

The Cooperation between the United Nations and Regional Organisations in terms of the Maintenance of International Peace and Security

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Abstract

The UN with its unique structure has a mission to sustain international peace and security. When the population on the planet is considered, it is acknowledged that despite its uniqueness the UN needs more to accomplish for its duties. Regulations of general rules and their implications should be go hand in hand. The UN therefore needs partners in order to realise its missions in different parts of the world. European Union, African Union and NATO are those which the UN collaborates with in this regard. Yet, these regional organisations must appropriately act when they carry out their roles in accordance with the rules set by the UN Charter.

Keywords: The UN, European Union, African Union, NATO, International Peace and Security

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Introduction

The matter of achievement of peace and security is one of the controversial issues which has been tackled throughout history, and a lot of agreements have been carried out for this purpose at domestic levels as well as at international level. The sustainability of peace was not something that could be achieved in 20th century, despite those agreements and other positive efforts.¹ Furthermore, 'cooperation' and 'diffusion' are important notions in the context of the maintenance of peace and security.² In this regard, the United Nations Charter was arranged from immediately behind the Second World War for the sake of collective security by 'the world's nations'.³ The general powers are specifically given to the UN Security Council by the Charter in particular article 24/1 for the maintenance and restoration of international peace and security.⁴ In addition to the UN mechanism as an international peace and security provider, regional organizations were considered as vital instruments on behalf of collective security in the UN meeting which took place in San Francisco in 1945.⁵

This paper argues that cooperation between the UN and regional organisations is a significant issue in terms of the achievement of international peace and security. However, this achievement can only be realised as long as regional organisations follow the general rules established by the UN, otherwise authority of the UN can negatively be affected by the acts of those regional organisations. In the case that regional organisations act without taking into consideration the agreements made between the UN and themselves, international peace and security might indispensably be damaged. In this sense, first, method, legality and procedure of cooperation between the UN and regional organisations will be mentioned. Second, the effectiveness of cooperation between the UN and some selected regional organisations will be analysed in terms of the maintenance and restoration of international peace and security.

I. The Essentials And Legality Of Cooperation Between The UN And Regional Organisations

i. The Role of the UN in the Maintenance of International Peace and Security and the Use of Force

The primary purpose of the UN is to 'maintain international peace and security' as indicated in the first article of the Charter of the UN.⁶ Likewise, the League of Nations, which was the

¹ Connie Peck, *Sustainable Peace The Role of the UN and Regional Organizations in Preventing Conflict* (Rowman& Littlefield 1998) 15

² Rodrigo Tavares, 'Regional Clustering of Peace and Security' (2009) 21 *Global Change, Peace & Security* 153, 161

³ Brian Frederking, *The United States and The Security Council Collective Security Since the Cold War* (Routledge 2007) 24

⁴ Nigel D White, 'The UN Charter and Peacekeeping Forces: Constitutional Issues' in Michael Pugh, *The UN, Peace and Force* (Frank Cass 1997) 51

⁵ Michael F Harsch and Johannes Varwick, 'NATO and The UN' (2009) 51 *Survival: Global Politics and Strategy* 5, 6

⁶ The United Nations Charter 1945, art 1

previous version of the UN, tried to preserve international peace after the First World War, but due to the Second World War showing the failure of the League of Nations, it collapsed.⁷ The cooperation mentioned also seeks the same purpose. However, prior to commencing the assessment of cooperation between the UN and regional organisations, it would be useful to briefly overview the mechanism of the UN in the context of the maintenance of international peace and security.

In the first place, The UN Charter is a constitution of the United Nations and thus it is not an ordinary multilateral treaty.⁸ The strongest international institution is the UN Security Council (UNSC) in the context of 'nation-state system.'⁹ Furthermore, the UNSC is granted vital 'political and legal authority' by the UN Charter.¹⁰ Besides the UNSC, the General Assembly is also an important organ being able to give advice as to the general issues of cooperation in the protection of international peace and security.¹¹ Likewise, the Secretary-General is another significant body together with the UNSC and General Assembly.¹² However, the UNSC will be the main institution which deals with regional organisations through this paper within the context of peace and security issue. Moreover, the unique role of the UNSC is constituted under Chapter VII of the UN Charter.¹³ Accordingly, regional organisations are arranged under Chapter VIII of the Charter.¹⁴ Chapter VII states the duties, responsibilities and limits of regional organisations in peace and security operations.

Another considerable matter in relation to the maintenance of peace and security is the use of force, which is one of the uncertain topics in international law.¹⁵ The unilateral use of force is explicitly prohibited, excepting the case of self-defence, under article 2/4 of the Charter.¹⁶ This clearly shows the fact that the UN is a sole authority in the context of the preservation of international peace and security, and the use of force which might be necessary in some circumstances as a means of sustainability of peace and security.

ii. The Stages, Necessity and Scope of Cooperation Between The UN and Regional Organisations

The UN has been working with regional organisations for the known purpose over the last sixty years. Regional organisations herein may show an alteration in terms of economic and military capacity, and the other areas which will be examined later on. In this sense, they are generally defined by Barnett as organisations which serve the production and protection of

⁷ 'The United Nations: An Introduction For Students' (The UN, 2000)

<<https://www.un.org/cyberschoolbus/unintro/unintro3.htm>> accessed 12 April 2014

⁸ Malcolm N Shaw, *International Law* (6th edn, Cambridge University Press 2008) 1205

⁹ Bruce Cronin and Ian Hurd, 'Introduction' in Bruce Cronin and Ian Hurd (eds), *The UN Security Council and The Politics of International Authority* (Routledge 2008) 3

¹⁰ Ibid 3

¹¹ 'Peace and Security' (The UN) <<https://www.un.org/en/globalissues/peacesecurity/>> accessed 12 April 2014

¹² Ibid

¹³ The United Nations Charter 1945, ch VII

¹⁴ Ibid, ch VIII

¹⁵ Christine Gray, 'The Use of Force and The International Legal Order' in Malcolm D Evans (ed), *International Law* (3rd edn, OUP 2010) 615

¹⁶ Vaughan Lowe, *International Law* (OUP 2007) 271

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peace and security according to their geographical situation and special ability within the framework of cooperation.¹⁷ However, despite the fact that there is no clear definition as to regional organisations in the UN Charter, the ‘Organisation of American States (AOS)’, ‘African Union (AU)’, ‘Arab League’ are the main regional organisations recognised by the UN.¹⁸ Furthermore, there are also sub-regional organisations which cooperate with the UN. Yet, due to the limitation of this paper, the AU, EU and NATO will be mentioned in the following sections.

Moreover, the status and importance of such cooperation between the UN and regional organisations has not been stable through the period and this period can be classified like these: First, Barnett states that the Cold War played a vital role in the emergence of many regional organisations such as; NATO, WTO, METO, ANZUS.¹⁹ Therefore, the process of the Cold War is named as the ‘first generation peacekeeping’ by Frederking.²⁰ Starting from the fact that the Cold War era had been a process in which armament race was at highest level, it could be asked that to what extent are peace and security maintained? It is already known that in a world where the actions of the two competitors, NATO and the Warsaw Pact, were not directly proportionate to the protection of peace and security, cooperation between such regional organisations and the UN would not make a sense within the context of the preservation of international peace and security. Second, the end of the Cold War can be regarded as second stage of cooperation between the UN and regional organisations. Artinano argues that the partnerships of regional and sub-regional organisations in peace operations, which are compatible with the UNSC authorization and Chapter VIII of the UN Charter, have become consistent since the end of Cold War.²¹

Additionally, the *raison d'être* of such cooperation between the UN and regional organisations is, of course, for the maintenance of international peace and security in general, yet, ‘geographic proximity’, ‘expediency’, ‘burden-sharing’ and some similar reasons can also be accepted as factors of cooperation in the strict sense.²² When each reason is evaluated in itself, the importance of cooperation can be understood better. The UN is the biggest international organisation with 193 members in the world and it deals with a wide range of questions.²³ Therefore, cooperation is undoubtedly needed, and a regional organisation that is physically close to the area in which a problem occurs can be the best partner for the UN in terms of the solution of problem concerned. In this sense, Tavares is of the opinion that ‘regional proximity’ is an important factor for regional clustering of security.²⁴ Furthermore, Barnett claims that ‘ideational’ and ‘socio-political’ are also significant points together with

¹⁷ Michael Barnett, ‘Partners in Peace? The UN, Regional Organizations, and Peace-Keeping’ (1995) 21 *Review of International Studies* 411, 419

¹⁸ Evans (n 15) 642

¹⁹ Barnett (n 17) 412

²⁰ Frederking (n 3) 41

²¹ Mauricio Artinano, ‘Peace Operations Partnerships: The UN Security Council and (Sub-)Regional Organizations’ (2012) *Center for International Peace Operations* 1

²² *Ibid* 1

²³ ‘UN at a Glance’ (The United Nations) <<http://www.un.org/en/aboutun/>> accessed 14 April 2014

²⁴ Tavares (n 2) 155

‘geographical proximity’ with regard to the formation of regional organisations.²⁵ Burden-sharing is another consideration for the UN cooperation since the UN cannot penetrate into all the corners of the world. As it is understood, the maintenance and restoration of international peace and security require cooperation between the UN and regional organisations and this cooperation is implemented in the direction of above parameters.

Moreover, cooperation between the UN and regional organisations can be shown in the form of enforcement and peacekeeping in practice. These operations referring military action for the collective security purpose are distinguished by the UN.²⁶ The former which necessitates the UNSC authorization hinges on ‘coercive measures’ such as, military force,²⁷ whereas the latter is a ‘practical invention’ and not mentioned in the UN Charter.²⁸ Peacekeeping and enforcement play an important role in the restoration and maintenance international peace and security. Accordingly, Yamashita states that cooperation between the UN and regional organisations might be named as ‘subcontracting’ and ‘partnering’ in general terms.²⁹ Even though there are differences between the two agreements in terms of responsibility and hierarchy, these are beneficial to strengthen the relations between the UN and regional organisations within the context of international peace and security.

As indicated above, the UN and regional organisations have had significant cooperation over the last sixty years. However, these relations cannot be regarded as excellent in the strict sense. In order to understand the success of these relations, cooperation between the UN and NATO, AU and EU will be respectively discussed by referring selected cases in the next sections.

II. Cooperation Between The UN And NATO

North Atlantic Treaty Organisation (NATO), which was formally established by its treaty in 1949,³⁰ is the most important institution among regional organisations in terms of military force.³¹ However, in order for the realization of any enforcement action, confirmation of the UNSC must be taken as stated by the UN Charter.³² In this regard, the first UNSC use of force authorization was given to NATO in 1992, in Bosnia.³³ The relation between the UN and

²⁵ Barnett (n 17) 419

²⁶ John G Ruggie, ‘The UN and the Collective Use of Force: Whither or Whether?’ in Michael Pugh (ed), *The UN, Peace and Force* (Frank Cass 1997) 4

²⁷ ‘United Nations Peacekeeping’ (The UN) <<http://www.un.org/en/peacekeeping/operations/peace.shtml>> accessed 14 April 2014

²⁸ Pugh (n 26) 5

²⁹ Hikaru Yamashita, ‘Peacekeeping Cooperation between the United Nations and Regional Organisations’ (2010) 38 *Review of International Studies* 165, 169

³⁰ ‘A Short History of NATO’ (NATO) <<http://www.nato.int/history/nato-history.html>> accessed 15 April 2014

³¹ ‘Cooperation between the United Nations and Regional Organisations/Arrangements in a Peacekeeping Environment Suggested Principles and Mechanism’ (The United Nations 1999) <<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/UNRO%20Cooperation%20between%20the%20UN%20and%20Regional%20Organizations.pdf>> accessed 14 April 2014

³² Niels Blokker and Sam Muller, ‘NATO as the UN Security Council’s Instrument: Question Marks From the Perspective of International Law?’ (1996) 9 *Leiden Journal of International Law* 417, 418

³³ Harsch and Varwick (n 5) 7

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NATO can be shown as crucial in the context of the protection of regional and international peace and security insofar.

In 1999, NATO carried out air operations over Kosova on the ground of 'Humanitarian Intervention' and these operations cover 'political', 'legal' and 'moral' arguments.³⁴ Humanitarian intervention is, of course, one of the reasons for operations according to the UNSC,³⁵ yet, as indicated above the authorization of the UNSC is the primary condition, which was ignored by NATO in 1999. The intervention of NATO has, therefore, led to debates as to the effectiveness and legality of cooperation between the UN and regional organisations particularly NATO in the context of peace and security maintenance. At this point, Delbrueck states that NATO's intervention can be based on the ground of justifiable reasons namely humanitarian reasons although it was not formally legal.³⁶ Kofi Annan is also of the opinion that the intervention is 'legitimate'.³⁷ Likewise, article 51 of the Charter, which remarks the 'right to individual or collective self-defence' is an exception justifying interventions not consented by the UNSC.³⁸ On the other hand, Simma argues that even though the case of Kosova included strong reasons, NATO violated the Charter of the UN.³⁹ He claims that the UN Charter is like an international constitution and should be respected by NATO.⁴⁰ Hiphold also alleges that Kosova intervention was contrary to international law while there was an emergency situation.⁴¹

In sum, even though NATO's intervention over Kosova was totally based on goodwill and the aim of the restoration of peace and security, and given that the intervention was the most successful one, it was still inconsistent with cooperation between the UN and NATO. Furthermore, the intervention as an example may lead further violation of the UN Charter in the future.

III. Cooperation Between The UN And AU

The establishment of the African Union –the new form of the Organisation of African Union– is one of the most important 'institutional evolutions' for the African Continent.⁴² The African Union (AU) is one of the regional organisations accepted within the context of Chapter VII of the UN Charter.⁴³ Likewise, the AU is a prominent actor together with the European Union in terms of regional peacekeeping as pointed out by Yamashita.⁴⁴ In this regard, it is clear that

³⁴ Evans (n 15) 615

³⁵ Albert Legault, 'NATO Intervention in Kosova: The Legal Context' [2000] Canadian Military Journal 63

³⁶ Ibid 64

³⁷ Ibid 64

³⁸ Harsch and Warwick (n 5) 6

³⁹ Bruno Simma, 'NATO, the UN and the Use of Force: Legal Aspects' (1999) 10 EJIL 1

⁴⁰ Ibid 18

⁴¹ Peter Hiphold, 'Humanitarian Intervention: Is There a Need for a Legal Reappraisal?' (2001) 12 EJIL 437, 449

⁴² 'AU in a Nutshell' (The African Union Commission) <<http://www.au.int/en/about/nutshell>> accessed 16 April 2014

⁴³ Ben Kioko, 'The Right to Intervention under the African Union's Constitutive Act: From Non-Interference to Non-Intervention' (2003) 85 IRRC 801, 820

⁴⁴ Yamashita (n 29) 165

the main purpose of the ‘institutional partnership’ between the UN and AU hinges on the establishment of peacekeeping in regional and domestic level.⁴⁵ The astronomic figures showing the terrible conflicts and deaths in the continent⁴⁶ can actually be the justification of such cooperation. Furthermore, Barnett states that regional organisations are need of equipment and economic support of the UN on behalf of ‘legitimacy’ and ‘active support’.⁴⁷ At this point, the reasons of cooperation between the UN and AU stem from these deficiencies since these factors are important for the maintenance of regional peace and security as a part of international peace and security.

Burundi operation was the first operation made by the AU in 2003 before Sudan, Somalia and the Comoros missions.⁴⁸ The first peacekeeping operation performed by the UN and AU was in Sudan which is called ‘Hybrid operation’ in 2007.⁴⁹ The African Union-United Nations Mission in Darfur (UNAMID) operation was realised in accordance with the UNSC Resolution 1769.⁵⁰ However, in spite of these steps taken with the beginning of the third millennium, due care about the security crises in Africa particularly in Rwanda and Burundi was not exercised during the cold war. In this sense, Jeng complains the reluctance of the UN and OAU.⁵¹

However, the relation between the UN and AU is not smooth at all. Lundell indicates that the matter of the intervention in African States constitutes a problem between the Constitutive Act of the AU and the UN Charter, and the International Criminal Court is another problematic issue between the two institutions.⁵² Yet, the content of these issues is the topic of another discussion.

Overall, as stated above regional peace and security is a part of international peace and security. It is important to note that the question of peace and security in Africa is an important problem that should be solved in a collective manner. Therefore, cooperation between the UN as an international actor and the AU as a regional actor is vitally significant within the context of the maintenance and restoration of international peace and security.

IV. Cooperation Between The UN And EU

The European Union (EU) is an international organisation with 28 member states and it has tried to preserve peace, welfare of people and stability in the European Continent over the last

⁴⁵ Ibid 177

⁴⁶ Peck (n 1) 155

⁴⁷ Barnett (n 17) 428

⁴⁸ Yamashita (n 29) 166

⁴⁹ Evans (n 15) 642

⁵⁰ ‘Unamid’ (The United Nations) < <http://unamid.unmissions.org/Default.aspx?tabid=10998&language=en-US> > accessed 16 April 2014

⁵¹ AbuoJeng, *Peacebuilding in the African Union Law, Philosophy and Practice* (Cambridge University Press 2012) 213,214

⁵² Zunaïd T Lundell, ‘Tension between the African Union and the United Nations Security Council: The Pursuit of Balance between International Legal Formalism and Its Development’ [2013] INKUNDLA 1,2

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sixty years.⁵³ The EU attaches particular importance to the maintenance of peace and security since 'security' and 'defence' have been the two problematic matters in the history of Europe.⁵⁴ Furthermore, the 'maintenance of international peace and security' is a crucial value and aim that the EU and UN have.⁵⁵ In this regard, the member states of the EU are the greater actors ratifying and implementing the UN protocols and the UNSC resolutions within the context of fight against terrorism⁵⁶, which is the threat of peace and security.

More than that France and the United Kingdom, which are the members of the EU, are the 'permanent members' of the UNSC together with China, the United States and Russia.⁵⁷ It means that the EU is an indispensable actor for the maintenance of international peace and security both at regional and international level. For instance, the EU made a contribution to the UN in the Democratic Republic of the Congo in terms of military aid.⁵⁸ Moreover, the EU with the member states is the biggest financial supporter of the UN.⁵⁹ On the other hand, the power of the EU and its willingness to be more powerful in international area bring questions in minds whether the EU is a 'reliable partner' for the UN within the context of the maintenance of international peace and security as stressed by Morsut.⁶⁰

As it is seen, the EU is a prominent organisation for the UN in the protection of peace and security. However, despite remarkable contributions of the EU, a hundred percent success cannot be mentioned in terms of cooperation.

⁵³ 'What is the European Union?' (Delegation of the European Union to the United States)

<<http://www.euintheus.org/who-we-are/what-is-the-european-union/>> accessed 17 April 2014

⁵⁴ Luk L Langenhove and Leonie Maes, 'Multilateralism Today: What Role for the European Union in the Field of Peace and Security' [2012] EU-GRASP Policy Brief UN University 1, 2

⁵⁵ 'How the European Union and the United Nations Cooperate' (The United Nations Regional Information Centre 2007) <https://www.unric.org/html/english/pdf/Leporello_EU-VN_e.pdf> accessed 17 April 2014

⁵⁶ Ibid

⁵⁷ Frederking (n 3) 24

⁵⁸ Claudia Morsut, 'Effective Multilateralism? EU-UN Cooperation in the DRC, 2003-2006' (2009) 16 International Peacekeeping 261

⁵⁹ See (n 55)

⁶⁰ Morsut (n 58) 267

Conclusion

The question of the maintenance and restoration of international peace and security has been one of the concerns of human being at every stage of history, particularly in the previous and present centuries. In order for the elimination of peace and security risks, the League of Nations was established after the First World War, yet, it could not prevent the commencement of the Second World War and thus it collapsed. Likewise, the United Nations took over the same goals from the League of Nations in 1945. The UN has been the executive of peace and security purpose in international level over the last sixty years. However, the UN needs regional cooperation for the sake of regional peace and security as a part of international peace and security.

This paper stresses that cooperation that the UN needs on behalf of the maintenance and restoration of international peace and security can be useful if regional partners of the UN comply with the UN's norms especially the UNSC resolutions within the context of the use of force. At this point, the assessment of cooperation between the UN and some regional organisations such as; NATO, the EU and AU might be beneficial.

Without doubt, military assistance of NATO is an undeniable fact for the UN in peacekeeping operations. Likewise, the EU makes a great contribution to the UN's operations in terms of financial support. Similarly, the AU plays a vital role for peacekeeping in the African continent in which deaths and disputes are frequently encountered. Cooperation between these regional organisations and the UN can be regarded as important in this regard. Nonetheless, the other side of the medallion shows that these organisations may sometimes act on their own beyond the UN's authority. At this point, for the sake of peace and security, such cooperation should be deeply committed to the rules established.

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