recommended that an additional pillar called the Responsibility to Protect be added. On their part, Lee Feinstein and Anne Marie Slaughter suggested that another pillar called the Duty to Prevent be added.

With these two additional pillars, presumably, all of these new threats would be covered, and the threat of deadly force authorized by the UN would ensure peace, stability, and the status quo of the world order be maintained.

Perhaps the problem lies not with the new pillars but with the will of the member states of the UNSC to act. The UNSC is not limited by the Charter as to what constitutes "a threat to peace and security" (Art.39). But, in practice, military force under Chapter VII is used carefully and advisedly. While the number of armed UN interventions has increased, some critics would say the UNSC has not been fair in their assessments as to what constitutes a threat that requires force.

While some have urged the UN to adopt a Responsibility to Protect and others, the Duty to Prevent- principles, one must remember the urging of Claude (2006), Naidu (1975), and others, not to employ collective security for the enforcement of just any international norm.

If collective security is to be employed, especially armed intervention, then it must be to preserve and protect international peace and security.

Therefore, advocates of the Responsibility to Protect, and the Duty to Prevent doctrines, must present their cases to all states as hitherto new mechanisms to counter the new threats to international peace and security.

Furthermore, it must be proven that the UN's collective security system, as opposed to some other alliance system, is best placed to preserve the peace. While the Responsibility to Protect converges; with the seven, ideal elements of collective security, the Duty to Prevent represents a radical departure from many of the elements.

This work holds the view that, while the Responsibility to Protect may be adopted in theory, the Duty to Prevent is likely to clash within the current confines of the UN system. Ultimately, states must ask: can these new pillars strengthen international peace and security? Clearly collective security will wither away if such arguments prosper. As stated earlier, smaller countries have an instinct for the collective approach; that way, there is scope for covering more of the security imperatives, and for maximizing their own, necessarily limited, military capabilities.

The collective principle can; however, obviously work only if the commitment is broadly shared. What is needed is coherence among all interested parties, and an ability to interact until the whole process is mutually supportive.

The UN can never be irrelevant; indeed it remains the only organization with sufficient legitimacy to pull the world back from the chasm of lawlessness that it is yet looking down into.

It should be emphasized that democracy, human rights and the rule of law are the building blocks of peace and freedom. Democratization at the national level dictates a corresponding process at the global level, at both levels it aimed at the rule of law. New ways of preventing internal disputes and inter-State confrontations would need to be developed. State sovereignty has taken on a new meaning, added to its dimension of right is the dimension of responsibility.

Collective security could only be based on collective confidence and good faith — confidence in the principles by which it is governed, and good faith in the means by which it seeks to be ensured. With the end of the cold war, it is important to avoid the outbreak or resurgence of new conflicts, involving irredentist claims, ethnic strife, tribal wars, and border disputes. Here lies the importance of engaging in preventive diplomacy to identify potential areas of conflict and resolve crises before they degenerated into armed confrontation (Fassbender,2002).

The following are required in response: instruments for comprehensive universal action, a guarantee of collective security, and new forms of solidarity. With regard to instruments for universal action, it is necessary, to expand the means available to the UNSC for intervention. Collective security may be jeopardized very quickly unless up-to-date conditions are created for it.

Having noted that the present structure of the UN is part of the problem and therefore unrealistic, and since the UNSC take decisions of major importance on behalf of the entire membership of the UN, that body should be made more representative of the will of the general membership.

We therefore recommend that:

i). The structure of the permanent representative in the UNSC should be reviewed every ten years. The point is that human society is not static, but dynamic. Powerful countries of the war period are not as powerful as they were then, today.

ii). An upward review of the present five permanent membership structure of the UNSC to include at least one powerful member State from each continent.

iii). The entire membership of the UNSC should be re-structured to include three countries from each continent, probably representing their sub regional groupings. This proposed structure should aim at making the system more balanced in terms of economic, political, and military, potentialities of the different regions of the world today.

In the case of Africa, the three countries will be Nigeria, Egypt, and South Africa, as these are sub-regional powers in their own right. Once the economic indicators of a country shows that it is getting weaker, such a country should be replaced by another country from the same region. Certainly, this new structure will bring about an international balanced system capable of maintaining international peace and security.

iv). Adoption of a wider scope of the concept of aggression: We recommend that a more robust conceptual foundation of the concept of aggression 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.

v). We also suggest a serious review of the UN charter especially chapter VII to give an explicit definition of what constitutes threat to international peace and security. Breach of peace also requires clearer understanding. Even though the UNHLP report has made tremendous progress in this regard, what is the evidence of such a breach must have a meaning that any reasonable man can understand to avoid its manipulation by trigger-happy political office-holders.

vi). Arms control/regulation: Even though the cold war is over; at least for now, we observed that the arms race has not completely stopped. The economically powerful states are still investing more and more in developing deadly weapons of mass destruction. These deadly weapons are particularly in the possession of member States of the 'Big-Five', mainly- USA, Russia, France, and China. We are at pains to understand the need for testing new weapons of mass destruction especially by permanent members of the UNSC. This, from the findings of this research, poses great threat to international peace and security.

This work therefore recommend that a new international treaty making it a crime to test weapons of mass destruction should, as a matter of urgency be concluded under the umbrella of the UN.

Finally, we must appreciate that the separation of antagonistic elements in a conflict is not an easy task. The UN has recorded tremendous successes in this area; we believe, however, that there are still rough edges that could be smoothened. The recommendations in this work are therefore supposed to fill the gap. The UN should not compromise its laws and principles in the face of increasing violence committed by states as well as non-state actors. The UN, through its UNSC must act; as envisaged in the Charter, as the guardian of the security of nations, especially the small countries, and as a catalyst for promotion of the primacy of the rule of law in international relations.

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