CHAPTER I

INTRODUCTION

1. IMPORTANCE AND OBJECTIVES

Sovereign States have always been the primary actors in the international arena. The Peace of Westphalia\(^1\) of 1648 was the turning point in the history of international relations. From there a shift occurred to international law\(^2\) among States from "law above States."\(^3\) The same decisive year saw the emergence of the "balance of power" system. The positivist\(^4\) school of international law further strengthened the commanding role of States in international affairs by the legal fiction of "sovereignty"\(^5\) in the eighteenth and nineteenth centuries. The triumph of the "State-centric model"\(^6\) in the international arena coincided with the spread of the idea of "popular sovereignty."\(^7\) But the emergence of the "State-centric model" and the beginning of the twentieth century saw the inadequacy of the collective security system through the establishment of the League of Nations. As Jeremy Bentham observed, "In earlier centuries the doctrine of sovereignty had an empirical basis. Today this doctrine does not have such a basis."\(^8\)

---

\(^1\) It actually consisted of two separate treaties which brought an end to the 30 years' war of religion that had ravished European society and had demolished the remnants of the medieval-political organization. For details, see R.W. Mansbach and others, *The Web of World Politics: Non-State Actors in the Global System* (New Jersey, 1976), pp. 7-19.

\(^2\) The term "international law" was used for the first time by political philosopher Jeremy Bentham in 1780. *ibid.*, pp. 7-8.


The confusion between sovereignty as prescription and practical issue of State power is the main reason why it is so difficult to employ the concept of sovereignty meaningfully. Even the interdependence of sovereign States has become a necessary phenomenon. In recent years, the concept of sovereignty has undergone some changes and the adequacy of the nation-state system has become questionable in the international arena. This is mainly due to the impact of science and technology, changes in the concept of property, evolution of alternative and sophisticated means to influence the sovereignty of States, commerce, communications and environmental matters. Hence, entities other than sovereign States are also active in the contemporary world. Non-state entities (NSEs) have played an important role in peace and security matters.

Under the Charter of the United Nations, various arrangements have been made for the maintenance of international peace and security. Among them, the collective security arrangement has been the focus of attention. The history of the past fifty five years shows that the UN Security Council has been unable to meet a large number of even narrowly focused peace and security crises. This can be easily inferred from the fact that out of more than 125 odd international conflicts that have taken place in the last fifty five years, only about two dozens have been brought to the attention of the Security Council and that the Council has taken action only

---

9 Ibid.
10 This is evident from the simple fact that hundreds of international organizations relate to peace and security. See Union of International Associations, ed., Year Book of International Organizations (Munchen, New York, London and Paris, vol. 3, 1988/89).
in a few of those conflicts. At the same time, many NSEs have played an important role in many of those conflicts.

Paul Kennedy and Bruce Russett have rightly observed that threats today come in international forms, so how can national governments cope? And therefore it requires creating and empowering more effective international structures and operating procedures, away from the national centers, either downward to the regions or upward to transnational actors.¹² Frederic L. Kirgis, Jr. observes that the future of the Security Council will surely witness a Security Council constituted somewhat different from the Council of today, performing some functions dimly or not at all today. He further observes that the Council’s effectiveness in maintaining peace and security will depend upon a variety of factors. One of them is the extent to which governments and other important actors on the international scene have the confidence in the sensitivity of the Council.¹³

Thus, the growing importance of NSEs in the contemporary world presents a case for study of the role of these entities in the collective security system of the United Nations. The proposed study has two principal objectives. First, to appreciate the emerging trends to approach the collective security system. And second, to analyse the role of NSEs in the collective security system of the United Nations.

II. MAJOR ISSUES

This study focuses on the following issues:

1. Up to what extent has the UN Charter incorporated the concept of collective security?
2. What are the limitations on the collective security system under the Charter?
3. What are the new trends in the collective security system?
4. What kinds of role do NSEs play in the collective security system?
5. How to make the role of NSEs more effective?

III. FRAMEWORK OF THE STUDY

The present study consists of seven chapters. Chapter I provides an introduction to the study. It deals with the methodology adopted besides importance and objectives, major issues, and framework.

Chapter II seeks to clarify the concept of collective security in both broad and narrow senses. It explores up to what extent the UN Charter has incorporated the concept of collective security and what are the limitations on the collective security system under the Charter. It identifies some new trends in approaching the collective security system.

Chapter III analyses the meaning, typology and international legal personality of NSEs because the concept of NSEs is also debatable. It uses the term “NSEs” in both broad and narrow senses.

Chapter IV attempts to analyse the core of the study. As a matter of convenience, the role of NSEs in the collective security system of the United Nations may be divided into two parts: peaceful and coercive. This
Chapter discusses the peaceful role of NSEs and includes organizational, informational, normative and other roles of peaceful nature.

Chapter V deals with the coercive role of NSEs. It includes the organizational, operational and other roles of coercive nature.

Chapter VI deals with the case study of Somalia, although not a new case but first one of post-Cold War era, involving the divergent role of NSEs in the collective security system of the United Nations, especially between 1990 and 1995.

Finally, Chapter VII summarizes major findings of the study and includes some suggestions to strengthen the collective security system of the United Nations by exploring a suitable role for NSEs in the system and by appreciating the emerging trends in this field.

IV. METHODOLOGY

The present study relies on both primary and secondary sources. The primary source includes United Nations documents and publications, while the secondary source includes books, articles in periodicals/journals, and newspapers.

The analysis of various issues is based on illustrations. An attempt has also been made to arrange the study in a chronological order. For analysis of the role of NSEs in the collective security system of the United Nations, both general and specific roles of NSEs acting under the system have been traced out from the sources mentioned above.