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Turning to the UN Security Council: terming crisis a threat to international peace

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TranState Working Papers

TURNING TO THE
UN SECURITY COUNCIL
TERMINING CRISIS A THREAT TO
INTERNATIONAL PEACE

Aletta Mondré

No. 79

Universität Bremen • University of Bremen
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***Turning to the UN Security Council
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Turning to the UN Security Council – Terming crisis a threat to international peace
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ABSTRACT

When do states turn to the United Nations Security Council? Today the term threat to peace is interpreted more widely than ever before ranging from inter-state conflict over internal wars to humanitarian crisis. Alarming the Security Council to international crisis is an exceptional foreign policy choice. By far more conflicts are not brought to the attention of the Security Council than are put before that body. The paper explores when states actually turn to the Security Council and term a crisis a threat to international peace.

On the one hand, the Security Council has assumed a much more visible and active role in international dispute settlement since the end of the Cold War. On the other hand, the unilateral decision of the United States to invade Iraq raised serious doubts about the legitimacy and effectiveness of the UN's collective security system. A much repeated truism reminds UN scholars that any system of collective security can be only as good as its members want it to be. But so far we do not have a clear understanding of what its members do want it to be. While the option to involve the UN Security Council in any situation endangering peace is equally open to all states, only some states address the UN in some conflict situations. From this starting point, this paper contributes to the understanding of the role of the UN in fostering conflict resolution as well as shedding light on foreign policy choices by states.

In what situations do states turn to the Security Council? Which states take the decision to alert the Council? And what do states want from the Council once they did? Addressing these questions, the paper presents instances in which states decided to turn to the Security Council. The systematic assessment builds on a set of case studies that includes different types of conflict situations in the 1990s as well as different states. States bring crisis situations before the Council which they either perceive as an immediate threat to themselves or as a threat to norms shared by the international community. The paper concludes with some generalizations about reasons for states to turn to the UN Security Council.

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1 INTRODUCTION

Today, international law and international norms govern more and more issue areas of international relations. Especially noteworthy are developments in the realm of international security. On the one hand, no other area of international relations seems to be so resistant to enhanced interstate cooperation and effective international governance like security. States hold on to conventional notions of sovereignty and guard their national interests. On the other hand, the United Nations Security Council enjoys a far more prominent role now than it did during the cold war years (Wallensteen/Johansson 2004). Security Council resolutions aim to contribute to international governance by calling for an end to internal wars, enforcing non-proliferation of weapons of mass destruction, enhancing human rights, imposing arms embargoes, freezing assets of alleged terrorists, and generally averting international crisis situations. The increased activities of the UN Security Council have become a prominent subject of study for international relations and international law scholars. Studies mirror the widening range of the Security Council's workload. For instance, there are studies on the interpretations of the concept of threats to peace (Österdahl 1998, Wellens 2003), on legislative functions assumed by the Council (Szasz 2002, Talmon 2005), on the authorization of the use of force (Blokker 2000, Sarooshi 1999), and on judicial review of Council decisions (Alvarez 1996, Akande 1997). Additionally, case studies investigate decision-making in the Council in specific crisis situations (Melvern 2001, Malone 1998). Recurring questioning of the Council's legitimacy and policies do not contradict this finding. On the contrary, these doubts and current reform proposals are a reflection on the increasing importance of the Security Council.

In sum, dispute settlement and crisis management seem to be more internationalized than ever before. Consequently, the UN Security Council is well on the way to become a centerpiece of international security governance structures. This development is a sign of an ongoing internationalization of security issues. On the other side of the coin there seems to be less state autonomy accompanied by an unraveling of traditional concepts of state sovereignty for at least some states. Do states drive the internationalization of security matters or are states at the receiving end of this process?

Curiously little scholarly attention is devoted to the question why states seek to involve the Security Council in handling international crises.¹ So far, existing studies

¹ One noteworthy exception is the work by *Alexander Thompson* (2006) who argues states channel (coercive) policies through the Security Council to signal benign intentions to foreign leaders and foreign publics. On a general level *Abott/Snidal* (1998) argue states act through formal international organizations because they feature centralization and independence and these properties facilitate interstate cooperation.

mostly capture in which circumstances the respective Council member states agree that a crisis put to them is indeed a threat to international security. But it is not only the Security Council that has an important role in making these determinations. Prior to a Council decision, there is usually a state alerting the body to crisis. This paper explores the specific circumstances in which a state chooses to turn to the UN Security Council. To what type of situations do states draw the attention of the Security Council? What are the circumstances in which states decide to turn to the Security Council? And which elements of situations are termed a threat to international peace and security by states? Once we can answer these kinds of questions we will have a better understanding of what states want of the United Nations and to which end states use this organization. The next section presents the analytical framework to meet these questions. The following four sections introduce and discuss the empirical findings. The final conclusion derives some generalizations. States draw the Security Council's attention to crisis if they perceive themselves under immediate threat or if they are concerned about a violation of community norms.

2 ANALYTICAL FRAMEWORK

This paper undertakes an explorative study of instances in which states alerted the UN Security Council to international crisis. The aim of this paper is to gain insights from a descriptive approach. Before tackling the task of providing a theoretical informed explanation why states decide to turn to the UN Security Council, it is necessary to gather empirical data on the circumstances in which states turn to the Council. Another point also merits attention: which elements of a crisis do states find to be a threat to international security?

Any state can draw the attention of the Security Council to any situation or any dispute which may lead to international friction (Art. 35 UN Charter). It is not even necessary for the state to be a member of the United Nations to do so. Yet only states are allowed to refer situations to the Security Council.² The Council may then take up the referred matter, but does not have to. The body consists of five permanent members (China, France, Russia, UK, and USA) and ten additional members elected on a rotating basis. Delegates to the Council are state envoys who represent their respective country's foreign policy. Due to rotation, each year different states are represented in the Security Council. Informal voting rules provide for some geographical diversity in membership.

² The UN Charter also grants the UN Secretary-General the right to bring any matter which may threaten international peace to the attention of the Security Council. So strictly speaking there is one individual in the world who in his professional capacity may refer crisis situations to the Council.

While the option to involve the UN Security Council in any situation endangering peace is equally open to all states, only some states address the UN in some conflict situations. For instance, the breakdown of the cease-fire in Sri Lanka has not been brought before the Security Council. Indeed by far more conflicts are not brought to the attention of the Security Council than are brought before it. This fact becomes apparent when comparing the number of active armed conflicts to the Security Council agenda. While the Council dealt notably with more conflicts in the 1990s than ever before, there is still a wide gap between the number of conflicts in a given year and the number of conflicts in which the Council was involved (Wallensteen/Johansson 2004: 26). This gap is more than a reflection of the increased workload of the Council and a resulting need for self-restraint.

Many conflicts are not on the Council's agenda because no state cared to alert the Council to them. The circumstances and thereby the type of crisis that states do refer to the Council need to be studied. Do these situations share some common characteristic? This study will give some background on each crisis situation that states brought to the Security Council. Starting point for the empirical investigations are complaints in which states expressed the concern a situation was threatening international peace and security. States raise such concerns in letters to either the President of the Security Council or the UN Secretary-General. These complaints have the status of official UN documents and can be accessed in UN archives. Complaints studied in this paper were identified according to two more criteria: The complaints were made in the 1990s. Looking at states' choices in the post-Cold War environment, one can reasonably expect that states do not merely use the Security Council as a sounding board for ideological differences. Second, at least one OECD country is involved in the situation brought to the Council. That state can either have accused some other state of threatening the peace or be itself the target of such an accusation. Applying these criteria fifteen instances were identified.³ It might be worthwhile to point out that cases have been chosen only according to these criteria and uneven distributions of complaints over the years merely reflect historic reality.

There is no formal definition what kind of crisis constitutes a threat to international peace in the sense of the UN Charter. As the Charter is deliberately open to changing notions of security threats, each state is free to call any situation a threat to international peace. And indeed there is a wide range of issues that appear as threats to states. In their complaints states spell out quite specifically which elements of the situations they perceive as threat. Terming a situation a threat to peace is a deliberate choice. It marks a

³ Three additional incidents were not included in this study for pragmatic reasons. For instance, a French complaint about the situation in Afghanistan from the mid-1990s could not be traced to a certain incident.

line diplomats do not cross by accident. Should the Security Council endorse the view, the door is open to the full range of Security Council decisions including enforcement measures. While a less severe wording by a state does not preclude the Council finding the situation a threat to peace anyway, that state's intentions are less clear. The focus on conflicts with alleged implications for world peace is an analytical concentration on situations that caused great concerns to states. The underlying assumption is that when states formally express their concern in the language of Article 39 of the UN Charter, they are seriously interested in involving the Security Council. Additionally to the circumstances, this paper will elaborate which elements of each situation were termed a threat to peace. More likely than not, there are additional reasons next to those stated in a complaint for states to turn to the Security Council. Nevertheless, this study is mainly interested in those made explicit by states.

The empirical data is organized in four sections. Each section deals with a different cluster of crisis situations. Clusters are formed according to the issues that prompted states to turn to the Security Council: (1) war, (2) humanitarian crisis, (3) enforcing non-proliferation, and (4) unique incidents. These clusters provide an ordering principle for the following presentation of instances in which states alerted the Security Council to a crisis. The clusters have not perfect selectivity. They make analytical sense nonetheless. War will always cause suffering among civilians and most likely create humanitarian crisis. Seeking to understand when states alarm the UN Security Council, it makes sense to investigate what aspect of a crisis leads states to be alarmed. Being concerned about the humanitarian condition caused by a conflict is different from being concerned about the fact of fighting. This is especially so since the concept of humanitarian intervention increasingly gains acceptance as grounds to use military force.

3 WAR

On the one hand, war seems to be the most obvious event to cause states to alarm the Security Council. After all a war is the strongest disturbance of international peace and security.⁴ At least this view is true if one does not take the position that not every war is endangering world peace. On the other hand, outbreak of war is also a clear sign that the maintenance of international security has failed. Ideally, states should alarm the Security Council to crisis, that is before war commences. Empirically, not every war triggers state complaints alleging a threat to peace. For instance, the Vietnam War did not, even though superpower involvement implied a great danger to world peace. During the 1990s four wars made states turn to the Security Council.

⁴ The applied definition of 'war' is based on shared traits used by various data sets on armed conflicts. War then is a militarized conflict between at least one state and another political entity with centrally organized fighting.

US-intervention in Panama (Nicaragua)

Interestingly, it was Nicaragua that protested against the US invasion of Panama.⁵ On 20 December 1990 the United States intervened militarily in Panama. Assaults on US servicemen had triggered the intervention that actually aimed at arresting Panama's military dictator General M.A. Noriega. The United States had tried a mix of negotiations, sanctions, military threats and support for insurgencies to oust Noriega from office (Gilboa 1995/96). Noriega had been under critique for illegal narcotics and arms trade, two US courts had indicted him for drug trafficking and money laundering in 1988. In May 1989 Noriega annulled the results of free elections won by opposition parties.⁶ Later that year a coup d'état failed and Panama's national assembly even declared (symbolically) war on the United States. So when US servicemen were assaulted in late 1989 the US government had finally found a justification for an intervention.⁷

On the day the US operation *Just Cause* commenced, Nicaragua alerted the UN Security Council to the invasion. Nicaragua initially asked for an urgent Council meeting.⁸ The United States reported on the same day to the Council they had taken action in Panama in accordance with Article 51 of the UN Charter (self-defence).⁹ After a Security Council meeting and discussion of the invasion in the UN General Assembly Nicaragua turned again to the Security Council. This time Nicaragua considered "the invasion and current occupation of the Republic of Panama by US troops [...] a serious threat to peace and security in the region."¹⁰ In that letter Nicaragua complained about the temporary occupation of residences of Nicaraguan diplomats in Panama.

Invasion of Kuwait (United States and others)

In the early hours of 2 August 1990 Iraq invaded Kuwait after failed border talks. Iraq had attempted several times to integrate Kuwait in its territory. Iraq had accepted Ku-

⁵ US forces entered Panama in December 1989, but Nicaragua did not charge the US with endangering international security until January 1990. Nicaragua did alert the Council on the day of the invasion but did not yet term the events a threat to peace.

⁶ The elections had only taken place after intensive international lobbying. The opposition's victory has been verified by international election monitors.

⁷ Contingency planning for intervention in Panama had started in November 1987 (von Hippel 2000: 35). Official aims were (1) protection of US citizens, (2) restoration of democracy (3) preservation of the Panama Canal treaty and (4) arrest of Noriega.

⁸ Letter from the Representative of Nicaragua to the President of the Security Council, dated 20.12.1989, S/21034.

⁹ Letter from the Representative of the United States to the President of the Security Council, dated 20.12.1989, S/21035.

¹⁰ Letter from the Representative of Nicaragua to the President of the Security Council, dated 03.01.1990, S/21066.

waiti independence in 1963 but did not agree to the border demarcation. The most disputed issue was the right to exploit the Rumaila oil field. In the 1980s Kuwait had granted Iraq interest-free credits for financing Iraq's war against Iran. The resulting Iraqi debt in combination with falling crude oil prices triggered a financial crisis in Iraq in the beginning of 1990. Iraq accused Kuwait of illegal exploitation of the Rumaila field and of cheating on OPEC quotas. Iraq demanded of Kuwait to cancel the Iraqi debts. In July 1990 Iraq declared the Kuwaiti behavior (oil theft and quota cheating) amounted to a military attack against Iraq and threatened retaliation. Some Arabic states as well as the UN Secretary-General tried to mediate between the two countries. In response to an Egyptian effort Kuwait agreed to lower its oil production.¹¹ Both sides also agreed to talks on border limitation. These talks failed on their first day because Kuwait was unwilling to cancel the Iraqi debt and to cede part of its territory. Iraq then invaded Kuwait.

Only few hours after the start of the invasion, the United States called for an immediate Security Council meeting "in light of the invasion of Kuwait".¹² During the day Italy, Japan, and Iran followed suit. The European Community states condemned the use of force and termed the Iraqi aggression "a dangerous threat to peace and stability in the region".¹³ In the following days - already after the first formal Security Council meeting - many other states also expressed their concern to the Security Council about the Iraqi invasion.

Breakup of Yugoslavia – Croatia (Canada, Austria, Hungary)

In the summer of 1991 the Federal Republic of Yugoslavia began to unravel. On 25 June 1991 Croatia declared its independence and annulled the Federal constitution. Clashes between newly put together Croatian forces and the Yugoslav army quickly turned into war. At first Western European states considered war so close to their borders to be best dealt with by European diplomats. The first European Community brokered ceasefire failed. Renewed attempts to settle the dispute at The Hague Peace Conference were also followed by reports of armistice violations by both sides in mid-September 1991.

¹¹ Los Angeles Daily News, 26.07.1990: N22.

¹² Letter from the Representative of the United States to the President of the Security Council, dated 02.08.1990, S/21424; Kuwait had also immediately asked for a Security Council meeting in letter to the President of the Security Council, dated 02.08.1990, S/21423.

¹³ Letter from the Italian Chargé d'affaires to the UN Secretary-General transmitting statement by EC member states, dated 02.08.1990, S/21426.

Only days after The Hague armistice agreement Canada alerted the Security Council to the deteriorating situation in Yugoslavia. Canada requested an urgent Council meeting as “the continuation [of the situation] is likely to endanger the maintenance of international peace and security.”¹⁴ Austria asked for informal Council consultations on the same day.¹⁵ Hungary requested a Council meeting the next day but was even more concerned. In Hungary’s view the “deteriorating situation regarding Yugoslavia [...] poses a threat to international peace and security”.¹⁶

Breakup of Yugoslavia – Bosnia (Austria, France)

Fighting in Croatia eventually spread to Bosnia and Herzegovina. Bosnia was the third Yugoslav republic striving for independence. War in Croatia made it impossible for the ethnically diverse government in Sarajevo to continue. Bosnian Muslims preferred an integrated and independent state of Bosnia, Croats living in Bosnia wanted to join the newly independent Croatia, and the Bosnian Serbs wished to stay part of Yugoslavia. The then Bosnian President Izetbegovic asked the UN Secretary-General for a UN peace-keeping force as early as winter 1991/92 but to no avail. Mediation efforts by the European Community resulted in the Lisbon Conference (22/23.2.1992). All parties accepted the Cutileiro proposal that envisaged an administrative partition of Bosnia-Herzegovina in three parts while maintaining the current external border of the republic. But shortly after the conference the Bosnian side withdrew its support for the proposal. A vast majority voted for Bosnian independence in a referendum about a week later. (The Bosnian Serbs boycotted the vote.) On 3 March 1992 Bosnia declared itself independent. The Serbs responded by proclaiming a Serb Republic of Bosnia-Herzegovina. Rising tensions resulted in clashes in the second half of 1991. In spring 1992 the Bosnian Serbs started a military campaign on Bosnian territory – by then full-out war. Bosnian Serbs and parts of the federal army on one side fought Bosnian Muslim and Croats on the other side.

The EC brokered a cease-fire in mid-April 1992, but fighting continued. Austria alarmed the UN Security Council to Serb attacks against Bosnia. It called on the Council to “to take appropriate steps” to end the violence. Austria specifically accused the Yugoslav National Army of “aggression against [Bosnia’s] independence and territorial integrity [...] endangering international peace and security, thereby violating fundamen-

¹⁴ Letter from the Representative of Canada to the President of the Security Council, dated 19.09.1991, S/23053. The contorted wording is a close echoing of Article 33 UN Charter.

¹⁵ Letter from the Representative of Austria to the President of the Security Council, dated 20.09.1991, S/23052.

¹⁶ Letter from the Representative of Hungary to the President of the Security Council, dated 20.09.1991, S/23057. See also S/23058.

tal principles of the Charter of the United Nations”.¹⁷ On the following day, the foreign ministers of Germany, France and Poland decided after consultations “to request an urgent meeting of the Security Council in order to call upon the Council to assume its responsibilities with respect to Bosnia-Herzegovina”.¹⁸

States perceived all these four wars as a threat to international peace and security. However, these wars do not share common characteristics. Obviously the two conflicts stemming from the break-up of Yugoslavia are interlinked, though. The states that drew the Security Council’s attention to Croatia and Bosnia seemed more concerned about the fighting itself than the break-up of Yugoslavia in their complaint letters. Especially for the European states involving the Security Council can be seen as a way of delegating responsibility. At first, the European Community endeavored to foster conflict resolution but in the light of its sparse impact, bringing the matter to the Security Council was a strategy to enhance the international efforts to stop the fighting. While territorial integrity was not the main concern with regard to Croatia and Bosnia, it was an important reason for states to protest against the Iraqi invasion of Kuwait. In this instance, many states, among them the United States, strongly protested the Iraqi invasion to demonstrate that sovereign states had the right to exist and to territorial integrity.¹⁹ Turning to the Security Council was the initial step to organize a collective response against Iraq. Nicaragua’s main concern in the Panama case was the fact that the United States intervened in Central America. Nicaragua had suffered from extensive US interventions in its own political system and was therefore very outspoken against any US interventions in the region. Nicaragua brought the matter before the Council to criticize the United States.

4 HUMANITARIAN CRISIS

Health and/or safety for a large group of people are at stake in humanitarian crises situations. Such a crisis might be triggered by natural or technological disasters, epidemics, famine, armed conflict, or a mix of such events. Starting in the 1990s, international security is increasingly linked to the protection of human rights and wellbeing. The concept of ‘human security’ gained popularity (Paris 2001). States increasingly alert the Security Council to humanitarian crisis situations connected to armed conflict. The term

¹⁷ Letter from the Representative of Austria to the President of the Security Council, dated 23.04.1992, S/23833.

¹⁸ Letter from the Representative of France to the President of the Security Council, dated 24.04.1992, S/23838.

¹⁹ On the evolution of the territorial integrity norm see *Zacher* 2001. Note that Zacher does not consider the dissolution of Yugoslavia in its republics as change to the norm (p.227, 235), but as proof for the territorial integrity of intrastate boundaries.

is most popular in relation to internal wars – situations traditionally not considered a matter for the Security Council. In this sense highlighting civilian suffering can be seen as a way around traditional limits to Security Council involvement (Roberts 1993: 444/45). The fate of a group of humans in a war-torn country becomes a matter of concern to the international community. Three incidents fall in this category.

Iraqi civilian population (France, Germany)

In the aftermath of the international coalition's war on Iraq to liberate Kuwait, Kurds in Iraq's North and Shiite groups in the South rose up against the Saddam Hussein government in March 1991. The insurgents were speedily defeated by government campaigns causing large-scale refugee flows. The Kurdish population fled to the mountains on the Iranian and Turkish border. The Shiites sought protection in the Southern marshlands. The refugees lacked shelter, food, and medical supplies.

In early April Turkey informed the UN Security Council of approximately 220,000 Iraqi citizens massed along the Iraqi-Turkish border due to Iraqi army actions. "It is apparent that the Iraqi Government forces are deliberately pressing these people toward the Turkish border in order to drive them out of their country. These actions violate all norms of behavior towards civilian populations and constitute an excessive use of force and a threat to the region's peace and security."²⁰ Turkey requested an immediate meeting of the Security Council. France also requested a Council meeting "to discuss the serious situation resulting from the abuses being committed against the Iraqi population in several parts of Iraq, and more particularly in the Kurdish-inhabited areas. By virtue of its repercussions in the region, this situation constitutes a threat to international peace and security."²¹

In May 1991 the Iraqi government resumed plans to drain the southern Al-Hammar marshlands. The government seemed to care less about improvements of the infrastructure but more about driving away the local (and refugee) population: several towns were fired at and bombed (Trautner 1996). Germany was alarmed by reports of „brutal acts of repression against the civilian population that area” and in turn alerted the Security Council to the situation.²² But it took over a year until the situations of civilians was brought again to the Security Council. In early August 1992 France, the United Kingdom and the United States complained about “the continuing repression of the civilian

²⁰ Letter from the Representative of Turkey to the President of the Security Council, dated 02.04.1991, S/22435.

²¹ Letter from the French Chargé d'affaires to the President of the Security Council, dated 04.04.1991, S/22442.

²² Letter from the German foreign minister to the UN Secretary-General, dated 13.06.1991, S/22701.

population in many parts of Iraq”. All three states requested a Council meeting and termed the Iraqi situation a threat to peace and international security.²³

Genocide in Rwanda (France)

The international community was slow to respond to the genocide taking place in Rwanda. The horrid events were preceded by a long conflict between Hutu and Tutsi. Commonly put in terms of ethnic conflict the causes stem from social-economic status differences of these two groups fortified by colonial rule. Since independence Hutus dominated Rwandan government. In 1990 civil war broke out between government forces and the Rwandese Patriotic Front (RPF) made up of Tutsi and opposition Hutu. The United Nations monitored a cease-fire agreement reached in 1992 and a renewed agreement in 1993. When the Rwandese President Habyarimana died in a plane crash on 6 April 1994 massive unrests occurred. Hutu groups started killing Tutsi and oppositional Hutu in the capital Kigali. The massacres then spread throughout the entire country.

There were informal Security Council discussions on the massacres since their beginning in early April 1994 as the situation in Rwanda was on the Council’s agenda anyway because of the UN peacekeeping force UNAMIR. After the death of Belgian soldiers Belgium withdrew its UNAMIR contingent. No other country was willing to replace the Belgian forces so the Security Council reduced the UNAMIR forces.

France had repeatedly requested Council meetings on the situation in Rwanda.²⁴ After informal consultations, France, supported by other states, introduced a draft resolution to the Security Council calling for an immediate cease-fire, expansion of UNAMIR’s mandate and force level, and an arms embargo on Rwanda in mid-May. The draft expressed concern “the continuation of the situation in Rwanda constitutes a threat to peace and security.”²⁵

In June France launched the idea to send an intervention force to Rwanda. French Foreign minister Alain Juppé first floated the idea of an intervention on national radio and repeated it in a French daily newspaper (Wheeler 2000: 231). Juppé said that France was ready to mount an intervention if the massacres were to continue despite of a cease-

²³ Letter from the US Chargé d’affaires to the President of the Security Council, dated ,S/243946; Letter from the Representative of the United Kingdom to the President of the Security Council ,S/24395; Letter from the French Chargé d’affaires to the President of the Security Council, dated, S/24394. Solely France highlighted the situation in the southern Iraq separately.

²⁴ Letter from the Representative of France to the President of the Security Council dated 04.03.1993, S/25371; letter from the Representative of France to the UN Secretary-General dated 02.04.1994, S/25536.

²⁵ The draft was adopted as SC Resolution 918 (1994) on 17 May 1994.

fire agreed to the day before.²⁶ France officially offered troops for a humanitarian intervention to the United Nations on 20 June 1994. Pointing to evident delays in increasing UNAMIR troop levels and the ongoing suffering France asked for Security Council authorization for its plans.²⁷

Kosovo Crisis (Balkan Contact Group)

The looming humanitarian crisis in Kosovo raised concerns among the Western members of the contact group on the Balkans. France, Germany, Italy, the United Kingdom, and the United States made up this group. Russia was also a member but rarely agreed with the others over the course of action, so the Contact Group acted more and more as a group of the five Western members (Teixeira 2003: 15).

The region mainly populated by Kosovo Albanians was part of Yugoslavia. Until 1989 the region had enjoyed special autonomy status within the Federal Republic of Yugoslavia but had then been put under Serb administration. Violations of human rights of the Kosovo Albanians were reported since. On from summer 1996 the Kosovo Liberation Army (KLA) claimed responsibility for terrorist acts against Serbs in Kosovo. The KLA pressed for independence. A claim refuted by Yugoslav authorities and also by Western states. At the end of February 1998 the Yugoslav President Milosevic started a military campaign against the KLA. Civilians were targeted by both sides leading to a stream of refugees.

Threatening sanctions, the United States and the European Union demanded an end of the campaign. The contact group prepared a draft resolution calling for a cessation of hostilities and a return to the negotiation table and proposed an arms embargo against Yugoslavia. The UN Security Council adopted the draft as resolution at the end of March.²⁸ Fighting between Serb forces and the KLA continued and gave rise to fears of reignited ethnic clashes in the Balkans. In early June the United States shifted policy when they called for stronger sanctions against Yugoslavia. British officials also said they would move ahead with European sanctions. The United Kingdom also wanted to press the North Atlantic Treaty Organization (NATO) to plan possible military action and to push in the UN Security Council for a resolution to approve such a use of force.²⁹

In mid-June the contact group met with the foreign ministers of Canada and Japan to discuss the situation in Kosovo. In their statement they termed the “serious deterioration

²⁶ *Agence France-Presse*, 15.06.1994: France hints at intervention if Rwanda ceasefire fails.

²⁷ Letter from the Representative of France to the President of the Security Council, dated 20.06.1994, S/1994/734.

²⁸ S/RES/1160 (1998).

²⁹ *New York Times*, 06.06.1998: A1: U.S. Ready to Resume Sanctions Against Serbs Over Kosovo Strife.

[...] a significant threat to regional security and peace”.³⁰ The ministers deplored interventions by the security forces causing civilian casualties and thousands of civilians to flee. They listed several requests – all aiming to stop civilian suffering. Milosevic declared his willingness to enter negotiations with the Kosovo Albanians after consultations with the Russian President Yeltsin. But Milosevic also said he would not withdraw his forces and did not need international mediators.³¹ Thereby he refused to meet two important requests of the Contact Group. Western states stepped up the pressure by publicly talking about military strikes and holding maneuvers in Albania and Macedonia. In another reaction, the Contact Group forwarded their mid-June statement to the UN Security Council.

Turkey and France were the first states to term the Iraqi repression of civilians a threat to peace. Turkey, also boasting a Kurdish minority, was worried about possible repercussions for itself. Turkey needed the support of the international community to deal with the refugees. France can more easily be seen as genuinely concerned about the plight of the refugees. With regard to Rwanda the “humanitarian tragedy” served as a pretext for the French intervention. France sought international legitimacy by asking for a Security Council mandate. The French offer was not conceived as genuine due to French support of the Hutu government. But in the face of lacking alternatives and clearly insufficient UN peacekeeping efforts, the French proposal was better than nothing. As in the aftermath of the war on Iraq, the international community was already heavily involved in former Yugoslavia and thereby Kosovo. The Western members of the contact group were also interested in ending the power struggle with the Serb government. Clearly, concerns other than humanitarian came also into play in all these situations.

5 ENFORCING NONPROLIFERATION

Nonproliferation as a policy seeks to limit and control the spread of strategic weapons, i.e. long-range missiles, nuclear, chemical and biological weapons. The nonproliferation of weapons of mass destruction (WMD) becomes more and more topical in the Security Council. The United States have recently resumed dialogue with North Korea that shocked the world in 2005 with its announcement to possess nuclear weapons. Similarly, Western states alerted the Security Council to Iran’s nuclear program in 2006 and

³⁰ Statement on Kosovo issued by the Foreign Ministers of the Contact Group in London, dated 12.06.1998. Transmitted to the UN Secretary-General in a letter from the Representative of the United Kingdom, dated 24.06.1998, S/1998/567.

³¹ *die tageszeitung*, 17.06.1998; *New York Times*, 17.06.1998: A6: Serb's Promises Are Just a First Step, U.S. Says.

kept the item on the Council agenda since. In the period under investigation two cases fall under the heading of nonproliferation: North Korea's missile test and the underground nuclear tests by India and Pakistan.

North Korean missile test (Japan)

North Korea launched a missile on 31 August 1998 that flew over Japanese territory. North Korea had not announced this test of its new multi-stage missile type Taepo-Dong before-hand. The missile was launched from North Korean territory, crossed Japan and plunged in the ocean some 500 kilometers of the Japanese Eastern coast. United States intelligence had expected the launch, but it surprised Japan. Its effect on Japan was comparable to the Sputnik shock suffered by the United States in the late 1950s (Kim 1999: 487). The Japanese government assumed the object to be a ballistic missile. In principle, this type of missile could reach any target on Japanese territory. Japan's defense policy has long focused on threats from North Korea, even more so since the end of the Cold War.

Japan's Prime Minister Obuchi protested harshly against the test. "The missile launch concerns not only the security of Japan but also the whole of Asia. I will clarify Japan's stance in a stern manner, including how we will act in the United Nations".³² Foreign Minister Komura lodged protest with North Korea but it was rebuffed by Pyongyang which criticized Japan's security pact with the United States. Japan demanded that North Korea ceased to develop missiles.³³ In the following days Japan decided to discuss the launch in its regular tri-partite talks with the United States and South Korea. Moreover, Japan suspended scheduled normalization talks with North Korea, halted food aid and its share of oil deliveries under the KEDO agreement to North Korea.³⁴ Japan also cancelled landing permits for North Korean charter flights.³⁵ North Korea denounced Japan for „making a fuss over the matter that belongs to our sovereignty while being unaware of its background. Japan's behavior is ridiculous“.³⁶

On 4 September 1998 Japan put its announcement into practice and turned to the UN Security Council. Japan emphasized the North Korean missile launch "affects the secu-

³² cited by *Agence France-Presse*, 01.09.1998: World protests North Korean missile firing.

³³ Ministry of Foreign Affairs: Diplomatic Bluebook 1999, www.mofa.go.jp/policy/other/bluebook/1999/1-b.html [December 2005].

³⁴ Korean Peninsula Energy Development Organization, KEDO, was an agreement under which North Korea would cease to produce weapon grade nuclear fuel in exchange for light-water reactors. Until these reactors were operational North Korea was to receive 500.000 tons of oil per year by KEDO members (Long 1999: 336f).

³⁵ *Associated Press Newswires*, 02.09.1998: Tokyo Ends charter Flights to Korea.

³⁶ *Associated Press Newswires*, 02.09.1998: Tokyo Ends charter Flights to Korea; Crisis Management Criticized.

rity of Japan and the peace and stability of the entire north-east Asian regions. Furthermore, it raises a serious concern about the proliferation of weapons of mass destruction and their delivery systems.”³⁷ Japan recalled the 1992 Security Council statement that declares all WMDs constitute a threat to international peace and security. North Korea responded on that day with an official statement that it had tried to launch a satellite into orbit (Diamond 1998).³⁸

South Asian Nuclear Tests (Japan, United States)

India and neighbouring Pakistan entertain tense relations since their independence and have already fought three wars against each other. Intermittently, the situation deteriorates to the brink of war. The most contentious issue is the Kashmir region which both countries claim should be part of their territory. India is administering the region since the division of the former British colony, but Pakistan rests its claim on the region’s mainly Muslim population that should be allowed to be part of a Muslim state. India has acquired nuclear weapons in the 1970s, Pakistan since the mid-1980s. Both India and Pakistan have neither signed the Comprehensive Test Ban Treaty (CTB) nor the Nuclear Non-Proliferation Treaty (NPT).

In May 1998 India exploded nuclear warheads close to the Pakistani border. India tested the first explosion of a run of several tests on 11 May 1998 and concluded its tests on 13 May. Shortly after the tests, India announced a unilateral test moratorium.³⁹ The Indian Home minister L.K. Advani warned Pakistan in light of India’s tests, “Islamabad should realize the change in the geo-strategic situation in the region and the world [and] roll back its anti-India policy, especially with regard to Kashmir”.⁴⁰

The United States and Japan sent delegations to Pakistan to convince the Pakistani government not to respond in kind.⁴¹ International reactions unanimously denounced the tests. Between 11 and 14 May 1998, Security Council members met for informal consultations and prepared a statement. During a formal Council meeting the states endorsed the statement strongly deploring the tests. The Council appealed to India to become a member of the non-proliferation regime and recalled its 1992 statement reading “proliferation of all weapons of mass destruction constitutes a threat to international

³⁷ Letter from the Representative of Japan to the President of the Security Council, dated 04.09.1998, S/1998/835.

³⁸ The attempt had actually failed (even though ITAR-TASS initially reported a Russian observatory had sighted the satellite). See also *Agence France-Presse*, 05.09.1998, N.Korea boasts of satellite, scoffs at world’s mistake.

³⁹ <http://www.ieer.org/ensec/no-6/timeline.html>, [06.12.2005].

⁴⁰ *The Washington Post*, 19.05.1998: A15: Key Indian Official Warns Pakistan.

⁴¹ *Reuters News*, 13.05.1998: U.S. sends mission to Pakistan on nukes issue; *Asahi Shimbun*, 19.05.1998.

peace and security”.⁴² Many states, among them Australia, Canada, Germany, Japan and the United States, announced bilateral as well as multilateral sanctions by international finance institutions against India right after India’s nuclear tests. Mainly economic aid, international loans, developmental aid, and sales of military technology were put on hold. The United States meant these actions as a warning to Pakistan to demonstrate negative effects of India’s tests, too.⁴³

On 28 May (and again on 30 May) Pakistan also conducted a series of underground nuclear tests. The Security Council issues a statement condemning again the Indian and the Pakistani nuclear tests.⁴⁴ States extended sanctions to Pakistan after its tests.⁴⁵ The foreign ministers of the permanent Council members forwarded a joint declaration to the Security Council. “The ministers condemned these tests, expressed their deep concern about the danger to peace and stability in the region.”⁴⁶ Other states including Australia, Canada, and New Zealand also alerted the Security Council to the nuclear tests in June. These governments were concerned about the “most dangerous consequences for regional stability, international peace and security and the international nuclear non-proliferation regime”.⁴⁷ They asked for a formal Security Council meeting “to consider all aspects of this situation at which Member States non-members of the Security Council could participate”.

The nuclear tests in South Asia were met by an immense international response. Many states alerted the Security Council to the tests and stressed the danger to the international nuclear non-proliferation regime. Indeed, non-proliferation was the issue in the ensuing Security Council debate. The fact that India and Pakistan periodically stand on the brink of war and how such demonstrations of armory could trouble the relationship even further was mentioned far less often and only by few states in the open debate. Technically, neither India nor Pakistan was violating any international treaty obliga-

⁴² S/PRST/1998/12. The meeting’s sole purpose was to rubber-stamp the statement and lasted only five minutes, see record of meeting, S/PV.3881. The 1992 statement referred to is a Presidential declaration, S/23500.

⁴³ *New York Times*, 27.05.1998: A1: U.S. Delays World Bank Loans For India in Response to A-Tests.

⁴⁴ Presidential Statement, dated 29.05.1998, S/PRST/1998/17.

⁴⁵ *New York Times*, 27.05.1998: A1, 29.05.1998: 10.

⁴⁶ Joint communiqué of ministers of foreign affairs of China, France, Russia, United Kingdom and United States, dated 04.06.1998. Transmitted in a joint letter to the President of the Security Council, dated 05.06.1998, S/1998/473.

⁴⁷ Identical letters from the representatives of Argentina, Australia, Canada, Chile, Kazakhstan, New Zealand, the Republic of Korea, and Ukraine to the President of the UN General Assembly and of the Security Council, dated 05.06.1998, S/1998/472.

tions. Widespread condemnation of the tests is a sign that most states support the current non-proliferation regime and would prefer both states to become part of it. On the contrary, Japanese concern about the North Korean missile test was not shared widely. Other states may not have felt as threatened as Japan. States probably also took into account that China traditionally supports North Korea as well as that the United States have kept the North Korean nuclear issue mostly outside the Security Council during the early 1990s.⁴⁸

6 UNIQUE INCIDENTS

Some of the identified cases from the 1990s do not fit either of the previous categories. A number of states alert the Security Council to incidents that are unique. While there are no common characteristics of the situations themselves, these allegations are similar in the sense that they were all made at times of tensions. Tensions might stem from a single contentious issue or might be of an almost fundamental nature. These incidents are less an indication of a developing international crisis but rather of already tense relations between the complaining state and the state blamed with threatening international peace.

Forced inspection of vessel (Cuba)

On 30 January 1990 the US coast guard fired on a vessel in the Gulf of Mexico. That incident occurred only days after Cuba had alleged the United States to have attacked Cuban troops in Angola.⁴⁹ The vessel was operated by a Cuban crew and hired by a Cuban company, but registered in Panama flying the Panamanian flag. The US coast guard assumed the vessel was smuggling narcotics or other contraband and wanted to search the boat. The vessel's Captain denied permission for the search and continued its course. The US coast guard pursued the vessel and eventually fired at it to force the vessel to stop. The coast guard then searched it.

Cuba first sent a protest note to the United States and then asked for a Security Council meeting. Cuba complained about the harassment of and attack on the merchant ship. “[This] constitutes not only a flagrant violation of the norms of international law [...] but also an act of piracy endangering international peace and security.”⁵⁰ The United States responded with an account of their view of the events. While providing

⁴⁸ The issue of North Korean nuclear capabilities has been on the Council agenda, but the issue has been dealt with mostly in bilateral and multilateral negotiations outside the Council that resulted in the KEDO agreement.

⁴⁹ *New York Times*, 26.01.1990.

⁵⁰ Letter from the Representative of Cuba to the President of the Security Council, dated 02.02.1990, S/21120.

this account the US government expressed the view that the “Security Council should not expend its valuable time considering this matter which in no way constitutes a threat to international peace and security.”⁵¹

Nuclear Threats to Korean Peninsula (North Korea)

North Korea perceived itself threatened by the United States at the beginning of 1990. Technically, both countries are still at war because they have not concluded a peace treaty formally ending the Korean War (1950-53). Especially US nuclear capabilities and the extension of its nuclear umbrella over the US ally South Korea worried North Korea. Since 1976 South Korea and the United States annually hold joint maneuvers dubbed ‘Team Spirit’. North Korea felt extraordinarily threatened by these maneuvers (Kang 1995: 261, Michishita 2003: 72) and regularly voiced its anxiety that this “nuclear war game” could turn into an attack on North Korea.

On the other side, the United States ranks North Korea as potential aggressive and expansionist state. In the US view, the threat emanates from North Korea which it suspects to develop nuclear weapons since the 1980s. Although North Korea uses nuclear energy since the 1950s it did not become a member of the NPT until 1985, and then only because of Soviet pressure. Part of NPT regime are so-called safeguards measures which regulate international inspections of nuclear facilities by the International Atomic Energy Organization (IAEO). Initially North Korea did not conclude safeguards agreements. While the US view is widely shared and dominates the international debate, only the North Korean threat perception is of interest in this paper.

At the end of February 1990 North Korea alerted the UN Security Council to the forthcoming Team Spirit maneuver. North Korea pointed out the armory, including nuclear arms, most likely to be used. It called Team Spirit “a preliminary war, a test nuclear war designed to deal a pre-emptive strike” at North Korea. Its staging is “a grave challenge to our peace-loving Republic and the entire Korean people and a criminal act threatening peace in Asia and the rest of the world”.⁵² North Korea underlined its complaint about the joint maneuvers and its quest for American security guarantees as timely now that the Cold War was over. In November of that year North Korea sought again to involve the Security Council in the matter. It laid out its position not to conclude safeguards agreements as long as it not received a US security guarantee in re-

⁵¹ Letter from the Representative of the United States to the UN Secretary-General, dated 03.02.1990, S/21122.

⁵² Letter from the Permanent Observer of Democratic People’s Republic of Korea to the President of the Security Council, dated 27.02.1990, S/21171.

turn.⁵³ Again, North Korea emphasized the nuclear threat posed by the United States and recalled its proposal for nuclear-free Korean peninsula made in 1986 and 1989.

US military cooperation with Israel (Libya)

The background to Libya's complaint from June 1991 is its tense relationship to the United States and Israel. Longstanding tensions with the US arose from differences over relationships to Israel and the Soviet Union, Libya's sponsorship of terrorist activities and Libya's oil policies (Zoubir 2002: 32). After the victory over Iraq the Bush administration started to define its 'new world order'. At the end of May 1991 President Bush unveiled a proposal for arms limits in the Middle East. The plan's centrepiece called for curbing sales of conventional weapons to the region and banning non-conventional weapons.⁵⁴ Less than 24 hours later, the US announced to ship ten additional F-15 fighter jets to Israel.⁵⁵ As a result of the Gulf crisis Israel had received extra military and economic aid on top of the annual US\$ three billion in the preceding months. Part of the additional aid was US weaponry stockpiled in Israel for emergency use by either Israel or the US.⁵⁶ Earlier in May Israel had requested specific US weapons for stockpiling on its soil.⁵⁷ Next to arms sales to Israel, the administration announced further major weapons transfers to the region, including to Egypt and the United Arab Emirates.

In the light of these announcements, Libya turned to the UN Security Council. In its letter Libya complained about the US policy of "double standards" apparent in announcing arms limitation in the Middle East and a new programme for military cooperation with Israel. "This agreement and this policy represent not only a threat to the peace and security of the Arab nation but a threat to international peace and security." Libya called upon the UN "to assume the duties and responsibilities conferred on it under the Charter with regard to the maintenance of international peace and security."⁵⁸

Anti-Libyan campaign (Libya)

Tensions between Libya and the United States prompted another complaint by Libya to the UN Security Council. This time US-American claims that Libya perpetrated the

⁵³ Letter from the Permanent Observer of Democratic People's Republic of Korea to the President of the Security Council, 16.11.1990, S/21957.

⁵⁴ *New York Times*, 30.05.1991: A1; *Washington Post*, 30.05.1991: A1.

⁵⁵ *Washington Post*, 31.05.1991: A3.

⁵⁶ *Washington Times*, 20.05.1991: A1.

⁵⁷ *Washington Post*, 20.05.1991: A1.

⁵⁸ Letter from the Libyan foreign minister to the UN Secretary-General, dated 18.6.1991, S/22718. The letter included the request to be circulated as document of the General Assembly and of the Security Council.

Lockerbie bombing were the cause. On 21 December 1988 a bomb exploded on board of a US-American airplane over the Scottish town Lockerbie. All passengers as well as people on the ground lost their lives. Since summer 1991 two Libyan intelligence service officers were the prime suspects for the crime (Boyd-Judson 2005: 79). The United Kingdom and the United States considered the bombing not only as a criminal act but as an act of state terrorism. In November 1991 Scottish and US-American authorities brought criminal charges against the suspects. They demanded the officers' extradition for trial, of the Libyan government to take responsibility for the bombing and to fully cooperate with the investigations as well as payment of compensation.⁵⁹

The British foreign minister Douglas Hurd pointed out in a speech before the British Parliament that the destruction of the plane was alleged to involve government organs.⁶⁰ Similar statements by the US White House also stressed Libya's alleged responsibility for the bombing "It's impossible for us to believe that the [Libyan] government was not involved and that this is not a case of state-sponsored terrorism."⁶¹

Libya denied these charges and alerted the UN Security Council to these allegations in November 1991. In a first response Libya rejected any connections to the bombing and knowledge of it by Libyan authorities. It requested an impartial international fact finding commission, or alternatively that the charges should be tried by the International Court of Justice.⁶² Some days later – in an extraordinary defense strategy – Libya accused the United States of breaching the UN Charter. "Such official statements by the United States Department of Justice, the official spokesman for the White House and the British Foreign Secretary indicate a premeditated intention of and a carefully considered plan for aggression against the Libyan people. [...] The United States has accused Libya [...] with the premeditated intention of engaging in aggression in order to change the popular democratic regime by force thereby violating the provisions of the Charter of the UN prohibiting the threat or use of force [...]"⁶³ In the same letter to the UN Secretary-General Libya recalled earlier US interventions in Libya's internal affairs and the US bombings of Tripoli and Benghazi to support its claim of a premeditated campaign against its government.

⁵⁹ Joint Declaration of the United States and the United Kingdom, dated 27.11.1991 and forwarded to the UN Secretary-General on 20.12.1991, S/23308.

⁶⁰ *The Guardian*, 15.11.1991: 2.

⁶¹ Marlin Fitzwater, White House Press Secretary, cited in the *Washington Post*, 15.11.1991: A1.

⁶² Letter from the Representative of Libya to the President of the Security Council, dated 15.11.1991, S/23221.

⁶³ Libya made this accusation first in a letter from its Representative to the UN Secretary-General, dated 20.11.1991, A/C.1/46/23, with regard to the agenda of the UN General Assembly. The same letter was circulated without any changes as document of the Security Council on Libyan request, now dated 13.01.1992, S/23416.

Aegean dispute between Greece and Turkey (Greece)

The relationship between Greece and Turkey is strained among other things by a dispute over their Aegean Sea border. The disputed border is delimited by the Lausanne Treaty from 1923. Each country's territorial waters extend to six nautical miles; the remainder of the Aegean waters are open to shared use by both coastal states. The Greco-Turkish dispute over their Aegean border flared up again when the Third United Nations Convention on the Law of the Seas (UNCLOS) entered into force in 1994. That event led to fears of a militarized conflict between Greece and Turkey as Turkey had threatened war should Greece extend its territorial waters.⁶⁴

Under UNCLOS a coastal state is entitled to territorial waters extending twelve nautical miles from its territory. If Greece would apply this provision, Greece would control nearly three quarters of the Aegean Sea. Turkey would only gain direct control about one additional percent of the Aegean. Greece has signed UNCLOS, but Turkey has not. Turkey argues the Aegean Sea should be treated as a semi-enclosed sea to which different legal rules apply for border delimitation. Greece and Turkey also differ about the nature and number of issues related to the Aegean dispute. While Greece views only the delimitation of its continental shelf to be at stake, Turkey has a much larger list of issues.⁶⁵

In June 1995 Greece ratified UNCLOS. It also reserved the right to extend its territorial waters to twelve nautical miles in line with the treaty but not with immediate effect.⁶⁶ Turkey renewed its position that such extension would be cause of war and responded with military manoeuvres.⁶⁷ Even though the Turkish foreign minister stated Greece ratifying UNCLOS was not a cause of war per se, on 8th June 1995 the Turkish parliament adopted a resolution authorizing the Turkish government to take all necessary steps, including military ones, to protect vital Turkish interests.⁶⁸ There was no doubt the resolution meant Greek extension of its territorial waters in the Aegean Sea.

Greece immediately announced to take the Turkish threats to the United Nations, NATO, and the Organization for Security and Co-operation in Europe (OSCE). Greece alerted the UN Secretary-General to the Turkish threats on the next day. Greece claimed

⁶⁴ *Financial Times*, 03.10.1994: 3; Reuters News 14.11.1994; *Financial Times*, 17.11.1994: 3. Thanks to the intervention of US and European Diplomats there was no clash in November 1994, *Portland Oregonian*, 20.11.94: A10.

⁶⁵ For the Turkish view on the issues involved see http://www.mfa.gov.tr/MFA/ForeignPolicy/Regions/EuropeanCountries/EUCountries/Greece/GreeceLinks/The_Aegean_Problems.htm [24.01.2006].

⁶⁶ *Reuters News*, 31.05.1995: Greek Parliament approves treaty extending waters.

⁶⁷ *Reuters News*, 01.06.1995: Greece says Turkey's Aegean exercise a provocation.

⁶⁸ *Reuters News*, 08.06.1995: Turkish parliament gives cabinet war powers.

that resolution constituted a direct violation of article 2, 4 of the UN Charter. Moreover Greece complained “Turkey is seeking the deterioration of Greek-Turkish relations, thus creating dangerous implications for peace and stability in the region”.⁶⁹ Over the next month, both Greece and Turkey send further letters on the Aegean dispute to the UN criticizing their respective positions.

Bombing of chemical plant (Sudan)

In August 1998 the United States bombed a chemical plant in Sudan (and purported terrorist bases in Afghanistan). The attacks were retaliation for the bombing of US embassies in Kenya and Tanzania earlier that month. Since 1993 the US have declared Sudan a sponsor of state terrorism and imposed additional sanctions on Sudan in 1997.⁷⁰ In 1998, the US claimed the Sudanese factory was helping Osama bin Laden to develop chemical weapons. Sudan maintained the plant had produced pharmaceutical drugs.

On 20 August 1998, the day of the bombings, the United States informed the UN Security Council that it “has exercised its right of self-defense” in accordance with Article 51 of the UN Charter.⁷¹ The US pointed out it had carefully sought to minimize collateral damage.

The next day Sudan requested an urgent Security Council meeting “to take its responsibility under the Charter of the United Nations by condemning this barbarous and iniquitous aggression and holding the United States responsible”.⁷² Sudan pronounced the US accusations and actions “drags modern society back to the laws of the jungle governed solely by the logic of force whereby each State is intent on taking the law into its own hands, a situation which will ultimately threaten international peace and security”. It also rejected the US justifications as “naïve, illogical and baseless since [Sudan] has not committed any action that could be regarded as an attack or a threat against the United States”. Sudan asked the Security Council to send a fact-finding mission. The Arab League and the Group of Islamic Nations backed Sudan’s position.⁷³ Until the end of the year, Sudan continued to provide statements and information on the matter and repeatedly asked for a Security Council meeting.

⁶⁹ Letter from the Greek Representative to the UN Secretary-General, dated 09.06.1995, S/1995/476.

⁷⁰ See <http://www.state.gov/p/af/rls/fs/2008/103970.htm> [13.05.2008]. Additional sanctions in 1997 were also justified with Sudan’s alleged sponsorship of terrorism and suppression of the Christian population.

⁷¹ Letter from the Representative of the United States to the President of the Security Council, dated 20.08.1998, S/1998/780.

⁷² Letter from Representative of Sudan to the President of the Security Council, dated 21.08.1998, S/786.

⁷³ Statement by the Secretariat of the League of Arab States, dated 21.08.1998, S/1998/789; letter from the Representative of Qatar to the President of the Security Council, dated 21.08.1998, S/1998/790.

These six incidents point to another reason for states to involve the Security Council. States use the Security Council to draw attention to (alleged) wrongdoings of their adversary. In this sense, turning to the Council is a way of venting opposition to a certain state and its foreign policy. Apparently states do so if their relations to the alleged state are already strained. Not all of these unique incidents are obvious threats to international peace and security. Cuba's protest against the forced search of a vessel by the US coast guard springs to mind. Other complaints are more easily recognizable as security threats. For instance, Greece drew the Council's and thereby the international community's attention to Turkish threats against itself. At the same time, states put forward a certain interpretation of these events – again not always likely to be accepted by many other states. Libya accused the United States of planning to topple the Libyan regime by charging Libyan intelligence officers with the Lockerbie bombing. While this view was at no point likely to be shared by many other states, it is a low-cost and simple way for a state to spread its view in the international community. It's noteworthy that especially 'outsider states' like Libya and North Korea make use of this avenue.

7 CONCLUSION

The internationalization of security concerns remains a patchy process. While states bring a surprisingly wide range of issues before the Security Council they do not draw the Council's attention to every crisis. There were far more crisis situations in the 1990s that would have fitted easily into the categories introduced in this paper but states did not term those a threat to peace.⁷⁴ States use the Council as one way to internationalize their security concerns. Some states make more use of this avenue than others.

The case descriptions above give some background of the circumstances in which states complain to the UN Security Council. They also highlight what kind of situations states term a threat to international peace. In some cases, states use the Council as an arena to organize collective response to norm violations. This behavior is well in line with the UN Charter's purpose to provide for the maintenance of international peace by outlining a system of collective security. In other cases, however, states simply use the Security Council to voice discontent with another state's policy. The latter cases are more puzzling than the former. They suggest states want the Security Council to be a place to advertise their grievances, too. In all instances, states turn to the UN Security Council to make their view on a situation public. Broadly speaking there are two events that trigger state complaints to the Security Council: immediate threats and threats to community norms. Both assumptions find empirical support.

⁷⁴ The conclusion obviously generalizes findings of the empirical instances studied in this paper. No other crisis situations that involved an OECD country were termed threats to peace.

An immediate threat perception stems from a previous verbal or physical attack. Such situations are marked by two things. The state alerting the Security Council is directly involved in the crisis and the complaining state perceives itself under attack. For example, when the United States bombed a Sudanese chemical plant in August 1998, Sudan complained to the Security Council about US aggression against itself. In a lot of other instances, this does not mean that military force has actually been used against the complaining state. The perceived attack might be a small incident, but is more likely another state's foreign policy strategy affecting the complaining state. Often the complaining state's relation to the state accused of threatening behavior is strained by previous controversies. Official statements or state policies are then under special scrutiny and more likely to prompt complaints. In this sense, turning to the Security Council is a way to expose the wrongdoing of a state's adversary. Most immediate threat perceptions analyzed in this paper stem from unique incidents, only one case relates to non-proliferation of WMDs (see table below). As pointed out before, primarily states that are outsiders of the international community brought such immediate threats before the Council.

The other event is a threat to shared norms of the international state community, i.e. threats to *ius cogens* norms (e.g. genocide) or other fundamental principles of interstate conduct that can only be upheld collectively (e.g. non-proliferation). In these instances the complaining state is usually not directly involved in the respective crisis. The complaining state is most likely not only alarmed of the violation itself but also seeking to underline the violated norm's validity. While a single violation of fundamental norms will not invalidate the norm, a precedent might be set. Norm violators will give in most instances reasons for the violation, either arguing while a certain norm was not applicable in the special case or justifying the violation with reference to distorted facts (Franck 2006: 96). For example, very many states perceived nuclear tests in South Asia in 1998 as a threat to the international non-proliferation regime and therefore alerted the Security Council to these tests. States turn to the Security Council to discuss - and possibly refute - the given justification by the norm violator, thereby contributing to a shared understanding of the norm in question. Threats to community norms stem mainly from wars/military interventions and humanitarian crises caused by intrastate conflicts. Militarized conflicts clearly violate the prohibition of the use of force in international relations and in some cases, for instance US intervention in Panama, also the norm of non-intervention in domestic affairs. In the 1990s, the international community reacted to protect human rights and humanitarian relief operations in Northern Iraq, Rwanda and Kosovo. There is an increased international willingness to act, albeit selectively, on the

humanitarian impulse.⁷⁵ Noteworthy is the finding that mainly Western states show themselves alarmed over threats to community norms.

Table 1: States alarming the Security Council

| | <i>Immediate Threat</i> | <i>Threat to Community Norms</i> |
|------------------------------------|---|--|
| <i>War</i> | | Nicaragua United States and others Canada, Austria, Hungary Austria, France |
| <i>Humanitarian Crisis</i> | | France, Germany France France, Germany, Italy, UK, USA |
| <i>Enforcing Non-proliferation</i> | Japan | Japan, United States and others |
| <i>Unique Incidents</i> | Cuba North Korea Libya (2 cases) Greece Sudan | |

In sum, in the instances under investigation states most often turned to the UN Security Council to denounce a specific action by another state (six cases) in the 1990s. The complaining state perceived itself under immediate threat in all these unique incidents, though not all raised allegations appear as threats to international peace to an observer. Prime example of this behavior is the complaint by Cuba against the United States. In two instances, states expressed their concern to the Council about proliferation issues. One of these concerns stems from an immediate threat perception, the other one from a threat to the international nonproliferation regime. Roughly the other half of state complaints to the Security Council was triggered by threats to community norms. States drew the Council's attention to wars and in other incidents to humanitarian issues caused by fighting.

The fast evolving UN practice of humanitarian intervention, i.e. intervention to protect human rights and end civilian suffering, responded to these (and other, more informal) calls by states. Here, the interconnection between state concerns and Security Council actions can be seen well. On the one side, there are states terming certain elements of crisis a threat to international peace and on the other side, the Security Council including such statements in its resolutions as happened in relation to civilians in North-

⁷⁵ For an excellent, if somewhat bitter, discussion of the 'humanitarian impulse' see *Weiss* 2004.

ern Iraq.⁷⁶ UN practice in turn advanced the notion of international human rights protection and fostered an extended understanding of ‘threat to peace’.

Some generalizations about reasons for states to turn to the UN Security Council can be derived from this study. States alarm the Council in order to:

- *create publicity* (e.g. Cuba’s complaint about a forced search of a vessel)
- *lend protest more weight* (e.g. Nicaragua’s protest against US military intervention in Central America)
- *criticize an adversary* (e.g. Libya’s allegation of double standards on US weapons sales)
- *shame another state by drawing attention to its actions* (e.g. Greece exposing Turkey’s threats of war)
- *demonstrate a commitment to a certain norm* (e.g. protesting against nuclear tests by India and Pakistan demonstrates commitment to nuclear non-proliferation)
- *organize a collective response* (e.g. to oust Iraq from Kuwait)
- *seek support and/or legitimization for an intended action* (e.g. France’s proposal to intervene in Rwanda)

The question remains what states gain from turning to the Security Council. While this is not a main concern of this paper, some brief remarks are in order. Alarming the Security Council to crisis - even calling the crisis a threat to peace - is no guarantee to place that situation on the Council’s agenda. Not all of the instances which states perceived as threats to international peace were actually discussed in the Council. Complaints about unique incidents were the least successful to lead to a formal Council meeting. Only Cuba’s complaint was discussed during a formal Council debate. Cuba and the United States were the only speakers. The Sudanese protest was dealt with in informal consultations among Council members but delayed indefinitely.⁷⁷ North Korea achieved the opening of official dialogue with the United States, but it is hard to say if that was a direct result of alarming the Security Council. Libya’s complaints were ignored, and so were the Greek allegations. The Japanese concern about the North Korean missile test was circulated in the Council’s backrooms and there was a press statement by the

⁷⁶ Security Council resolution 688 (1991) explicitly takes note of the Turkish and French letters and reflects these states’ concerns in finding the situation a threat to international peace.

⁷⁷ Assessment of the Work of the Security Council during the Presidency of Slovenia und Assessment of the Work of the Security Council during the Presidency of Sweden, www.globalpolicy.org/security/presreps/index.htm [08.05.2007].

Council's president, but never a formal meeting.⁷⁸ Regarding the two assumptions on the nature of the threat it seems to be the case that raising an immediate threat is of little interest to the Security Council. On the contrary, drawing attention to threats to community norms was rewarded by formal Council meetings in all cases. Most issues even led to more than one meeting and a collective response to the threats raised was organized in all cases. Responses ranged from rather mild verdicts as the denunciation of the South Asian nuclear tests combined with the demand to join non-proliferation treaties over the imposition of arms embargos to the authorization of the use of force.

Maybe the state that turns to the Security Council might not even expect the Council to take action. At the same time, the opposite seems to be true for a far larger group of states. States might very well refrain from alerting the Council, if they do not anticipate international support for their concerns. This is indicated by the low number of instances in which states draw the Council's attention to threats to peace. Another indication is the fact that states increasingly coordinate their response before they turn to the Security Council. If they do so, states do not bother to formally alert the Council to a threat to peace. For instance, in the Haiti crisis in the early 1990s, it was the semi-formal 'Group of Friends' made up from Canada, France, the United States and Venezuela that coordinated international response and prepared draft resolutions for later Security Council approval (Malone 1998). Further research would benefit from including instances from the four clusters that were not brought by a state to the Security Council. Contrasting crisis situations which prompted states to turn to the Council with those that did not would complement the picture.

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⁷⁸ Note the statement was not made on behalf of the Security Council, though. *Reuters News*, 15.09.1998: UN council regrets N.Korea's recent test launch. Japanese sources record informal Council consultations, see Press Conference by the Press Secretary of the Japanese Foreign Ministry, 08.09.1998, www.mofa.jp/announce/press/1998/9/908.html#2 [December 2005].

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