

Paper prepared for the
6th Pan-European International Relations Conference
Making Sense of a Pluralist World
University of Turin, Italy
12. – 15. September 2007

Section 22: The UN in the globalized international system

**When states sound the alarm –
alerting the UN Security Council to international
crisis**

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Introduction

The study of formal international organizations (IOs) is a dynamic subfield of International Relations scholarship. IO regulatory frameworks and IO decisions affect not only progressively more areas of international politics, more and more states, but also an ever larger number of private actors. The public also shows an increasing interest in the doings of international organizations. Some of these like the World Trade Organization are monitored by NGO watchdogs and networks of activists. Information on the inner workings of IOs is in high demand. Scholarship responds by asking questions like how IOs shape and influence international relations, how decision making works within organizations, or how norms are elaborated and spread through IOs.¹ Curiously the simplest question on IOs has not received much attention so far. Why do states use formal IOs? If at all, this question has been addressed in either very general terms or in single case studies.²

This paper explores the specific circumstances in which a state chooses to turn to an existing IO. The IO selected for investigation is the United Nations Security Council. What makes states alarm the Security Council to an international crisis? 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. So far, studies explore which instances are termed threats to peace by the UN Security Council.³ Today the term threat to peace is interpreted more widely than ever before ranging from inter-state conflict over internal wars to humanitarian crisis (Wellens 2003). While these studies shed light on significant developments in international security politics, they can only capture in which circumstances the respective Council member states agree that a crisis 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 a crisis. In some instances the concerned state will call specific elements of a crisis a threat to peace when alerting the Security Council to that particular crisis. What kinds of situations are termed a threat to international peace and security by states? To what type of situations do states draw the attention of the Security Council? One could argue that states'

❖ I have collected the empirical data used in this paper for a research project headed by Bernhard Zangl. The Project 'The Judicialization of Dispute Settlement in International Relations' is part of the CRC 597 *TranState* funded by the German Research Foundation (DFG). I am grateful to Claudia Bogedan and Achim Helmedach for their helpful comments.

1 For a good overview on the field see *Simmons/Martin* 2002.

2 See for instance on the general question *Abbott/Snidal* 1998; *Thompson* 2006, for an excellent case study *Malone* 1998.

3 See for instance *Österdahl* 1998.

perceptions not only prepare but drive later findings by the Council to determine a crisis a threat to peace.

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 brought before it. This fact becomes apparent when comparing the number of active armed conflicts to the Security Council agenda. On the one hand, the Council dealt notably with more conflicts in the 1990s than ever before. On the other hand, 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). The 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. 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 the UN's collective security system to be. What incidents alarm states so much that they regard international peace to be threatened and bring that incident to the attention of the UN Security Council? Once we can answer this question we will have a better understanding of what states want of the Security Council and to which end they use this organization.

One of the IO literature's central themes are the conditions enabling interstate cooperation. Much attention has been paid to the establishment of IOs but far less to what states do with IOs once they are established. In the institutionalist school of thought IOs are arenas of interstate negotiation facilitating cooperation. States will prefer institutionalized cooperation if transaction costs are reduced (Keohane 1984). This tenet does little to understand choices by states to turn to an IO in a specific event at a particular point in time. Realists caution against overestimating the role of IOs and insist on the relevance of power distributions to understand international relations. In their view, IOs are arenas for power struggles rather than for enhanced cooperation. The constructivist camp highlights IO's impact on state interests and their socializing effects (Onuf 1989). From this angle, states are somewhat at the receiving end as the emphasis is on the role of IOs in defining the possible range of state's policy actions or in fostering normative self-entrapment by states. States will align at the least their rhetoric to fit expectations created in the IO context (Risse et al. 1999; Schimmelfennig 2001). Reviving liberalism, Moravcsik (2000) has pointed out the interest of domestic elites to "lock in" a specific political culture and value system as decisive factor for a state to join the European Convention for the Protection of Human Rights. While providing an answer to

why states commit to an elaborate system of rules governed by an international institution, this insight cannot further our understanding how states use an organization after the one-time act of joining. In sum, while the major approaches to the study of international relations all analyze IOs, they have few assumptions to offer when and why a state will bring a certain incident to an IO.

This paper undertakes an explorative study of instances in which states alerted the UN Security Council to international crisis. The basis for this study are complaints by states to either the President of the Security Council or the UN Secretary-General in which states expressed the concern a situation was threatening for international peace and security. The focus on conflicts with alleged implications for world peace is an analytical concentration on situations that really alarmed states. The underlying assumption is that when states formally express their alarm in the language of Article 39 of the UN Charter, they are seriously interested in involving the Security Council. Terming a situation a threat to peace is a deliberate choice. It marks a 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. Complaints brought to the attention of the Security Council 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. This limits the number of instances to a manageable size. Applying these criteria fifteen instances were identified.

The aim of this paper is to gain insights from a descriptive approach. The obvious task is to study the circumstances in which states bring a situation to the attention of the Security Council. Broadly speaking there are two events that trigger state complaints to the Security Council. One is an immediate threat perception stemming from a previous verbal or physical attack. States will alert the Security Council to crisis situations which they perceive as a threat to themselves. 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. Such situations are marked by two things. First, the state alerting the Security Council

is directly involved in the crisis. Second, the complaining state perceives itself under attack. In a lot of instances, this does not mean that military force has actually been used against the complaining state. The perceived attack might well 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 actions 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. The other event is a threat to community norms. States will alert the Security Council to crisis situations which they perceive as a threat to norms shared by the international community. Very many states perceived nuclear tests in South Asia in 1998 as a threat to the international nonproliferation regime and therefore alerted the Security Council to these tests. In a lot of instances the complaining state is neither directly involved in a crisis situation nor a neighboring state, nor even on the same continent. 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). States alert the Security Council to discuss - and possibly refute - the given justification, thereby contributing to a shared understanding of the norm in question.

A closer look at the circumstances in which states alarm the Security Council to international crisis reveals four clusters of situations. Clusters are formed according to the issues that prompted states to turn to the Security Council: (1) war, (2) humanitarian crisis, (3) enforcing nonproliferation, and (4) lodging protest. 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 the 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.

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. 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 much greater danger to world peace than a conflict between neighboring states. During the 1990s four wars made states turn to the Security Council.

US-intervention in Panama (Nicaragua)

Interestingly, it was Nicaragua that protested against the US invasion of Panama.⁴ 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.⁵ 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.⁶ 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.⁷ 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).⁸ After a Security Council meeting and discussion of the invasion in the UN General Assembly

4 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.

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

6 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.

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

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

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.”⁹ 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 Kuwaiti 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.¹⁰ 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”.¹¹ 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”.¹² 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.

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

10 *Los Angeles Daily News*, 26.07.1990: N22.

11 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.

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

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 Den Haag Peace Conference were also followed by reports of armistice violations by both sides in mid-September 1991. Only days after the Den Haag 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.”¹³ Austria asked for informal Council consultations on the same day.¹⁴ 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”.¹⁵

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 –

13 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.

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

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

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 fundamental principles of the Charter of the United Nations”.¹⁶ 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”.¹⁷

Humanitarian Crisis

Humanitarian crisis is a term relating to threats to health and/or safety for a large group of people. 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 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). It also captures an increased international willingness to act, albeit selectively, on the humanitarian impulse.¹⁸ 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

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

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

18 For an excellent, if somewhat bitter, discussion of the ‘humanitarian impulse’ see *Weiss* 2004.

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.”¹⁹ 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.”²⁰

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.²¹ 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 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.²²

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

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

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

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

22 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.

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.²³ 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."²⁴ In this instance, there was no prior letter alerting the Security Council to the crisis by terming the situation a threat to peace. 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-fire agreed to the day before.²⁵ 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.²⁶

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

23 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.

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

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

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

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.²⁷ 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 NATO to plan possible military action and to push in the UN Security Council for a resolution to approve such a use of force.²⁸ 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 [...] a significant threat to regional security and peace”.²⁹ 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.³⁰ 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.

27 S/RES/1160 (1998).

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

29 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.

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

Enforcing Nonproliferation

The nonproliferation of weapons of mass destruction becomes more and more topical in the Security Council. Nonproliferation seems to be a community norm on the rise. 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 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 beforehand. 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".³¹ 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.³² 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.³³ Japan also cancelled landing permits for North Korean charter flights.³⁴ North Korea denounced Japan for „making a fuss over the matter that belongs to our

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

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

33 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 operation North Korea was to receive 500.000 tons of oil per year by KEDO members (Long 1999: 336f).

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

sovereignty while being unaware of its background. Japan's behavior is ridiculous".³⁵ 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 security 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."³⁶ 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).³⁷

South Asian Nuclear Tests (Japan, United States)

In May 1998 India exploded subterranean nuclear warheads close to the Pakistani border. 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 (CTBT) nor the Nuclear Non-Proliferation Treaty (NPT). 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.³⁸ 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".³⁹

The United States and Japan sent delegations to Pakistan to convince the Pakistani government not to respond in kind.⁴⁰ 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

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

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

37 The attempt 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.

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

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

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

strongly deploring the tests. The Council appealed to India to become a member of the non-proliferation regime and recalled its 1992 statement “the proliferation of all weapons of mass destruction constitutes a threat to international peace and security”.⁴¹ 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.⁴² 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.⁴³ States extended sanctions to Pakistan after its tests.⁴⁴ 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”⁴⁵ 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”.⁴⁶ 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”.

Lodging Protest

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 isolated incidents. While there are no common characteristics of the situations themselves, these accusations are similar in the sense that they were all made at times of tensions. Tensions might stem from a particular contentious issue or might be almost of a fundamental nature. These incidents are less an indication of a

41 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.

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

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

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

45 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.

46 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.

developing international crisis but rather of already tense relations between the complaining state and the accused state.

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.⁴⁷ 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."⁴⁸ The United States responded with an account of their view of the events. While providing 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."⁴⁹

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 the nuclear capabilities of the US 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 "nuclear war game" could turn into an attack on North Korea.

On the other hand, 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 nuclear non-proliferation treaty (NPT) until

47 *New York Times*, 26.01.1990.

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

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

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”.⁵⁰ 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 return.⁵¹ 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 arms sales of conventional weapons to the region and banning non-conventional weapons.⁵² Less than 24 hours later, the US announced to ship ten additional F-15 fighter jets to Israel.⁵³ 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

50 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.

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

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

53 *Washington Post*, 31.05.1991: A3.

weaponry stockpiled in Israel for emergency use by either Israel or the US.⁵⁴ Earlier in May Israel had requested specific US weapons for stockpiling on its soil.⁵⁵ 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.”⁵⁶

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 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 some 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 persons’ extradition for trial, of the Libyan government to take responsibility for the bombing and to fully cooperate with the investigations as well payment of compensation.⁵⁷ 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.⁵⁸ 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.”⁵⁹ 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

54 *Washington Times*, 20.05.1991: A1.

55 *Washington Post*, 20.05.1991: A1.

56 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.

57 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.

58 *The Guardian*, 15.11.1991: 2.

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

authorities. It requested an impartial international fact finding commission, or alternatively that the charges should be tried by the International Court of Justice.⁶⁰ Some days later – in a unique 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 [...]”⁶¹ 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.

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.⁶² 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 gain only 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

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

61 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.

62 *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.

its continental shelf to be at stake, Turkey has a much larger list of issues.⁶³ 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.⁶⁴ Turkey renewed its position that such extension would be cause of war and responded with military manoeuvres.⁶⁵ Even though the Turkish foreign minister stated Greece ratifying UNCLOS was not a cause of war per se, on 8th June the Turkish parliament adopted a resolution authorizing the Turkish government to take all necessary steps, including military ones, to protect vital Turkish interests.⁶⁶ 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 OSCE. Greece alerted the UN Secretary-General to the Turkish threats on the next day. Greece claimed 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.”⁶⁷ 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. 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.⁶⁸ 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”.⁶⁹ 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

63 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].

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

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

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

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

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

69 Letter from Representative of Sudan to the President of the Security Council, dated 21.08.1998, S/

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, too. The Arab League and the Group of Islamic Nations backed Sudan’s position.⁷⁰ Until the end of the year, Sudan continued to provide statements and information on the matter and repeatedly asked for a Security Council meeting.

3 Discussion

States turn to the UN Security Council to make their view on a situation public. The short case descriptions above give some background of the circumstances in which states complain to the 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 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.

Table: States alarming the Security Council

	immediate threat	threat to community norms
War		Nicaragua United States and others Canada, Austria, Hungary Austria, France
Humanitarian Crisis		France, Germany France France, Germany, Italy, UK, USA
Enforcing Nonproliferation	Japan	Japan, United States and others
Lodging Protest	Cuba North Korea Libya (2 cases) Greece Sudan	

In sum, in the sample under investigation states most often turned to the UN Security Council to lodge protest against a specific action by another state (six cases) in the 1990s. The

⁷⁰ 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.

complaining state perceived itself under immediate threat in all these cases, 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. Cuba protested against the forced search of a vessel by the US coast guard – hardly a severe threat to international peace. In this sense, turning to the Council is a way of venting opposition to a certain state. North Korea and Libya complained about US policies more easily recognizable as security threats. North Korea felt threatened by US nuclear capabilities and Libya by US arms sales to Israel. Greece drew the Council's and thereby the international community's attention to Turkish threats against itself. States use the Security Council as the international community's town square in the hope to make their protest more notable. Likewise, 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. From this perspective, surprisingly few states choose this avenue, though. The case regarding the bombing of a Sudanese chemical factory is a little bit different from the above incidents. While Sudan clearly brought the matter to the Security Council to lodge its protest against the US bombing, relations between the Sudan and the US were not strained for an extended period of time beforehand.

States also alerted the Council to four interstate wars and military interventions respectively: The US intervention in Panama, Iraq's annexation of Kuwait, and the secession wars of Croatia and Bosnia. These wars clearly violated community norms: the prohibition of the use of force in international relations and in the case of Panama also the norm of non-intervention in domestic affairs. Nicaragua's main concern in the Panama intervention was the fact that the United States intervened in Central America. The 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. But territorial integrity was precisely at stake in the violent dissolution of Yugoslavia.⁷¹ While states drew the Security Council's attention to the war in Croatia and in Bosnia, these states seemed more concerned about the fighting itself than the break-up of Yugoslavia. 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

71 On the evolution of the territorial integrity norm see *Zacher* 2001. Note that he does not consider the dissolution of Yugoslavia in its republics as change to the norm (p.227, 235).

matter to the Security Council was a strategy to enhance the international efforts to stop the fighting.

States further alarmed the Council to three humanitarian crises caused by internal fighting: the situation of civilians in Iraq, the genocide in Rwanda and the Kosovo crisis. Turkey and France were the first states to draw the Council's attention to the plight of Iraqi refugees in the mountains of Northern Iraq. It was them who termed the repression of civilians a threat to peace. Turkey, also boasting a Kurdish minority, was worried about possible repercussions for itself. France can be seen more easily as genuinely concerned about the plight of the refugees. With regard to Rwanda "the humanitarian tragedy" served as a pretext for the French intervention. In this instance, 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 Western states were already heavily involved in former Yugoslavia. The members of the Balkan contact group turned several times to the Security Council to put pressure on the Serb government to end its campaign in Kosovo. In all instances they emphasized the heavy civilian casualties and demanded an end to the internal fighting. The fast evolving UN practice of humanitarian intervention, i.e. intervention to protect human rights and end civilian suffering, not only responded to these (and other, more informal) calls by states. UN practice also advanced the notion of international human rights protection introducing a new range of issues states can alert the Council to.

In two instances, states expressed their concern to the Council about proliferation issues. Japan perceived the North Korean missile test as a threat to its own security. The tests in South Asia were met by a far greater international response. Many states alerted the Security Council to the tests and stressed the danger to the international nuclear nonproliferation regime. Indeed, nonproliferation seemed to be the issue to most complaining states. 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 of less concern. Technically, neither India nor Pakistan are violating any international treaty obligations because neither one is member to the respective treaties. Widespread condemnation of the tests is a sign that most states would prefer both states to become part of the regime and speak out against its flagrant violation.

The question remains what states gain from turning to the Security Council. While this question is not a main concern of this paper, it is worthwhile to make some brief remarks. Not all of the instances which alarmed states were put on the agenda of the Security Council. Lodging protest with the Council is least likely 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.⁷² 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 Council's president, but never a formal meeting.⁷³

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 nonproliferation treaties over the imposition of arms embargos to the authorization of the use of force.

Alarming the Security Council to a crisis situation creates international publicity. Maybe the state that draws the Council's attention to such an incident might not even expect the Council to take action. On the other hand, states might very well refrain from alerting the Council, if they do not anticipate international support for their concerns. 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.

72 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].

73 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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