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United Nations Collective Security and the United States Security Guarantee in an Age of Rising Multipolarity: The Security Council as the Talking Shop of the Nations

Kenneth Anderson*

I. INTRODUCTION: POSTULATING THE RISE OF A MULTIPOLAR WORLD

Two interrelated theses are these days much in vogue. One is the thesis of US decline and, by corollary, the rise of new Great Powers and multipolarity. Though this thesis is in vogue today, it has been a favorite of writers, politicians, and statesmen over generations—almost a parlor game for intellectuals. It is a parlor game that tends, however, to turn historians into futurists. Proceeding from the unimpeachable, but also uninformative, observation that no empire in the course of history has lasted forever, thence to the claim that the American empire is teetering—these analyses have a predictive track record as poor as they are undeniably popular. The eminent Yale historian Paul Kennedy, for example, skewered himself in 1987 with a sweeping, best-selling foray into American declinism, a mere matter of months, as it happened, before the fall of the Soviet Union.¹ It curiously did not hurt his reputation or book sales; *The Rise and Fall of Great Powers* has been translated into twenty-three languages and counting.

But Kennedy is hardly alone, and the phenomenon owes something (it is hard to resist concluding) to the *schadenfreude* of intellectuals for whom the persistence of American power, although not really so long by historical

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¹ Paul Kennedy, *The Rise and Fall of the Great Powers: Economic Change and Military Conflict from 1500 to 2000* 514–35 (Vintage 1989). See also Kenneth Anderson, *El Pasado Como Prologo: El Futuro Glorioso y el Turbio Presente De Las Naciones Unidas*, 143 *Revista de Libros de la Fundacion Caja Madrid* (November 2008), available online at <<http://ssrn.com/abstract=1300693>> (visited Apr 22, 2009).

standards, is something of an embarrassment, a bit of vulgarity upon the propriety and decorum of history. Today's financial crises and recession are likely to spur more such talk. Historian Niall Ferguson has said as much, largely on the basis of American indebtedness to China, among America's (and Americans') long list of other creditors.² Ruminations on historical parallels between present economic troubles—the crisis in American mortgage finance, credit default swaps, Fannie and Freddie—and those of seventeenth- and eighteenth-century France—John Law and Louis XIV and, eventually, hyperinflation, default, bust, ending finally in Revolution and rolling royal heads³—raise the question of whether we are seeing financial portents of the fall, at long last, of American imperial military and political power.

For all one knows, this might turn out finally to be the moment when the prophecies come true. Current events disincline to optimism, let alone Pollyanna. Indeed, the arguments from financial and economic weakness are broadly persuasive. The path from financial crisis to economic decline to military decline and Great Power overstretch, viewed within a frame of a few years rather than across centuries, risks unwarranted specificity for economic determinism in history. Still, the Duc de San Simon was surely not wrong to observe that the ability of the British crown to borrow to finance its wars at a fraction of the rate charged to Louis was not irrelevant to the outcome.⁴

From a purely academic standpoint, one counsels historians to hold their fire until the future has become the past. Waiting to pronounce decline in hindsight is the scholarly prudence otherwise known as the discipline of “history” rather than “futurism.” Yet it is equally true that leaders of men and women and states and nations, their advisors and policymakers, cannot wait to act upon history: they, and we, must be futurists.

By contrast, today's second popular thesis is the rise of new powers: not of a new superpower, but of new Great Powers, new regional powers, new local powers and, as a result, the emergence of a “multipolar world.” The charter members of the club of rising new powers are, naturally, China and India. Later on this Article will describe them as “rising production powers.” They are supplemented by a group of rising new powers often described as the new petroleum autocracies, but more precisely as “resource extraction democratic

² Niall Ferguson, *What “Chimerica” Hath Wrought*, 4 *The American Interest* 3 (Jan–Feb 2009).

³ Niall Ferguson, *The Ascent of Money: A Financial History of the World* 119–37 (Penguin 2008); Edward Chancellor, *Devil Take the Hindmost: A History of Financial Speculation* 152–73 (Plume 2000).

⁴ See James Macdonald, *A Free Nation Deep in Debt: The Financial Roots of Democracy* 192–93 (Farrar, Straus, and Giroux 2003) (the Duc contrasting England, “whose finances are controlled by those alone who furnish them, and who only furnish as much as they please,” with “absolute” but “weak” France, and the profound implications for the financing of war between them).

authoritarians”—with much packed into each descriptive term. The most important members are Russia and Venezuela. These rising new powers are, however, tightly bound to the existing Western powers, and to the superpower, through globalization and markets. The new “production powers” depend utterly upon American consumer demand, even as America depends upon their savings; and the “resource extraction powers” are tied to today’s notably volatile global commodities markets.

This second thesis is one contrasting absolute and relative power. Although it implies less American power relative to the constellation of new rising powers, it does not commit itself to the claim of absolute American decline. American decline might or might not be true; what is true, the thesis says, is the rise of new powers. As a thesis emphasizing rise and agnostic on decline (and most persuasively laid out by Fareed Zakaria in his recent book, *The Post-American World*), it is far more defensible than the thesis of American decline on the evidence actually available today.⁵

This Article will not review the evidence for either of these theses. Instead, it will take by assumption that the second, the rise of new powers, is strongly true. And it will take by assumption that the first, American decline, is at least weakly, and gradually becoming, true. The question is what follows from those assumptions, with respect to the interactions of three institutions—the US, the UN, and the UN Security Council. The Article is partly predictive of what the likely consequences of such changes will be—global security and the UN in a “multipolar world,” a world of rising new powers in competition with each other and with the US—with special emphasis on the role of the Security Council. It is also partly policy advice to the US government on how it should understand and address such possible—and in the case of rising powers, currently occurring—changes in the world security order with an emphasis on key institutions under international law. It is, in other words, an Article in unabashed futurism.

The argument begins with a statement of UN collective security as traditionally understood under the history of the UN Charter. It draws a distinction, however, between collective security understood as “mutual assistance” and collective security understood as “collective altruism,” and points out the differences in the long-discussed collective action–failure problems that arise in each. The discussion then turns to ask why, given the propensity of such collective action–failures, the UN collective security system does not simply break down and go the way of the League of Nations and other such efforts. The suggested answer is that a constituency of key players does not rely on UN collective security and need not worry for themselves about the promise, or lack thereof, of collective security. These players, starting with

⁵ See generally Fareed Zakaria, *The Post-American World* (W.W. Norton 2008).

North Atlantic Treaty Organization (“NATO”) members, rely upon the US’s post–World War II role, which guarantees the security of a wide array of countries in a cascade of stronger-to-weaker ways, starting with NATO at the “top.” Even countries that do not directly benefit from the NATO–style US security guarantee nonetheless benefit from the security provided by the US, including, for example, the freedom of the seas.⁶ The argument then walks through the range of countries that do not benefit strongly from the US security guarantee, and the way in which UN collective security is, really, their only option.

The Article then turns to ask what happens in a world in which rising new powers alter this equilibrium, particularly with reference to the role of the Security Council. The Article suggests three ways to think about the role of the Security Council in relation to security arrangements in the world: the Security Council as, in Kofi Annan’s phrase, the “management committee of our fledgling collective security system”; the Security Council as a “concert of the Great Powers” who at least sometimes come together, when their interests do not greatly clash, to establish and maintain order in the world; or the Security Council as a “talking shop of the Great Powers,” the place for diplomacy and debate in a multipolar world of increasingly competitive powers. The argument is that each of these modes corresponds to certain security arrangements—but that in a world in which the new rising powers are increasingly competitive, the Security Council is increasingly likely to be a “talking shop of the nations.” Discussion then turns to a specific issue—reform of the Security Council to reflect the alterations of power of the twenty-first century.

The Article ends with policy lessons for the US in dealing with the Security Council under these new conditions. It observes that those who have longed to see the Security Council as the world’s security “management committee” under some form of liberal internationalist global governance and who have believed that this required the diminution of American power and influence—the decline of the American security guarantee—should perhaps consider that multipolarity is, as David Rieff has forcefully said, a world not of concert but of competition.

⁶ See, for example, Lisle A. Rose, 3 *Power At Sea: A Violent Peace, 1946–2006* 267–83 (Missouri 2007) (examining the contemporary hegemonic prominence of the US Navy on the high seas and drawing the historical link between its role today with the hegemonic role that Britain’s navy played in earlier times); The National Strategy for Maritime Security 7 (Sept 2005), available online at <www.dhs.gov/xlibrary/assets/HSPD13_MaritimeSecurityStrategy.pdf> (visited Apr 22, 2009) (noting the US’s commitment to use of its Navy against global maritime threats). As this Article goes to press, the confrontation between Somali pirates holding a US civilian hostage and the US Navy has just ended with the hostage being freed by US sniper fire killing three pirates and wounding another. It is beyond the scope of the current discussion to evaluate what this means for the US role in maintaining the freedom and security of the high seas, but of course there are large issues here.

The possibility of even modest liberal internationalist global governance in security matters was at its zenith under the American security guarantee, and is much less likely in a competitive multipolar world.

II. UN COLLECTIVE SECURITY AND ITS DISCONTENTS

UN collective security was born out of two contradictory impulses. On the one hand, it began with the realist recognition that collective security must be enforced by the Great Powers and, as a consequence, must be consonant with their interests—or at least not too directly contrary to any one of them.⁷ On the other hand, it internalized an idealist expectation that the Security Council would gradually evolve as an institution not just of Great Power confabulation, but of genuine global governance—into what Annan described, as recently as 2006, as “our fledgling global collective security system.”⁸ Sixty years on and yet still “fledgling” surely ought to raise some intellectual alarm bells. So which is it to be?

The contradictions were present from the founding of the UN itself. The experiences of the 1930s, the rise of fascism, the collapse of the League of Nations, the Second World War—all these and more meant that the “American, British, and Soviet policy makers who were intent upon fashioning the world order in 1945 . . . were in little mood for any of the flaccid well-meaning declarations that, they suspected, had given the League of Nations such weak legs.”⁹ That can, of course, lead in either of two directions: toward a harder, more realist vision of security, one set essentially by the terms of the most powerful or, alternatively, a stronger set of declarations and assertions of international law and institutions, in effect doubling down on the liberal internationalist bet. In the end, the framers of the Charter went both directions, albeit with a far stronger nod (at least compared to the League) to the Great Powers of the day both in the composition and rules of the Security Council

⁷ Who is a Great Power? Examining sources that use the term, such as Kennedy’s *Parliament of Man*, it is a term of art, with not only a shifting membership, but also a shifting meaning, over time; it is a realist term that has, in the age of the United Nations, a slightly anachronistic ring to it, but a term that has a resonance today precisely because of the rise of new powers. This is not very satisfactory, but at least it points out that the term “Great Power” carries layers of history, anachronism, a delicately veiled realist warning that the world has not transcended Great Power politics even in the age of the idealist United Nations, and ironies generated by using a term of apparently antiquated realism to describe the emergence of a new world today. See Paul Kennedy, *The Parliament of Man: The Past, Present, and Future of the United Nations* (Random House 2006).

⁸ United Nations, *To Function More Effectively, United Nations Needs Far-Sighted American Leadership, Secretary-General Says at Truman Presidential Library*, UN Press Release SG/SM/10793 (2006).

⁹ Kennedy, *The Parliament of Man* at 27 (cited in note 7).

and, indeed, in the Security Council's very existence. What were the realists' complaints about the failed security system of the interwar period?

For one thing, the League system had been simply "too democratic and too liberal" as among nation-states.¹⁰ Small, earnest states such as

Finland and New Zealand could make proposals and object to necessary deals, with results that worked like casting sand into the wheels of old-diplomacy negotiations. It was one thing for international law to recognize that all states are sovereign, Denmark as much as the USSR, Costa Rica as much as the United States; but that democratic tendency had not worked to deter the aggressors of the 1930s. On the contrary, the evidence was that it had encouraged the dictators, who observed the League's paralysis, to be bolder and bolder.¹¹

Hence the creation of the Security Council itself, explicitly as a gathering of Great Powers, and with mechanisms designed to ensure that their individual interests could not be contravened to the point of leaving them with no desire to support the system. Hence, too, the existence of the veto—the structural feature of the UN system that perhaps most sticks in the craw of every state that does not have one—a deliberate rule that might "weaken certain universalistic principles and compromise the effective response to possible transgressions of international law where a large nation was involved, but that was a lot better than no security system at all."¹²

For another thing, the realists of 1945 were highly aware of the "different capacities . . . of large versus small states."¹³ It is distinct from the need not to contravene too strongly the interests of the Great Powers. It addresses the capacities to act of those who must inevitably be the enforcers of any security system. What the 1930s taught these realists was that militarily weak countries like

Czechoslovakia, Belgium, Ethiopia, and Manchuria were inherent "consumers" of security. They could not provide for themselves, not because of some lapse of national character, but because they lacked the demographic, territorial, and economic resources By contrast, the big powers were . . . the "providers" of international security—again, not because of any special virtues of character, but because only they had the capacity to withstand and then defeat Germany, Italy, and Japan.¹⁴

Military capacity was a gift of the Great Powers, provided that the matter at hand was neither too contrary to a Great Power's interests, nor too remote, nor

¹⁰ Id.

¹¹ Id.

¹² Id at 28.

¹³ Id at 28.

¹⁴ Id.

too expensive. But it also meant tacitly understanding that “if a powerful state should decide to defy the world body and go it alone, there was little that could be done to prevent that [from] happening.”¹⁵ One function of the veto, from the standpoint of international law, has been to allow the permanent five Security Council members to ensure that resolutions of the Council do not go against them in their core interests as a matter of international law—because otherwise, over time, the formal international law of the Council (its resolutions) loses connection to the actual behavior of the very states supposedly establishing it. Unprincipled, from a legal liberal internationalist view?¹⁶ Quite. But realistic, and a realist fudge that has the capacity to keep international law in the game of international politics as it unfolds.

The idealist vision of a federation of the world, with the military capacities of the large nations in the service of collective security, was also deeply present in the founding of the UN. Despite the apprehensions of important diplomats who feared that, once again, even with the creation of the Security Council, the new UN Charter had set too high a bar for “this wicked world,”¹⁷ the world’s leaders and politicians, in the opening sessions of the General Assembly and Security Council in 1946, were far closer to the peroration of Truman’s speech at the opening of the Charter for signature: “This new structure of peace is rising upon strong foundations. Let us not fail to grasp the supreme chance to establish a world-wide rule of reason.”¹⁸

The Cold War derailed both the carefully calibrated realist calculations and global governance idealism. The bipolar struggle between the two superpowers in effect put the Security Council in cold storage for decades as an instrument of action. The peace that held during those years among the Great Powers and the superpowers was owed to nuclear standoff and fear of general conflagration as much as anything. Even the realist structures of the Security Council proved to have little role in structuring international security in those years.

After the Cold War, hopes surged for the UN and particularly for the ideal of collective security, epitomized by Bush *pere’s* call for a New World Order apparently to be based around reinvigorated international institutions, collective security finally enshrined in the Security Council, even a certain amount of global governance at last on the horizon. It is hard to overstate the excitement that many liberal internationalists felt in those heady days of the fall of the Berlin

¹⁵ Id at 29.

¹⁶ Francis Fukuyama, *Beyond Our Shores: Today’s “Conservative” Foreign Policy Has an Idealist Agenda*, Wall St J (Dec 24, 2002), available online at <<http://www.opinionjournal.com/editorial/feature.html?id=110002814>> (visited Apr 22, 2009).

¹⁷ Kennedy, *The Parliament of Man* at 46–67 (cited in note 7).

¹⁸ Id.

Wall.¹⁹ In a perverse sense, Saddam's 1990 invasion and annexation of Kuwait was a fortuity, at least from the abstract standpoint of evolving global governance. Because it was so nakedly a violation of everything the UN Charter stood for, everyone had a reason to object. The situation contained aggression, territorial conquest, the crudest violations of international peace and security, internal genocide and crimes against humanity, and even the first large-scale use of chemical weapons since the First World War, against the Kurds to boot²⁰—everything bad in a single package, as it were; a peg for every interventionist to hang his hat, and a rationale for every ideal and interest.

The wars of the Yugoslav succession and Rwandan genocide in the 1990s forcefully brought everyone back to the realization that the Great Powers had interests, and they also had *un-interests*. Moreover, it highlighted the realization that collective security in the Security Council had not magically, with the end of the Cold War, solved the problem of collective action and free-riding. That turned out to be true not just of the UN, but even within the presumably much more unified NATO system.²¹ After all, NATO could not persuade itself for many years to intervene in the Yugoslav war in the very midst of Europe, and only did so when President Clinton decided the political costs of leaving it to the “hour of Europe”²² required the US to reach past European dithering and use military force as an assertion of American interests in which Europe was invited to join.²³ Adam Roberts and Dominick Zaum define collective security as a system in which each state “accepts that the security of one is the concern of all, and agrees to join in a collective response to threats to, and breaches of, the peace.”²⁴ Provided that the system's members share a reasonably common view of what represents a threat and breach to the peace, this ideal is desirable, of course. But even on its own assumptions, collective security faces daunting and

¹⁹ George H. W. Bush, Address before a Joint Session of Congress on the Persian Gulf Crisis and the Federal Budget Deficit (Sept 11, 1990), available online at <http://bushlibrary.tamu.edu/research/public_papers.php?id=2217&year=1990&month=9> (visited Apr 22, 2009).

²⁰ Edward Wong, *As Trial Nears, Poison Attack Haunts Kurds*, NY Times A1 (Aug 21, 2006).

²¹ See generally Kenneth Anderson, *Illiberal Tolerance: An Essay on the Fall of Yugoslavia and the Rise of Multiculturalism in the United States*, 33 Va J Intl L 385 (1993).

²² Jacques Poos, Foreign Minister of Luxemburg, coined this term during the Yugoslavia peace negotiations in 1991. See <<http://www.iiss.org/whats-new/iiss-in-the-press/press-coverage-2006/july-2006/european-leaders-face-knives-edge-in-mideast/>> (visited Apr 22, 2009).

²³ See Derek Chollet and James Goldgeier, *American between the Wars: From 11/9 to 9/11: The Misunderstood Years between the Fall of the Berlin Wall and the Start of the War on Terror* 125–38 (PublicAffairs 2008).

²⁴ Adam Roberts and Dominic Zaum, *Selective Security: War and the United Nations Security Council since 1945* 11 (Routledge 2008).

well-understood problems of execution, in theory as well as practice. Those familiar problems need little restatement.²⁵

Collective action is premised upon promising to commit to the common enterprise. If those promises are believed (in the absence of any overarching enforcement mechanism), then other members rely upon those promises. When the moment for action comes, however, the member might defect and abandon its promises. The enterprise might collapse on that basis—or it might succeed still, and the defecting member has been able to free-ride upon the efforts of others. In a collective security game of several “rounds,” potential participants will have to evaluate the promises made by others, and decide whether the possibility of defection renders the common enterprise fruitless, or whether the possibility of future rounds might persuade possible free-riders to fulfill their promises. In whichever way the many versions of collective action games are worked out, the fundamental problems for the game theorist to solve are those of easy insincere promising, easy or fundamentally cost-free defection, the strong potential for free-riding, ensuing moral hazard, and copy-cat behavior.²⁶ These are problems, moreover, in which the fundamental goal of collective security and its shared desirability are not at issue—goals are shared and interests not fundamentally in conflict. There are versions of collective action games in which compliance is easier to achieve than others—iterative games, for example, involving potential reputational costs and benefits. But no one doubts that, quite apart from anything else, UN collective security through the Security Council is subject to an enormous, crippling even, disability in the form of collective action–failure problems.

Given the profound collective action problem for UN collective security through the Security Council, why does the system persist, even merely as a formality? Why do the forms of diplomacy and rules persist after all these decades? One response is that all that exists are formalities on paper, so what is there to abolish? There are provisions on paper dating back to 1945. But these paper provisions are not quite formalities, because none of the actual administrative machinery envisioned for collective security by the paper provisions of the Charter (for example, a UN standing force) has ever existed even as mere administrative formalities, let alone as weak actualities. What’s to abolish? Abolish the administrative formalities? They have never been brought forth from the paper provisions of the Charter.

²⁵ See generally Andrew T. Guzman, *How International Law Works: A Rational Choice Theory* (Oxford 2008).

²⁶ For a persuasive argument that legal scholarship focuses far too much on one variety of game—the Prisoners’ Dilemma—to the neglect of other kinds of games, see Richard H. McAdams, *Beyond the Prisoners’ Dilemma: Coordination, Game Theory, and Law*, 82 S Cal L Rev 2 (2009).

A further answer is simply that although the system does not actually provide collective security, the costs of defecting from it are not irrelevant. For example, defection might be understood to be signaling information about one's view of other things that do matter. And perhaps the formalities do provide benefits to various parties by providing a reasonably international public forum in which to argue security issues, a forum that provides certain procedural structures that help shape the underlying terms of debate. That might also be true even of certain substantive international legal rules, such as the prohibition on the use of force; even when they are not observed, or observed in breach, they provide a structure of argument, rhetoric, and debate that itself helps constrain uses of force, at least compared to a normative setting that refused even rhetorically to set any bounds.

Still, arguments about security, and having a place for "the collective" to hold such arguments, are different from actually providing collective security. Since the collective security is not actually provided (or at least not very effectively), whereas the forum for talking is, perhaps the implication is that the collective security needs of nation-states are overstated, and the territorial integrity of countries today is actually greater than one might have thought. Or perhaps the UN mechanisms persist because they provide some "talking shop" benefits—structuring the debate—even if everyone knows one should not count on collective security actually to provide security, and only the improvident or imprudent would do so.

But even given all these reasons to wonder about its persistence, it is hard not to ask why states cling so strongly, at least in their formal statements and representations, to a system that does not do what it proposes to do. Why no deep movement to get beyond the stasis of UN collective security and make it mean something more than it currently does? Save around the edges that constitute peacekeeping missions and associated activities, the system is in deep paralysis as regarding collective security for the world as a whole, for what Kennedy describes as the "consumers" and "producers" of security. Twenty years since the end of the Cold War, why has the system not evolved by now into something different, or seen something else move to replace it? Why has it not institutionally blown itself up, or withered away, or *something*?

III. THE US SECURITY GUARANTEE AND THE PARALLEL UN- US SECURITY SYSTEMS

Roberts and Zaum suggest that the answer lies in understanding that the system, under the aegis of the Security Council, has never been about collective security as such. Call it what you like, it is a system not of collective security, but selective security. "[A]lthough the UN provides a framework for states to collectively address, and take action on, certain wars and crises, it does not—

indeed cannot—do so for all.”²⁷ The evidence for this proposition is incontrovertible, of course; what matters is whether this is part of the system as it stands or a problem for it. Is it a bug or is it a feature? Roberts and Zaum suggest that although this selectivity is “generally seen as a problem, and as a challenge” to the Security Council’s legitimacy, a close reading of the Charter shows that selectivity is built into the UN framework.²⁸ It was built in from the beginning, they urge—and that is more than simply a political reality, but also a legal one. Selectivity, in a praxis combining rules and behavior, is able to provide stability to an otherwise only questionably stable collective security system. Collective security is stable within the UN system because the system is selective about what it undertakes, and this selectivity has both a practice and Charter-based aspect to it.

It is true that such a proposition risks becoming tautological or nonfalsifiable. Collective security at the UN is stable because the Security Council only undertakes such collective security as will not destabilize it—defined, however, as merely that which has not destabilized it. Roberts and Zaum avoid the temptations of easy proof by fiat, and provide both empirical criteria to show conditions under which the Council is likely and successfully to act, and a structure of rules—selectivity rules—that support the empirical criteria. They are almost certainly correct in the broad selectivity thesis. Yet the thesis of selective security is insufficient internally, as it were, to explain the persistence of the UN collective security as it currently exists. But what else is there?

UN collective security analyses are peculiar, with respect to the actual condition of world politics, in that they tend to treat the problem of collective action in UN collective security as though it really were about the world as a whole, and collective security as a systemic whole. This can be seen in how they treat the US in the account of UN collective security. Everyone admits, of course, that the US is the superpower, even if it is a superpower discovering its own limits. Its military spending still outpaces that of the next dozen or so taken together, and so on. But that fact is taken as simply reflective of a large, overwhelmingly, dominatingly, even hegemonically large player, but still a player within the collective security system.²⁹

²⁷ Roberts and Zaum, *Selective Security* at 7 (cited in note 24).

²⁸ Id at 8.

²⁹ See, for example, Ian Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council* 174–93 (Princeton 2008); Roberts and Zaum, *Selective Security* (cited in note 24); Kennedy, *The Parliament of Man* at 51 (cited in note 7); Ramesh Thakur, *The United Nations Peace and Security: From Collective Security to the Responsibility to Protect* 49 (Cambridge 2006); United Nations, *A More Secure World: Our Shared Responsibility*, Report of the High-Level Panel on Threats, Challenges and

As Ramesh Thakur, a UN Assistant Secretary General, put the relationship, if the “UN is the font of legitimate international authority, the USA has unparalleled capacity for the maintenance of international peace and security.”³⁰ Capacity unparalleled within the UN collective security system that, Thakur says, echoing many others, is *the* source of legitimacy; the task of international diplomacy is to capture the US and its capacities within that system. Even when the superpower elephant breaks the rules and treats the rules as inapplicable to it, the US is still a player within the collective action system. The distorting effects of a superpower actor within UN collective security systems, the Security Council structure, all the rest—yes, all those effects are accepted de facto. Yet the account of collective security still insists on treating it as a single system.

Why does this matter? Because in this case, UN collective security—the frame expressed by all these analyses and more—has to address collective action–failure problems as problems of the world system. It can appeal to internal selection criteria in order to try and confine the system to something realistically within its abilities, but one might think that the demands of collective security still could not overcome the burdens without something more. Otherwise, UN collective security goes the way of the League. What will overcome the problems of insincere promising, easy defection, free riding, and moral hazard? Perhaps the answer is to look outside the system, stop treating it as a unitary one, and look for a solution from without.

So perhaps a better answer would be to say that the persistence of the system lies more fundamentally in something not captured by treating the US, today’s superpower, as merely a dominant actor within a unitary security system. Treating the security system as unitary, even with (during the last fifteen years) a hegemonic actor, obscures a vital matter—one crucial to explaining the persistence of the forms of the collective security system despite the collective action problems, and the one crucial to explaining both why the system remains in deep stasis as a collective security system and yet does not simply implode and go out of existence altogether.

The truest description of the international security situation since 1990 is, in fact, quite different. It is actually two systems—the UN and US security systems—operating in parallel while conjoined at several points. There is a weak one, the UN collective security apparatus, and there is a strong one, the US security guarantee. Understood this way, the US is not merely *a*, or even *the*, dominant and most powerful actor within a system of security either collective or selective. Rather, the US offers a genuinely alternative system of international

Change (2004), available online at <<http://www.un.org/secureworld/report2.pdf>> (visited Apr 22, 2009).

³⁰ Thakur, *The United Nations Peace and Security* at 49 (cited in note 29).

peace and security that is separate from the role it also plays as a dominant actor within the UN collective security apparatus of the Security Council.³¹

The dominant actor's willingness to extend a security guarantee to a sizable portion of the planet, explicitly and implicitly, alters the meaning, necessity, and quality of collective security at the UN itself. These are two fundamentally different game-theory scenarios: on the one hand, a dominant actor within a UN collective security–defection international relations “game”; on the other hand, an actor that offers its own security package alongside that of the UN in a parallel collective security game. In a diplomatic system characterized by insincere public promises, easy defection, moral hazard, and free-riding, the fig leaf is assiduously maintained that the UN constitutes, or anyway offers, a collective security system. Whereas in fact, most leading players in Europe, Asia, and Latin America, and even the Middle East, are unwilling to test the strength of that system: countries pay insincere lip service to the UN system, while actually relying on the US system.

For all the extant elite complaining and populist anti-Americanism, a remarkable number of countries have counted the costs of adherence to the US security promise and found it rather better than their own, and better than the UN's, and better than anything else on offer, as to both benefits and costs. After all, the US does not even particularly care when those under its security hegemony (which extends far beyond its allies or clients to provide, perversely, significant stability benefits even to America's acknowledged enemies) heap abuse on it (justified or not) because, in the grand scheme of things, it understands (however inchoately and inconstantly) that the system incorporates (often heartfelt but, in the final policy result, insincere) public rejection and protest by the system's beneficiaries. The US is not imperial in a way that would cause it much to care. Part of accepting US security hegemony by its beneficiaries includes their rational desire to displace security costs onto another party, even if that providing party thereby has equally rational reasons to look to its own interests first, since it so overwhelmingly pays the costs.

Acceptance also includes realistic appraisal of the alternatives. Would Europe (let alone Japan, South Korea, Taiwan, Indonesia, India, the Philippines, New Zealand, or Australia, or even Russia) prefer, for example, Chinese hegemony to the US? The 2008 crisis in Georgia forced a little bit of discussion—less than the newspaper headlines that summer suggested, however—on the mission and role of NATO. On the one hand, Europe is in strategic disarray with the reassertion of regional Russian imperial will: the

³¹ This discussion expands on a suggestion I made in an earlier article. Kenneth Anderson, *US Counterterrorism Policy and Superpower Compliance with International Human Rights Norms*, 30 *Fordham Intl L J* 455, 464–65 (2007).

interests of those close to it are different from those far away. On the other hand, at some point even the US will wonder, as a matter of budget and defense plans, what NATO is worth; how long does a hegemon support its free riders?

Let us pause for a moment to consider NATO more closely: what are its lessons? The shade of the great Atlanticist Raymond Aron, in realist heaven, surely wonders at the wisdom of a Western Europe that has voluntarily made itself dependent upon Russian natural gas during each and every winter, and which has divided NATO into the half at Russia's periphery that fears territorial pressures and the half well back from the border that fears loss of energy supplies.³² That is looking East. Looking West? Prudent, Aronian-thinkers in Europe will be skeptical of liberal internationalist Americans bearing gifts of multilateralism.

Be wary, O Europe, and consider carefully what Aron would say of an America that does not assert, rudely and brusquely and vulgarly, its own interests and views first, through NATO and other forums. An America that sings sweet songs of multilateral interdependence is, surely, a superpower that has decided to simply go along with what everyone else does, which is another way of saying it has tired of supporting the free riders, which is another way of saying that it, too, says one thing but might do another. And what it might do is not show up when the big battalions are finally needed, because it has realized how little the European contribution means when it comes to actual fighting.

Not so very long ago—yet it seems like forever—foreign policy thinkers were re-imagining NATO as a force to protect order and justice even beyond Europe and NATO's formal borders.³³ After 9/11, the US responded to an attack on its territory that came out of Afghanistan; its NATO allies, with much trepidation, went along, but with no great belief that this was really what NATO was about. They went along to support an ally in a general sense, not because they believed this mission was actually core to the NATO mutual security pact. It was from their standpoint an act of general solidarity and security altruism and so, naturally, when it came to actual fighting, Germany and others simply decided to avoid putting their troops very much in harm's way. Perhaps they are

³² For a good short introduction to Raymond Aron's Atlanticist and realist thought, see Christopher Caldwell, *Raymond Aron and the End of Europe*, Bradley Lecture Series (Apr 4, 2005), available online at <http://www.aei.org/publications/pubID.22275,filter.all/pub_detail.asp> (visited Apr 22, 2009).

³³ See, for example, William T. Johnsen, *Nato Strategy in the 1990s: Reaping the Peace Dividend or the Whirlwind?* 4–5 (Strategic Studies Institute, US Department of Defense, unpublished monograph), May 25, 1995, available online at <http://books.google.com/books?id=-iMMXbOL13AC&dq=use+NATO+outside+europe+1990s&printsec=frontcover&source=in&hl=en&ei=xqz1SZCtK4nmlQft-tXPDA&sa=X&oi=book_result&ct=result&resnum=11#PPP1,M1> (visited Apr 27, 2009). See also Derek Chollet and James Goldgeier, *America Between the Wars* 232–234 (PublicAffairs 2008).

right to see NATO as not being about expeditions to Afghanistan; in any case, the tepid response puts paid to the idea that NATO will find a mission in armed humanitarianism outside of Europe in any serious way. But in that case, it would be prudence and not cynicism—especially if you are Eastern European NATO members on the periphery closest to Russia—to conclude that core NATO members think, as they have always thought, that NATO exists to defend the German border, and not much else. But America, unlike Germany, France, Britain, or any other country in NATO, or NATO itself, is a global power with global interests and global enemies. Its adversaries are not just transnational terrorists—it is sometimes hard for America’s core European allies to keep in mind that the US has security responsibilities and interests at least as great in the Pacific as in the Atlantic. What happens if America gradually realizes that its enemies are not ones that play to NATO’s Cold War strengths, and finally awakens from a couple of years of current deficit spending to realize that America is now suddenly much poorer? Looking to America’s own security does not necessarily mean looking to a chimerical collective NATO security that protects it from “threats” that are no threat to it.

Let me be clear: these are dangerous ideas, but they are ones always half-formed within a semi-isolationist America and permanently part of the landscape because there is a kernel of truth in them—a very risky kernel. For its part, permanently post-conflict Europe, secure in Kant and Habermas, likewise has its dangerous ideas—perhaps most of all the belief that Europe is forever beyond all care of big battalions. Between the two of them, Europe and America, however, one trusts European common sense to say, “NATO is Europe’s security against Russia if not Iran,” and the Americans’ good sense to remain too cautious ever to really consider throwing away the best collective security arrangement ever created.³⁴

Still, prudent Europeans will fear and not trust an America that does not put its own interests first and carry the rest along in train. Europe likely will soon enough face an Iranian nuclear weapon along with its massive dependence upon Russian natural gas, even as its military strength declines yearly. In important respects it is today (at least, arguably) more dependent on the American security guarantee, not less, than at any time since 1990.

But none of this stakes out a claim that Europe looks for its own security to the UN, UN collective security, or the Security Council. It is entirely about

³⁴ This whole discussion of NATO leaves aside, however, what might turn out to be the most important shift in the nature of the alliance over time—demographic shifts within core NATO countries that make solidarity with the US, as a matter of shared cultural, political, and social values, an artifact of the past.

NATO to the extent it is about anything. UN collective security is what is offered to other people.

IV. INTERESTS, AND UN-INTERESTS, OF THE GREAT POWERS

There are people in the world who must rely on the UN collective security apparatus. It is not necessarily their choice and it is often not to their benefit. The Great Powers have interests, but they also have un-interests.

Although the American security guarantee is wide—hegemonic, for some period of years—even it does not extend everywhere. Not even America’s flexible combination of interests and ideals extends everywhere. It provides immensely important global public goods—securing (leaving aside the piracy of the Somali coast) the freedom of the high seas, quite apart from the usual example of NATO and the peace of Europe. The American security guarantee continues to be the most important stabilizing element in the peace of Asia and the Pacific rim—that which spares, at least while American power is sufficiently strong, overt nuclear arms races in East Asia among Japan and its neighbors, for example. It is sometimes hard for Europe to recall, thinking of China as merely a far-away economic player, that the US has as much responsibility for the peace and security of the Pacific as it does for that of the Atlantic. For that matter, the American security guarantee provides important public goods even for its enemies—Iran and North Korea benefit from the security of the seas, for example, and many an anti-American dictator has benefited from the fact that the American security guarantee sometimes reduces the pressure on neighbors to arm and confront.

Yet the US security guarantee does not run everywhere. Darfur is one place, and there are other places in Africa, especially.³⁵ One can of course construct a strategic rationale for why the US security umbrella ought to extend to any particular place. In Darfur one can talk about oil, and in other places one can always construct a strategic rationale for American interest based on flows of refugees, destabilization of neighboring regimes, and so on. But however clever—or even accurate—the intellectual constructions of American interests, not even American power at its zenith could project so far, let alone in an emerging multipolar world of increasingly competitive Great Powers. To be sure, the American security guarantee is not an on-off switch. Even without creating a NATO or having any willingness to put military assets in harm’s way, American power often can be projected to support one or another cause,

³⁵ See Tod Lindberg, *The Only Way to Prevent Genocide*, Commentary 9 (Apr 2009) (“Creative diplomacy can make a difference. But in the end, it may all come down to the willingness of the United States to act.”)

regime, or policy so as to increase regional or local security, through bilateral aid, economic policies, trade incentives, and other such means.

But limits remain, and they are partly limits of American power, and partly limits on American interests and just how far those interests can sustain the projection of American power. Partly, however, the limits arise from what can actually be done in the demimonde of failed and failing states, the world of disorder and endemic low-level but brutal civil wars. In short, places in which, even if America were to identify a clear and overriding body of interests, it might not (and probably could not) bring meaningful order out of the chaos. Certainly the experience of Afghanistan is not currently persuading that country or anyone else that expectations can be very high. The lesson learned is simple, from a strategic security standpoint: stay away. You will not likely ever be able to leave, you will not likely create real or lasting order while you stay, and you damage your ability strategically to respond elsewhere. And if you need to act from a national security imperative—bring down the Taliban, pursue al Qaeda, or whatever the future might bring—better to act in those zones, where possible, using not the full weight of the US military, but instead proxy forces and force projected from unentangling remote, standoff platforms: these places are best dealt with, if at all, by locals or by unmanned drone aircraft roaming the skies, Predators armed with Hellfire missiles.³⁶

As a strategy for the US, the aim is not the creation of order out of chaos—that would be nice, but the US is not able to do that and, no matter how good its political will, in many cases its very presence could well make things worse. And anyway, there are a lot of places in which it is not the case now that the US even need concern itself with the situation, because however bad the situation, it does not offer any direct security threat, not even in the vague concern about failed states becoming terrorist havens. Moreover, some of the worst places in which the US cannot find a strategic necessity to extend itself in any substantial way are not failed states in the sense of pure disorder, but instead wicked but quite tightly run dictatorships and autocracies—Mugabe's Zimbabwe, for example.

So the world can be divided into a series of clubs with respect to the parallel provider of security. The gold-plated, first-class club is the one that operates under the full benefit of the US security guarantee—not just NATO, but also Japan, Australia, South Korea, and a range of other industrialized, democratic allies. The next tier—business-class, so to speak—includes many states that are not so fully guaranteed in the sense that America would go to war for them, but still have an enormous security benefit in more passive ways, such

³⁶ See generally P. W. Singer, *Wired for War: The Robotics Revolution and Conflict in the 21st Century* (Penguin 2009).

as Latin American or Asian states in which the US presence reduces considerably the pressure to arm against one's neighbors. The third tier—coach—benefits from a lesser but still important range of passive public goods, such as the freedom and security of the seas.

There are no very strict lines here, just a family resemblance within classes. But the fundamental point is that all three of these clubs benefit from the US security guarantee in ways that are independent of whatever role the US plays within the system of UN collective security. They benefit, rather, from a system that exists as a function of the postwar US role that began with NATO and extends outward, but has never been nor sought to be integrated into the system of UN collective security. Certainly one can appeal to Article 52 of the Charter (which refers to regional alliances), for the face-saving claim that NATO is somehow “part of” UN collective security, but suffice it to say that Russia does not see it that way, and other actors in the world are likely to feel as Russia does in a competitive multipolar world. Indeed, from the beginning, whatever various American politicians such as Truman said about UN collective security, US internationalism in security matters was multilateral and internationalist (for example, NATO)—but only secondarily invested in the UN as a security system. The US security guarantee is parallel to UN collective security, and although in some situations the US acts as a dominant actor within UN collective security mechanisms, its security guarantee—the one the first and second tiers rely upon for their safety—is outside the UN system altogether. And that is why those first- and second-tier countries trust it.

The effect of this, however, is that neither the first tier nor the second has any significant incentive to invest in UN collective security for its own security. And they don't. They prefer to trust that their bottom-line security interest is close enough to the US's that they can free-ride on it and that the US will not very much care so long as it is able to assert its interests first and foremost, rather than endlessly negotiate them in the way a genuinely mutual-assistance club would. This is to say, however impolitic, that NATO is only partly a mutual-assistance club, because it has not truly solved the collective action problems of mutual assistance. Although formally structured as a forward contract in which each side must deliver upon the occurrence of certain events, NATO is actually first and foremost a uni-directional guarantee, a US security guarantee, trusted by NATO nations because they trust their interests to be sufficiently close to those of the US that they can rely upon it, at least in matters of security. This is also to say that the most successful collective security arrangement ever owes its success in large part not to collective security but to the hegemonic guarantee of its principal member. Moreover, the first and second tiers have reasons not to take actions that might empower a UN collective security that undermined the proven value of the US guarantee in favor of a UN collective security system with no answers to the collective

action–failure problems, let alone the dangerous insincerity of sovereigns with actually deeply opposed interests.

The third tier is far less invested in the US guarantee, despite many passive benefits, but that does not lead it to greater trust in UN collective security mechanisms—particularly given that those mechanisms, invested in the Security Council, would frequently involve (even if invoked and operative) reliance upon Security Council members who in fact looked elsewhere for their own security. Countries in particular circumstances sometimes do look to UN collective security—not as part of the world of failed states and truly endemic disorder, but as reasonably intact states dealing with the end of civil war or other situations, such as Central America following the 1980’s civil wars—and UN collective security, through peacekeeping operations, has had some very important successes in such places as Guatemala and El Salvador.

These successes are one of the most important arguments for UN collective security as an activity for the US to support. But it is equally important to understand what their success typically requires: a reasonably intact state structure; a defined civil war with a defined opposition that is being brought to a defined end; no Great Power opposition on account of its strategic interests; and the interest of the US and other Great Powers, formally through the Security Council but also informally as a matter of politics and resources, to support the transition. In places like Guatemala or El Salvador, the US acts along both the parallel security system tracks, as it were—partly exercising US hegemonic security capabilities and relationships that have long existed quite apart from the UN, but partly acting as a dominant power through the UN and Security Council. There are, of course, no strict lines; the division is partly arbitrary and one role bleeds into the other. But if activities with respect to this third tier of states and security situations run them together, the core functions, legitimating devices, and justifications are separate and identifiable, by reference back to how the first and second security tiers of states view their own security.

Yet there is a fourth tier. It consists of the people, regimes, and places that fundamentally lie outside the US parallel security guarantee. To the extent that the US extends something to them, it is as a powerful, sometimes dominant, actor within the UN collective security system. To the extent that anyone else extends security to these places and zones, it is likewise through the UN collective security system, at least in a loose sense of typically seeking UN approval, acting with UN mandates, and so on. Ironically, the legal letter of UN collective security receives its greatest expression in precisely the places in which the world’s leading members have the least at stake, and in ways that would not really occur to them if it mattered to their own security. These people, trapped in many of the world’s worst civil wars, wars of disorder, and failed states or, alternatively, the worst dictatorships, have no choice but to accept UN collective security if even offered. They are would-be “consumers” of security, in

Kennedy's terms, at the mercy of possible "providers" of security who, however, act at their option. At least in those unfortunate circumstances, the general failure to come up with a convincing solution to collective action problems in UN collective security is overwhelmingly evident.

The collective security problem is more complicated than that, however. On the one hand, a collective action game can consist of parties who each bring to the table resources of value to all, a game of mutual benefit; there are problems of defection and free riding even in these cases. On the other hand, the situation of this fourth tier is that they do not bring any resources to the table, so that any collective action is not collective in the sense of mutual benefit, but merely altruism. In that case, the fundamental problem is not defection and free riding in an arrangement of otherwise mutual benefit, but instead the fundamental question is why act at all if, for the security providers, there is no mutual benefit?

Various answers have been proposed to try and get beyond simply the true, but not necessarily very motivating, answer of global altruism. They fall into one of two approaches—try to find a way to reframe the argument to turn altruism into mutual benefit or, alternatively, simply accept that it *is* altruism. The most noteworthy "reframing" has come from the UN itself—the Secretary General's High Level Panel, addressing the issues of UN reform prior to the 2005 General Assembly reform summit, sought to recast the global security issue as one of mutual benefit rather than altruism. It proposed—in much the same way as those seeking to convince the US to address this or that global situation by constructing an argument from interests would argue—that the global north and global south were bound by the exchange of benefits, security for the global north and security and economic development for the global south, in a sort of grand bargain between the two. It was not very convincing—the global north particularly simply saw it for what it was, an argument for optional altruism or, worse, a veiled threat that the global south had to be paid off with development benefits, and paid it no serious attention.

What this suggests, however, is that the UN collective security system is, first, typically not a system of mutual benefit, but in its most important features is a system of altruism, at least as the system's security providers see it—always optional, however much they say otherwise in the time-honored fashion of insincere promising at the UN. Second, contrary to Kennedy's suggestion that UN collective security be seen as an understanding that the system rests on big, powerful "providers" of security and small, weak "consumers" of security banding together in an implicit contract, the one-sided nature of the "bargain" means that it is not an "exchange." It is instead better understood (to follow

Kennedy's business metaphors) as merely an option exercisable when and if the providers of security want. It lacks mutuality.³⁷

But in that case, why the persistence of this parallel system at all? One important reason these dual security systems persist is that the US (and the world that takes its stability from US hegemony) sees the UN system as the least costly system for enforcing minimum order in the hopeless world of failed and failing states—places that they will not, and realistically cannot (pace Afghanistan) hope to police. In that case, however, there is a point where interest and idealism intersect in how the US should engage with that UN collective security system. The US should want the system to succeed in places where the US will not go—partly for its broadest interests, but mostly on account of its ideals. This has three concrete consequences for US policy.

First, the US should invest heavily in—and pay its current budgetary share of—UN peacekeeping operations. Peacekeeping operations (“PKO”) are one of the bright spots of the UN—an activity at which the UN has been doing successively better over the past fifteen years, particularly when combined with regional multilateral governance bodies in Africa and Latin America. The massive corruption that has been uncovered in UN peacekeeping operations,³⁸ sexual crimes by peacekeeping troops,³⁹ places in the 1990s where peacekeeping was a humanitarian or even genocidal disaster—Rwanda⁴⁰ or Srebrenica⁴¹—or by places, including Darfur, where peacekeeping has not been successful⁴²—all these weigh heavily, but they should not be permitted to overshadow the modest but accumulating successes of UN peacekeeping. American conservatives, in

³⁷ This general topic of mutuality and international law as a form of contract is well discussed in Robert E. Scott and Paul B. Stephan, *The Limits of Leviathan: Contract Theory and the Enforcement of International Law* (Cambridge 2006).

³⁸ Claudia Rosett and George Russel, *Procurement Scandal: New Conflict of Interest in Annan's Inner Circle?*, FOXNews.com (Oct 4, 2005), available online at <<http://www.foxnews.com/story/0,2933,171216,00.html>> (visited Apr 22, 2009).

³⁹ Susan Notar, *Peacekeepers as Perpetrators: Sexual Exploitation and Abuse of Women and Children in the Democratic Republic of the Congo*, 14 Am U J Gender Soc Poly & L 413 (2006); United Nations, *A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations, Report of the Secretary-General*, UN Doc A/59/710 (2005).

⁴⁰ See generally Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (Human Rights Watch 1999). As a former coworker of Alison Des Forges at Human Rights Watch in the 1990s, I want to note that her tragic death in a plane crash in New York a few months ago, at this writing, is an enormous loss to everyone interested in the promotion of justice.

⁴¹ See generally Adam LeBor, *Complicity with Evil: The United Nations in the Age of Modern Genocide* (Yale 2006).

⁴² UN News Center, *UN Report: Worsening Situation in West Darfur Jeopardizes Aid Efforts* (Feb 20, 2008), available online at <<http://www.un.org/apps/news/story.asp?NewsID=25689&Cr=darfur&Cr1=unamid>> (visited Apr 22, 2009).

particular, need to understand the successes and value that UN PKO provide to the US and its foreign policy.

Successes include (as earlier noted) El Salvador and Guatemala, but also Mozambique, Cyprus, Kosovo, East Timor, Sierra Leone, and even more.⁴³ Sometimes the benefits are contested, and in many cases serious judgment of success or failure will not come for years, but still short-term successes must usually be seen as successes considering the alternatives. It is far easier to bring to mind the disasters such as Rwanda than the successes. Likewise, also as noted, not all the successes take place in places that are a straight-up disaster from a governance standpoint—many, perhaps most, of the successes have taken place in countries in which there is a structure of government, sometimes reasonably effective, but the situation is one of transitioning from civil war.

The improving record of PKO reflects improved doctrine at UN headquarters; improved professionalism and training of troops contributed by different countries; improved equipment and increased numbers; and above all, increased funding.⁴⁴ UN PKO are funded on a budget that is outside of the regular assessed UN budget. It is voluntary in the sense that there is no formal Charter obligation to contribute to it. However, in order to avoid the problem of everyone agreeing that someone else should pay for activities that all agree are a good idea—as well as, crucially, to allow for advancing planning and development of missions that will run for several years—PKO have a voluntary, but still assessed and agreed upon, budget and schedule of individual country contributions.

The importance of being able to plan on a budget several years in advance for ongoing and anticipated missions, quite apart from the unexpected development, is one of the best things that has taken place in producing positive real world effects from UN management reforms. It is not just for the usually cited reasons why the US should make its contributions to the UN generally (which might or might not be valid depending upon circumstances), reasons such as reputation, being a player, etc. Rather, the argument for the US making committed, timely, and generous contributions to PKO is very strong on its own particular merits. PKO are not cheap, but the current successes reflect the willingness to invest in a successful activity, and it is under the control of the Security Council rather than the General Assembly. Its budget of some \$5.28

⁴³ These are not always direct UN missions, run out of UN headquarters, but are instead sometimes UN missions run through, or jointly with, regional authorities such as the Organization of American States.

⁴⁴ See generally Newt Gingrich and George Mitchell, *American Interests and UN Reform: Report of the Task Force on the United Nations* Foreword (US Institution of Peace 2005).

billion dollars far outstrips the UN regular budget of approximately \$3.8 billion for 2006–2007.⁴⁵

Second, as an indispensable adjunct to PKO, the US should support and invest in peacebuilding operations through the UN. Peacebuilding follows logically, inexorably in fact, on the successes and investment in PKO. One of the very few, but also one of the most important, positive outcomes of the 2005 UN reform process, found in the final outcome document adopted by the General Assembly, was the creation of a Peacebuilding Commission, established by concurrent resolutions of the General Assembly and Security Council.⁴⁶ It is a UN intergovernmental advisory body, whose mission is to bring together crucial actors in the international community to support countries undergoing transition from armed conflict to peace in finding strategies to preserve peace and rebuilding economic, social, civil society, governmental, and other functions of post-conflict reconstruction that go beyond simply the provision of troops to monitor a ceasefire. It is a role eminently suited to the nature of the UN's legitimacy to act not merely as a "humanitarian neutral," but to engage in nation-building in a way that requires the willingness to assert basic human rights, legal, political, and other values.

The US is very rarely able to assert that kind of legitimacy, alone and solely on its own say-so, in the failed state and post-conflict zones. It was not able to do so in either Afghanistan or Iraq solely on its own, and it is even less able to do so in still more difficult places such as Congo. What both the US and the UN have learned out of the adventures in nation-building in the past eight years is that security matters—it matters for its own sake, and it matters because in the absence of a minimum *tranquillitas ordinis*, nothing else good can happen either: justice and peace both matter, but underlying each is first achieving a certain level of order out of the Hobbesian chaos. The UN learned this to its sorrow in the terrorist attack that destroyed its headquarters in Baghdad in 2004, and took the life of one of its great peace-builders and many more besides.⁴⁷ The US has learned it the hard way through the "surge" in Iraq.

⁴⁵ United Nations, *Current Peacekeeping Operations*, UN Background Note DPI/1634/Rev.94 (2009), available online at <<http://www.un.org/Depts/dpko/dpko/bnote010101.pdf>> (visited Apr 22, 2009); *The United Nations Today* 18, 78 (Department of Public Information 2008); United Nations, *Concluding Main Part of Session, General Assembly Adopts \$4.17 Billion Budget Early Saturday, in Wake of Fifth Committee's Diplomatic Breakthrough*, UN Press Release GA/10684 (2007).

⁴⁶ Security Council Res No 1645, UN Doc S/RES/1645 (2005); General Assembly Res No 60/1, UN Doc A/Res/60/1 (2005); General Assembly Draft Res 60/L.40, UN Doc A/60/L.40 (2005).

⁴⁷ Consider Samantha Power, *Chasing the Flame: Sergio Vieira de Mello and the Fight to Save the World* 496–516 (Penguin 2008) (discussing the UN evaluation of the security situation at the Canal Hotel); United Nations, *Secretary-General Releases Findings of Iraq Accountability Panel Report, Decides on Disciplinary Measures*, UN Press Release SG/SM/9230/1K/425 (2004); United Nations, *Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq* (Oct 20, 2003), available online at

UN legitimacy in these post-conflict, peacebuilding, nation-building affairs and places is far from complete. For one, assertion of legitimacy as a nation-building actor in Geneva or New York is not the same as legitimacy on the ground with an unconvinced local population. For another, the legitimacy of “pure” humanitarian neutrality in a humanitarian emergency in armed conflict, and the neutral provision of humanitarian assistance, are altogether different from the legitimacy of post-conflict peacebuilding. Peacebuilding involves nation-building, and reconstruction of social, political, and state institutions. That work often requires not strict neutrality, but the commitment to political values that might indeed be contested, even violently, in a way that purely humanitarian emergency aid might not.⁴⁸ Either way, however, the UN is able to carry out these activities in many situations and places in a way that neither the US nor any individual state alone could hope to do. In making commitments to such situations, the UN agencies tasked with such work must necessarily maintain an independent weight and role to support that UN legitimacy, even at the cost of a certain amount of friction with the US and its political goals as the dominant security player within this system.

Third, beyond political, diplomatic, and financial support, the US—deliberately acting in its role of dominant military player within the system of UN collective security—should find ways to assist the practical and logistical requirements of PKO (and post-conflict peacebuilding as well). The issue is often not just money. It is often in-kind capability, such as transportation, logistical “lift” capability, technologically advanced intelligence for PKO, and other assets that are available only through the US. Obviously this is within the strictures of a US military with a mission—seeing to US security and the US security guarantee—that is fundamentally different from UN collective security. It is also a US military facing the burdens, at this moment, of two wars and other major security obligations. As a general policy, however, the US needs to give serious consideration to ways in which it can provide in-kind assistance as appropriate and feasible: “lift” for the logistics of missions in difficult to reach places, helicopters and other specialized air transport, as well as such assistance where appropriate in the form of enforcing no-fly zones (Darfur, possibly). These principles apply as well to peacebuilding missions. This is not to

<<http://www.un.org/News/dh/iraq/safety-security-un-personnel-iraq.pdf>> (visited Apr 22, 2009) (“Ahtisaari Report”). A good friend of mine also died in that explosion, the renowned specialist in refugee and migration affairs, Arthur Helton, waiting in an antechamber for a meeting with UN officials. The fact that so many good people died in that attack has certainly caused me to focus on the important conceptual questions that the UN mission elided—particularly the difference between “neutral” humanitarian aid and the inevitably politically fraught questions of nation-building and peacebuilding.

⁴⁸ See generally Kenneth Anderson, *Humanitarian Inviolability in Crisis: The Meaning of Impartiality and Neutrality for UN and NGO Agencies Following the 2003–2004 Afghanistan and Iraq Conflicts*, 17 *Harv Hum Rts J* 41 (2004).

take a position on any particular burden, but instead to support the abiding principle that the US, as the dominant military power within UN collective security, is in a position (at least sometimes, taking into account its own obligations) to contribute in-kind assistance of a type that only the US is able to provide.

V. THE SECURITY COUNCIL AS TALKING SHOP OF THE NATIONS IN A MULTIPOLAR WORLD

UN collective security thus faces a daunting series of obstacles in order for it ever to become the dominant security system. UN collective security is, in many situations, not just altruism rather than mutual aid, but collective altruism. And it is not merely collective altruism in a passive sense of “pass the hat,” but in the sense of providing active, in-kind resources such as troops. Collective altruism is far more difficult to motivate than that of a single or small group. Next, in situations where UN collective security can constitute genuinely a mutual assistance pact, it has no good answer (no worse, to be sure, than anyone has come up with, either) for addressing collective action failures, particularly defection and free-riding. Finally, a super-strong player has established its own parallel security system, which it extends directly to its “posse” (NATO and important friends), but which also provides a much broader range of security public goods to many others as well, with the effect of reducing any real need to test UN collective security mechanisms. The provision of public goods extends in some things even to straight-out enemies of the US.

Countries seem to have counted the costs of seeking to replace the parallel system with true collective security, and have not been willing to pursue it. The parallel system is a major reason why the UN persists in static equipoise with respect to international peace and security. The capacities that the UN is developing through PKO and, one hopes, the Peacebuilding Commission are essentially collective altruism, and in that sense they do not upset the security equilibrium; indeed, they further it insofar as they create a useful specialization and division of labor in the provision of security to the world in different parts and ways. In many ways, it is a beneficial equilibrium, for however long it is able to last.

The existence of this dual and parallel security system should not leave aside, however, the other security issue of the Security Council. The discussion has proceeded as if the fundamental problem were one of coordination and execution by a collectivity of its agreed-upon security goals. In that case, the problems are altruism, collective action failures, free-riding, efficiency and effectiveness. But, of course, with regularity and—perhaps especially in a multipolar world—increasingly, the issue is not collective action failure, but fundamental clashes of interest among the Great Powers on the nature of action,

collective or any other. It is something of a comfort to treat the fundamental problem of the Security Council as being a failure of collective will to do something about which, in a cost-free, unlimited-resources world, everyone would agree to what ought to be done. If that were the case, then the only real constraint would be resources and will, not opposed interests and ideals. Because we live in a world that has not only collective action problems but also deeply opposed interests and ideals, however—not infrequently on display at the Security Council—this is also something of a fantasy, and likely to grow more so in the competitive multipolar world of tomorrow.

What does multipolarity mean for the UN and for the US–UN relationship? Clearly, after all, the rise of new powers must have implications for the parallel security systems earlier described. Multipolarity might provide a dynamic that, at least within the arena of international security, but in much else besides, shifts the terms of UN stasis and equipoise, for example. These shifts might take place in ways congenial to the US—but they might not. And they might take place in ways congenial to the UN institutionally, or to a large number of UN member states—but they might not.

The rise of new powers refers to at least three separate phenomena (limiting the list only to state actors that would directly be present at the UN, and excluding, for example, non-state terrorist organizations):

- *The rise of the “resource extraction” autocracies.* They are driven primarily by oil, but not necessarily limited to it. The obvious candidates are the Middle Eastern oil producers, but also, of course, Russia, Venezuela, and a few others. Although the recent fall in oil prices illustrates the general problem of a resource extractor seeking to act as a Great Power on global commodities prices alone, the boom and bust nature of these autocracies in fact makes them more unstable and volatile as power players. Autocratic at home and yet often highly popular with national masses, dismissive of liberal democracy while in some cases adhering to democracy’s bare forms, rationality qualified by the tendency of leaders to Hobbesian “glory,” anti-American even while bound to it and the rest of the parliamentary democracies by the commodities markets, aggressive abroad and with a strong sense of national grievances to be carried abroad—they are destabilizing to the existing status quo and fully mean to be.
- *The rise of China and India as new production powers.* They are production powers (whether in industrial production or services) rather than resource powers. They are, however, not just resource-consuming or resource-intensive in their economic growth but, as manufacturers (China especially), affirmatively resource hungry and energy intensive. They seek to sustain rates of growth to maintain internal stability—but also to assert themselves in the world.

- *Poor, unstable, failing, or “rogue” states, with a nuclear weapon.* Specifically, Pakistan (a “failing state”) and North Korea (a “rogue state” in the sense that, although not unstable, it exists outside of and at odds with a large part of the international community); in some ways, too, Iran (poor, with internal instabilities, and potentially destabilizing conflicts with regional neighbors such as Saudi Arabia). The nuclear weapon is not produced as a consequence of a rising economy (as in the case of India) but instead as a siphoning of resources from it. The most destabilizing scenario is a nuclear-armed failed or failing state. The common element among these other heterogeneous states is a nuclear weapon (or the growing possibility of one), portending highly unstable and unpredictable consequences; the nuclear weapon is not the consequence of strength, but an attempt to compensate for weakness.

If we are indeed moving toward a more multipolar world—not everywhere, but at least in certain strategically important regions, such as the Russian “near abroad” or the Chinese periphery—then the Great Power conflicts promise to become more acute, not less. As David Rieff has pointed out, multipolarity is by definition competitive, not cooperative.⁴⁹ Moreover, the issues over which the rising powers jostle sometimes are intensely ideological—what seem to the West sometimes inchoate national grievances and resentments carried abroad, to that new power are concrete and unmistakable, as in the case of Russia’s fraternal support for Serbia regarding Kosovo, or its view of Georgia, NATO, and the “near-abroad.” Sometimes it is nationalism deliberately stoked at home coupled with a long-term sense of being deprived of a rightful place in the world, as a partial description of China’s rise to power. But in many other cases, the jostling is very much the competition over what, to the rich and self-satisfied West, look like frankly grubby commercial interests. China’s willingness to protect Sudan during long periods at the Security Council, for example, is really about China’s oil interests—and the first time when, seemingly, one of the “permanent five” showed itself willing to rent out its veto, or threat thereof, for purely commercial gain. But that is the nature of a more competitive world in which new rising powers are rising because they are commercial powers; the long-term hunger for production resources is very real.

In a competitive, multipolar world, too, cosmopolitanism of the kind that idealists are wont to imagine is more, rather than less, difficult to attain or sustain. There is a tendency, sometimes, to dream of a world in which multipolarity reduces the power of the US to something closer to its fellows, so

⁴⁹ David Rieff, *Concerts and Silly Seasons*, Open Democracy (Feb 23, 2007), available online at <http://www.opendemocracy.net/democracy-americanpower/concerts_4380.jsp> (visited Apr 22, 2009).

that we could all exercise the cosmopolitan dream that the sovereign power of the US prevents from taking root. But the new multipolar world is more intensely nationalistic, both inside regimes and in the international community, than the one consisting of parallel security systems in which the US is, let us be frank, a rather un-demanding imperial hegemon⁵⁰—so much so that “imperial” is not very apt. The grand irony is that the most propitious time for dreaming of global governance was precisely when the US was at its maximum, largely unopposed strength, because it allowed much of the democratic industrialized world the luxury of imagining that its security was one thing, when in fact it was another. In a competitive, jostling multipolar world, efforts to drive utopian ideals of global governance are not just a quaint, holdover indulgence from the less stressful times of straight-up US hegemony, but an affirmative danger, because they tempt institutions beyond their limits in time of crisis.⁵¹

The multipolar world that seems to be rising argues for a Security Council that functions, in important situations, neither as an agglomeration of Great Powers, the “concert” of Great Powers,⁵² nor as the “management committee of our fledgling collective security system,”⁵³ in which institutions of governance superior to even the sovereign Great Powers have evolved. In situations in which the interests of the Great Powers, on or off the Security Council, are not in play, either of those modes might be genuinely useful as a form of political rhetoric, when engaged in some form of altruistic collective, for example, in a PKO or peacebuilding mission. But a world in which new commercial powers are busily rooting about for resources is a world that is likely to increase the competitive material interests of the new powers, not reduce them, and likely to convert situations that fifteen years ago might have been thought a matter of altruism via the Security Council because, frankly, no one important had very much at stake, into situations where something—money—is at stake. The increasing commercial presence of China in Africa, in places where the rich Western powers cannot see a profit (in large part because of Western concerns about the environment, human rights, exploitation of labor and resources, and

⁵⁰ See Michael Mandelbaum, *The Case for Goliath: How America Acts as the World's Government in the Twenty-first Century* xvi (PublicAffairs 2005) (“Although America looks like Goliath, however, in important ways the world’s strongest power does not act like him. If America is a Goliath, it is a benign one.”).

⁵¹ Consider, for example, the League of Nations, and the Kellogg-Briand Pact.

⁵² See generally Michael Lind, *US Foreign Policy after Bush*, Open Democracy (Feb 12, 2007), available online at <http://www.opendemocracy.net/democracy-americanpower/what_next_4340.jsp> (visited Apr 22, 2009); Michael Lind, *The American Way of Strategy: US Foreign Policy and the American Way of Life* (Oxford 2006) (discussing the use and necessity of concerts of power in collective security arrangements to deal most effectively with emerging powers such as China and Russia).

⁵³ United Nations, *To Function More Effectively* (cited in note 8).

such matters), has altered the material equation as to where the powers have merely “un-interests.”

In the multipolar world, the function of the Security Council thus becomes that of the “talking shop of the nations.” Only rhetorically and on special occasions is the Security Council the “management committee of collective security,” and only sometimes the “concert of nations.” In times of genuine conflict and crisis among the Great Powers themselves, of course, a “talking shop” is always what the Security Council becomes, precisely as it was intended to do. As President Dwight Eisenhower said of the UN generally, but as is particularly apt for the Security Council, “[it] still represents man’s best-organized hope to substitute the conference table for the battlefield.”⁵⁴ But in a competitive multipolar world, it is not merely in crisis that it becomes a talking-shop, in which the UN and Security Council are invested with no greater aspiration than to serve as the place where Great Powers go to talk rather than fight. The Security Council becomes a talking shop among jostling powers, not a concert and not a management committee of security, much, much more of the time. A place for diplomacy—and that is all.⁵⁵

It will perhaps be responded that this description is a straw man. After all, who ever claimed that the Security Council was not most of the time a talking shop for diplomacy, throughout its history, including all the years since the end of the Cold War? What else is it except a place for diplomacy? But this is to play the ingénue. There is diplomacy because by definition that is what diplomats do; there is diplomacy where negotiation, however sharp and tit for tat, is essentially around a positive-sum enterprise, such as global trade. But there is also diplomacy where your gain is my loss, and vice-versa. It is not merely the tallying up of tactical gains and losses in pursuit of some larger strategic, mutual good, but instead your gain is my loss, and vice-versa, period, and full stop. The scope of that final, zero-sum category of diplomacy is what drives a Security Council coming to discover, under multipolarity, a significantly reduced space for what we might call “competitive cooperation”—tactically competitive, strategically cooperative. It is discovering instead a significantly increased space for genuine and pure strategic competition.

⁵⁴ Stephen C. Schlesinger, *Act of Creation: The Founding of the United Nations: A Story of Superpowers, Secret Agents, Wartime Allies and Enemies, and Their Quest for a Peaceful World* 287 (Westview 2003).

⁵⁵ See Peter Barker, *Quieter Approach to Spreading Democracy Abroad*, NY Times WK1 (Feb 21, 2009) (mentioning how Secretary of State Clinton seems well aware of the reality of the Security Council as a talking shop, making it part of the explanation for the emphasis in her department on the “three Ds—defense, diplomacy, and development” rather than democracy or human rights.).

VI. THE NEW GREAT POWERS AND SECURITY COUNCIL REFORM

But this multipolar world of rising new powers raises a very particular legal and diplomatic issue. If the Security Council is (once again) going to be especially the talking shop of the competitive Great Powers, then shouldn't it be the talking shop of the actual Great Powers? And so the much debated, much vexed controversy of Security Council reform.

On nearly every measure—population, influence, even on some metrics of military might—the Security Council's five permanent members are unrepresentative of the world.⁵⁶ Whatever the justifications that existed in 1945, a Security Council today without India, for example, or any large, powerful country in Africa or Latin America as permanent members, is more than passing strange, not to mention infuriating and delegitimizing. After all, if a 1945 justification for the creation of the Council was specifically in order to keep the Great Powers within the tent, as it were—well, it is not even especially a collection of the Great Powers anymore, let alone the collection of all the Great Powers. The arguments for reform of the Council's membership are powerful on the rationales by which the Security Council was created. Arguments against reform are mostly pure *realpolitik*—permanent, veto-wielding members simply will not agree to subtract existing members, or even to add new ones, at least with the veto. Other arguments against membership reform are offered as realist arguments: the US position during most of the 2005 UN reform debates, for example, was that however unrepresentative the Council, the only mechanism of change would be expansion, which would quickly turn the Security Council into an ineffective mass, incapable of making any important decisions.⁵⁷

These realist arguments against expansion are as powerful as they ever were; likewise the arguments in favor of reform. Still, it should also be said against reform that if the still-valid theory of the Council was to keep the Great Powers inside the tent, rather than making (more) mischief without, then it is not so easy to establish who is a Great Power. Able to project military power and contribute military assets, and not merely money, to collective security? Not Germany, despite its wealth, and only questionably Brazil or any other Latin American power. Stable and legitimate? Nigeria is a big question mark; better to go with South Africa, unless one's priority was, as it perhaps should be, UN

⁵⁶ See Kennedy, *The Parliament of Man* at 51 (cited in note 7) (describing the conundrum of the UN Security Council).

⁵⁷ See John Bolton, *Surrender Is Not an Option: Defending America at the United Nations and Abroad* 250–51 (Threshold Editions 2007) (explaining that it was America's belief that an expansion of the Security Council would make it ineffective).

peacekeeping troop contributions. Nuclear powers? Consider the incentives that would create. Representation on the basis of region? The UN system makes a fetish of regional representation and rotation, primarily as a mechanism for stability. But powerful regional actors are as likely to be seen as threats to others in a given region as stabilizing, let alone representative. (Although one can certainly observe that in some, though not all, cases in which the animosities of past eras have largely gone away, such as Brazil, its very presence on the Security Council as the “Latin American” country might have the virtuous effect of “locking” it within informal pressures of “good behavior” of the system.)

More generally, in the system of parallel security, the American security guarantee has allowed, and indeed fostered, the separation of wealth and military power, and not just in Europe. Germany’s remarkably insistent claim to a permanent Council seat, solely on the basis of its moral virtue combined with its economic power and financial contributions to the UN, but no military to speak of, puts the gap between wealth and military capacity squarely on the table in establishing criteria for membership. What does it even mean to be a Great Power today? Is money enough? A competitive, multipolar world will quite possibly reverse the trend toward the separation of wealth and hard power and render that debate moot—but it would do so by eroding the value of the US security guarantee. In the meantime, however, the criteria for determining who is a Great Power, for purposes of winning a seat on the Security Council, are not especially clear.

The problem is intractable except on the basis of throwing in the towel on serious criteria for selection or simply expanding—so fulfilling US fears—to the point of guaranteeing ineffectiveness. Serious powers understand that the Security Council is the only truly special club—Kofi Annan, after years of courting and stroking the international NGOs as a way of getting around the problem of powerful states, understood as soon as 9/11 had occurred that the Security Council was his true interlocutor and constituency and master.⁵⁸ Although it is not inconceivable that France and Britain’s permanent, veto-holding seats might someday be collapsed into a single EU seat, it remains a vital national matter of pride to each. Certainly no other member—Russia, China, or the US as militarily plainly Great Powers who must be kept inside the tent—could be imagined not being permanent members with vetoes, at least if anyone has a veto. Reform therefore comes down to proposed forms of expansion, and with what privileges that the existing club might reject as diluting the franchise.

⁵⁸ See James Traub, *The Best Intentions: Kofi Annan and the UN in the Era of American World Power 171–87* (Farrar, Straus and Giroux 2006) (discussing the US approach to lobbying the Security Council to take or permit action in Iraq).

Permanent? Long term? Veto bearing? How many members before the Council becomes a mini-General Assembly?

Intractable or not, Security Council reform was by some measures the dominant discussion of the 2005 UN reform negotiations. This was especially so in the national debates (cheerleading, really) that took place in claimant countries in the run-up to the General Assembly summit. Perusal of the national press in India, Japan, Nigeria, Brazil, Germany and others would do much to dispel any impression that national sentiment is not what it has been for the last hundred years. All that national sentiment against one of the UN's fundamental antinomies: how to have a Security Council that is realistically a meeting ground of the Great Powers, but also how to make it more representative of the world, toward the ideal of global governance. And, added to that, how to have a mechanism of change for something apparently set in stone. Justifiably dismayed and concerned that UN reform negotiations were turning into a single-minded focus upon an unresolvable issue, Kofi Annan, to his credit, repeatedly urged the main players in UN reform to leave this question aside in favor of more urgent questions that could be resolved, a request that was, however, only partly and grudgingly honored.⁵⁹

But the main antagonist in this argument was (and is) not the US. Its place on the Security Council is beyond question and it is thus in the rare position of being a relatively neutral, "honest broker" on the issue. The US concern for the effectiveness, above any other consideration, of the Security Council is real—an argument the US does seem to realize, however, cuts several different directions in the reform debate. The heated disputes arose instead from the lesser and declining military powers, France and Britain, as against the clamors of Japan, India, Nigeria, Brazil, and even economically powerful but demilitarized Germany. Yet suppose that the existing permanent five agreed, by some miracle, to accept an alteration. What then? In real life, Japan is checked by China; India by Pakistan; Brazil possibly by its jealous Latin American neighbors Argentina or Mexico; Germany by everyone in global recoil at a third EU permanent member. And alas, it is far from inconceivable that in the next quarter century, Nigeria might fall into grave civil war.

VII. CONCLUSION: US POLICY TOWARD THE SECURITY COUNCIL UNDER MULTIPOLARITY

The UN collective security system is both limited in its scope and relatively stable in its work because of the presence of the parallel US security guarantee, which does the heavy lifting of providing the true security guarantee to a wide

⁵⁹ Id at 360–61.

range of countries, in different degrees, and global public goods in crucial security matters. It is a reasonably stable equilibrium arrangement, and one in which complaints by leading beneficiaries are best seen, not as calls for a genuinely different system or a desire actually to test their reliance upon the promise of UN collective security, but instead as a way of pressuring the US to do what they want, without altering the system's basic architecture. The US offers a hegemonic yet parallel system. It is hegemonic rather than imperial, hegemonic without rejecting UN collective security as such, "hegemonically cooperative" with UN collective security most of the time rather than constantly competitive with it—but, importantly, it is hegemonic rather than multilateral. The US security guarantee not multilateral? How so? But it is not multilateral because it is not mutual. The US does not fundamentally rely upon the security commitments of those who most benefit from its guarantee, and in that sense it is not mutual. The US makes relatively few demands upon its beneficiaries—but for that reason it is willing to put its own security agenda first and, for the same reason that it puts its own security first, others are willing to trust its long-term commitment to it.

It is a stable system so long as the US is able and willing to bear the cost, and provided it is not undermined—or made unmanageably expensive—by the rise of competitive new powers, especially regional ones, in a competitive world. If the US became serious about multilateralism in the making of actual, consequential security decisions with its allies (rather than rote and pious references to multilateralism in speeches or in tours of foreign capitals), those allies might want profoundly to ask whether the US has begun to pull away from its hegemonic security guarantee.

At the same time, the US does participate in UN collective security as the globally dominant player. The US sees UN collective security as advantageous in advancing many of its interests and ideals, especially through PKO and peacebuilding efforts, in which the UN is better positioned to carry out the activity on the ground and the US is best off not having "ownership" of the activity on the ground. There are many missions involving security in which the UN is, compared to the US, doing it directly and is the cheapest, most efficient, most effective and, let us be clear, most legitimate provider of security. Many of these missions are ascribable to UN "collective security," but they would best be described as "collective security altruism," because they are not really about collective security as much as about mutual aid. The distinction matters because it negatively affects the incentives of states, including the US, to engage.

But engagement on these issues, including altruistic security, is an abiding principle for the US—the UN can perform many missions congenial to US desires and at a lower cost on metrics both material and ideological. But successful engagement requires clear understanding of the differences between the US security guarantee, UN collective security as a mutual benefit activity, and

UN collective security as exercise in altruism. It also requires US money and, in appropriate circumstances, logistical support in kind.

The abiding principle for the US with respect to the Security Council as an institution is engagement. If that seems obvious just because the default answer of US–UN relations is the autopilot of “always engage,” that is not the correct principle for dealing with the UN and its many parts in every circumstance. With respect to the Security Council, however, you can always veto what you seriously do not like. If the US does not engage with it, someone else will, and to the US’s detriment. We recall the Korean War, which after all became technically a UN, rather than US, war only because the Soviet representative had boycotted the Council rather than remaining in chambers to engage and veto.⁶⁰ Others’ engagement, while the US is disengaged, might even claim the only power under the UN Charter to issue binding commands.

Obviously engagement means vastly more than merely showing up to vote. But full diplomatic engagement in the Security Council also only means something if the US has a clear idea of what kind of institution the Security Council is—and that includes what the US imagines it will become, and what it projects that the Security Council might or should become. Those expectations about the future affect profoundly how the US, and how other Council members and other actors, deal with it today. Three modes for the Security Council are on long-term offer:

- management committee of the UN collective security system;
- concert of the powers and Great Powers; and
- talking shop of the nations.

There is a limited role for the “management committee” of UN collective security—corresponding to the UN collective security role in “altruistic security” and, importantly, in which important powers are not in conflict over their interests—allowing the Council to act as a whole. It is unfortunate that this category might become more narrow in a more resource competitive, multipolar world; there are situations in the world, particularly among failed states in Africa, where a declaration of UN trusteeship for security purposes, or some security device short of that but undertaken by the UN, could be a helpful step, but such steps might be precluded in a more resource-competitive world.

The Security Council as a “concert” of powers and Great Powers is a model that corresponds principally to situations of UN collective security as mutual assistance, rather than altruism. The concert was most dramatically on display, of course, in the 1990 Iraq invasion of Kuwait and the First Gulf War. An area that today is perhaps amenable to the “concert of nations” through the

⁶⁰ Kennedy, *The Parliament of Man* at 55–56 (cited in note 7).

Security Council is piracy off the coast of Somalia, because the trade of so many nations is at risk, no matter what their other disputes. But if the world becomes increasingly multipolar, it is far from clear that much scope exists for such concerted mutual aid.

Finally, the Security Council remains as talking shop of the powers and Great Powers; particularly in a multipolar world, this is the fundamental role of the Council. The debates over Russian intervention in Georgia, Kosovar independence or, for that matter, the Iraq War are emblematic of the talking shop role of the Security Council—and in those terms, each of those debates was a success for the Security Council, not a failure, even according to at least some of the contradictory criteria of the Charter's framers, because each one involved the deeply held, opposed interests of Great Powers. Nor should this "talking shop" vision of the Security Council be written off as merely the rejection of true "multilateralism" in favor of pursuing "simultaneous" bilateral (bilaterally, but with multiple parties) pure-power diplomacy in New York. On the contrary, even as the pursuit of naked national interest, such diplomacy at the Security Council still has the virtue, at least by comparison to alternatives, of being conducted relatively in public and in a setting in which other countries on the Council (and not just permanent members) are able to take part in the debate. Even when reduced to power politics, the Security Council is still far more transparent and open to diplomatic intervention by third parties than truly closed bilateral discussions.

There is much to regret if this move to increasingly competitive Great Powers were to come to pass, at least in the form this Article has taken by assumption. Losers almost certainly would include places in which Great Power indifference to local power politics would otherwise have permitted UN collective security to make a positive difference in the establishment and maintenance of basic order. Let us hope that these dynamics do not undermine the generally positive trend of UN peacekeeping or derail the possibilities of the UN Peacebuilding Commission. Losers might also include—likewise a gravely dismaying thought—current efforts toward enshrining the so-called "responsibility to protect" that would, under circumstances of grave and massive violations of human rights, permit under international law outside intervention to protect populations even against the wishes of a sovereign state.⁶¹ Proponents

⁶¹ See generally Edward C. Luck, *The United Nations and the Responsibility to Protect*, Stanley Foundation (Aug 2008), available online at <<http://www.stanleyfoundation.org/publications/pab/LuckPAB808.pdf>> (visited Apr 22, 2009); Rachel Davis, Benjamin Majekodunmi, and Judy Smith-Höhn, *Prevention of Genocide and Mass Atrocities and the Responsibility to Protect: Challenges for the UN and the International Community in the 21st Century*, International Peace Institute (June 2008), available online at <http://www.responsibilitytoprotect.org/index.php/featured_reports/1743> (visited Apr 22,

point to its inclusion in the 2005 UN General Assembly final document on UN reform; skeptics point to the fact that the language refers to the authority of the Security Council.

Other institutions are also taking note of the possible shifts and are responding. Thus, for example, the recent and quite remarkable European Court of Justice (“ECJ”) ruling that, the Charter notwithstanding, the Security Council’s resolutions under its binding power are not binding after all and subject to the rulings of institutions such as the ECJ itself.⁶² One may safely expect that a Security Council more driven by competitive Great Power politics will generate more, and more insistent, legal reconstructions from without, aimed at showing that the Security Council does not have the final juridical word in international peace and security, after all.

2009) (exploring the responsibility to protect doctrine and the evolution of the doctrine in the international community); General Assembly Res No 60/1, UN Doc A/Res/60/1 at ¶¶ 138–40 (2005).

⁶² *Kadi & Al Barakaat Intl Found v Council & Comn*, Joined Cases C-402/05, C-415/05, available online at <http://curia.europa.eu/jcms/jcms/Jo1_6308/curia> (visited Apr 22, 2009). See generally Grainne De Burca, *The EU, the European Court of Justice and the International Legal Order after Kadi*, 51 *Harv Intl L J* 1 (2009).