

## **The UN Security Council: A Crisis of Legitimacy**

William Heegaard

October 24<sup>th</sup>, 2009

Peace and Conflict Studies 100: Peace Theory and Analysis

Paper 1: The Structuration of Violence

Prof. Jerry Sanders

University of California, Berkeley

"The struggle to define and obtain international legitimacy in this new era may prove to be among the most critical contests of our time. In some ways, it is as significant in determining the future of the U.S. role in the international system as any purely material measure of power and influence."<sup>1</sup>

-Robert Kagan

\*\*\*\*\*

"On the one hand, the entire U.N. conceptual structure is predicated on the recognition and legitimization of the sovereignty of individual states, and it is thus planted squarely within the old framework of international rights defined by pacts and treaties. On the other, however, this process of legitimization is effective only insofar as it transfers sovereign right to a real *supranational* center."<sup>2</sup>

- Michael Hardt and Antonio Negri

---

<sup>1</sup> Robert Kagan, "America's Crisis of Legitimacy," *Foreign Affairs*, Vol. 83, No. 2, March- April, 2004.

<sup>2</sup> Michael Hardt and Antonio Negri, *Empire*, 5.

## **Introduction: The New Way to War**

One year and one day after the September 11<sup>th</sup> attacks, President Bush stood before the UN General Assembly and presented his case against the Iraqi regime. After citing the numerous instances since 1991 in which the Iraqi government failed to cooperate with UN arms inspectors, the president called on the UN to "move deliberately and decisively to hold Iraq to account."<sup>3</sup> While Bush pledged to cooperate with Security Council in investigating and removing illegal arms from Iraq, he also made clear that "purposes of the United States should not be doubted. The Security Council resolutions will be enforced, the just demands of peace and security will be met or action will be unavoidable and a regime that has lost its legitimacy will also lose its power."<sup>4</sup>

On October 10<sup>th</sup>, 2002, Congress reinforced President Bush's threat. The resolution authorized the president "to use the armed forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by Iraq."<sup>5</sup> Two weeks later, after formally proposing a resolution to the Security Council that would have approved military action in Iraq, Bush proclaimed, "If the United Nations doesn't have the will or the courage to disarm Saddam Hussein and if Saddam Hussein will not disarm... the United States will lead a coalition to disarm him."<sup>6</sup> The Security

---

<sup>3</sup> "George Bush's speech to the UN general assembly," *The Guardian*. September 12, 2002. <<http://www.guardian.co.uk/world/2002/sep/12/iraq.usa3>>

<sup>4</sup> *Ibid*

<sup>5</sup> "Congress gives Bush go-ahead to attack Iraq." *The Independent*. October 11, 2002. <<http://www.independent.co.uk/news/world/americas/congress-gives-bush-goahead-to-attack-iraq-746759.html>>

<sup>6</sup> Michael Glennon, "Why The Security Council Failed," *Foreign Affairs*, Vol. 82, No. 3, May-June, 2003.

Council responded by adopting resolution 1441, calling for coercive arms inspections and threatening Iraq with “serious consequences” in the event of a further “material breach of its obligations.”<sup>7</sup> The plan was to force Saddam Hussein to either admit to holding WMDs, or remain silent and give the UN adequate reason for invasion. However, Iraq replied by allowing weapons inspectors inside, forcing the U.S. to wait for war.

Ultimately, the U.S. got impatient. Despite Hans Blix’s January 2003 report that “Iraq has on the whole cooperated rather well so far,”<sup>8</sup> when the updates from the UNMOVIC inspectors proved to be inconclusive, the U.S., Britain, and Spain introduced one final draft resolution. It stated that “Iraq has failed to take the final opportunity afforded to it resolution 1441 (2002),”<sup>9</sup> implicitly authorizing military action. After two weeks of deadlocked voting, on March 5<sup>th</sup> the Foreign Ministers of France, Germany, and Russia “agreed to block any resolution authorizing the use of force.”<sup>10</sup> On the morning of March 17<sup>th</sup>, the U.S., U.K., and Spain withdrew the draft resolution, giving up diplomacy for war.

At 8 p.m. on March 17<sup>th</sup>, 2003, Bush gave an ultimatum: “Saddam Hussein and his sons must leave Iraq within 48 hours. Their refusal to do so will result in military conflict... The United Nations Security Council has not lived up to its responsibilities, so

---

<sup>7</sup> UN Security Council Resolution 1441, November 8, 2002.

<sup>8</sup> Hans Blix, “The Security Council, 27 January 2003: An Update on Inspection,” January 23, 2003. <<http://www.un.org/Depts/unmovic/Bx27.htm>>

<sup>9</sup> “U.S., U.K., Spain draft resolution on Iraq,” CNN, February 24, 2003. <<http://www.cnn.com/2003/US/02/24/resolution.text/index.html>>

<sup>10</sup> David Malone, *The International Struggle Over Iraq*, 199.

we will rise to ours.”<sup>11</sup> Three days later, ground combat began.<sup>12</sup>

The U.S. invasion of Iraq left the international community questioning the authoritative capability of the UN Security Council. Many saw the U.S. government’s impatience and, ultimately, disregard of the Security Council’s decision-making process as “the beginning of the end of the international security system.”<sup>13</sup> However, if the survival of the UN Security Council hinged on its ability to prevent the U.S. from running off to war, then it was dead before Bush even introduced the possibility to the General Assembly. The Downing Street Memos, uncovered in 2005, revealed that the U.S. had been planning its military operation in Iraq since July 2002. According to Mathew Rycroft’s notes on the meeting, “It seemed clear that Bush had made up his mind to take military action, even if the timing was not yet decided.”<sup>14</sup> The U.S. had decided to engage militarily with Iraq long before consulting the UN Security Council. As Mark Danner writes, “Cheney, like other administration ‘hardliners,’ feared ‘the UN route’ not because it might fail but because it might succeed and thereby prevent a war that they were convinced had to be fought.”<sup>15</sup> The U.S. government’s interpretation of UN authority as subservient to the independent authority of its constituents seriously undermined the UN’s legitimacy in the eyes of the global community.

The tension between the U.S. and the UN over Iraq reflects the struggle between traditional state sovereignty and cosmopolitanism. In this essay, I will

---

<sup>11</sup> “Bush: ‘Leave Iraq Within 48 Hours,’” *CNN*, March 17, 2003. <<http://www.cnn.com/2003/WORLD/meast/03/17/sprj.irq.bush.transcript/>>

<sup>12</sup> Malone, 201.

<sup>13</sup> Glennon.

<sup>14</sup> “The Downing Street Memo,” *The Sunday Times*, July 23, 2002. <<http://www.timesonline.co.uk/tol/news/uk/article387374.ece>>

<sup>15</sup> Mark Danner, *The Secret Way to War*, 15.

examine the relationship between the U.S. as a hegemonic state and the UN as a multilateral institution. In doing so, I will analyze the current operational discourse that is used in the interaction between the U.S. as a state agent and the UN as a structure. I will also attempt to trace the production of knowledge that evolved into the Neo-conservative justification for invading Iraq without Security Council consent. Finally, I will discuss how the structure of the UN Security Council contributed to the development of this problem-solving theory by refusing to address the current global balance of power. By analyzing the structuration of the dominant perception of the UN, I hope to answer why "the council has at its disposal the greatest material power of any international organization in history and yet has... [such] difficulty deploying that power."<sup>16</sup>

### **Legitimacy: The Operational Discourse**

Before we begin to examine the historical production of knowledge that frames the current UN debate, we must first understand how such knowledge is conveyed. The current discussion concerning UN Security Council authority is based in the discourse of legitimacy. Legitimacy is "an actor's normative belief that a rule or institution ought to be obeyed. It is a subjective quality, relational between actor and institution, and is defined by the actor's *perceptions* of the institution."<sup>17</sup> In debating whether Washington should act without Security Council approval, both the UN and the U.S. used legitimacy discourse to support their respective positions. On September 11<sup>th</sup>, 2002, Kofi Annan argued, "It is only the [UN Security] council that

---

<sup>16</sup> Ian Hurd, *After Anarchy*, 12.

<sup>17</sup> Ibid, 7.

can provide the unique legitimacy that one needs to be able to act.”<sup>18</sup> Six months later, Bush’s press secretary Ari Fleischer warned, if “you judge legitimacy by whether the United Nations Security Council acted, then you would think you’d need to restore Slobodan Milosevic to power, because he was removed without the United Nations Security Council approval.”<sup>19</sup> After the invasion commenced, Kofi Annan continued to argue against its legitimacy, stating, “Many people around the world are seriously questioning whether it was legitimate for some member states to proceed to such a fatal action... without first reaching a collective decision of the Council.”<sup>20</sup> The UN’s refusal to legitimize the war put the United States’ legitimacy as a cosmopolitan member of the global community into question. Simultaneously, the United States’ actions undermined the UN Security Council’s legitimacy as a regulator of international law.

As a discourse, legitimacy carries an inherent power dynamic. Any institution perceived and proclaimed as legitimate “possesses sovereign authority.”<sup>21</sup> While this does include states, it also opens the floor to international organizations like the UN. As state agents invest time and resources into the UN, they increase its legitimacy

---

<sup>18</sup> “Annan warns US over Iraq,” *BBC*, September 11, 2002. <[http://news.bbc.co.uk/2/hi/middle\\_east/2250948.stm](http://news.bbc.co.uk/2/hi/middle_east/2250948.stm)>

<sup>19</sup> “Threats and Responses: Diplomacy; U.S. says UN Could Repeat Errors of 90’s,” *The New York Times*, March 11, 2003. <<http://www.nytimes.com/2003/03/11/world/threats-and-responses-diplomacy-us-says-un-could-repeat-errors-of-90-s.html?scp=3&sq=United%20Nations&st=nyt&pagewanted=2>>

<sup>20</sup> “A Nation at War: The Northern Front; 1,000 U.S. Paratroopers Open Northern Front,” *The New York Times*, March 27, 2003. <<http://www.nytimes.com/2003/03/27/world/a-nation-at-war-the-northern-front-1000-us-paratroopers-open-northern-front.html?scp=1&sq=Many+people+around+the+world+are+seriously+questioning+whether+it+was+legitimate+for+some+member+states+to+proceed+to+such+a+fatal+action+now&st=nyt>>

<sup>21</sup> Hurd, 3.

as a sovereign institution. However, when the legitimacy of an institution challenges the sovereignty of a state agent, as it did over Iraq in 2003, the agent must "decide whether to respect the new prevailing interpretation or break from the system and impose their interests either through force or with a newly targeted strategy of legitimization."<sup>22</sup> In 2003, the U.S. chose to do the latter. By taking elements from the Realist and Liberalist frameworks, the U.S. defined the UN's legitimacy in terms of individual state support and its ability to defend an overarching freedom. In response to Kofi Annan's statement that the U.S. invasion was illegal according to the UN charter, Randy Scheunemann, a former advisor to U.S. Defense Secretary Donald Rumsfeld, told the BBC, "I think it is outrageous for the Secretary-General, who ultimately works for the member states, to try and supplant his judgment for the judgment of the member states."<sup>23</sup> In comparison, President Bush called on the Liberalist ideas of freedom and democracy in his 2002 speech to the UN, arguing that "we must stand up for our security and for the permanent rights and the hopes of mankind."<sup>24</sup> Understanding how Neo-conservatism combined Realism and Liberalism to challenge the UN's legitimacy requires examining each framework as it relates to the UN's historical development.

### **Historicizing the UN Legitimacy Debate: A Realist Beginning**

At its heart, Realism is a problem-solving theory, one that "accepts the world (or situation) it inherits, seeks to make it work, and in so doing contributes to replicating what exists."<sup>25</sup> Realism and its factions are all fundamentally concerned

---

<sup>22</sup> Ibid, 178.

<sup>23</sup> "Iraq war illegal, says Annan," BBC, September 16, 2004. <<http://news.bbc.co.uk/2/hi/3661134.stm>>

<sup>24</sup> "George Bush's speech to the UN general assembly."

<sup>25</sup> Ken Booth, *Critical Security Studies & World Politics*, 4.

with survival in a global environment of anarchy and its objective requirements. Evolving from the writings of Thucydides, Niccolo Machiavelli and Thomas Hobbes, basic Realist assumptions of power, state sovereignty and self-interest have been reproduced by modern scholars such as Hans Morgenthau, Robert Kagan and Michael Glennon. By internalizing the idea that structure exists independent of perception, these knowledge producers have developed key arguments that have contributed to the structuration of UN illegitimacy.

The Realist interpretation of international organizations is rooted in Thucydides' Melian Dialogue. Through the dialogue Thucydides asks whether states are living in an internationally organized community with a shared morality or if they are ultimately responsible for their own survival.<sup>26</sup> The Athenian conquest of the Melians ultimately proves that states live in an anarchic vacuum. As the Athenians proclaim to the Melians, "You and everybody else, having the same power as we do, would do the same as we do."<sup>27</sup> Since all states exist in an environment void of supranational authority, they all must take rational action to survive. Thucydides' acknowledgement of anarchy as the perpetual environment of state existence has evolved into a fundamental premise to the Realist argument, one with profound implications on the legitimacy of international organizations.

Another fundamental claim made by Realism involves the notion of power. Realists define power as "the ability of states to use material resources to get others

---

<sup>26</sup> Thucydides, "The Peloponnesian War, The Melian Dialogue (Book 5, Chapter 17)," 431 B.C.E. <<http://www.wellesley.edu/ClassicalStudies/CLCV102/Thucydides--MelianDialogue.html>>

<sup>27</sup> Ibid

to do what they otherwise would not.”<sup>28</sup> Power is therefore relative; that is, the focus is not on how much a state has but whether or not a state has the most. Since all states exist in a system without any higher authority, the only path to security is through having the most and thereby having the ability to devote more resources than any other state to the process of getting other states to do what they otherwise would not. As Micheal Glennon writes “the first and last geopolitical truth is that states pursue security by pursuing power. Legalist institutions that manage that pursuit maladroitly are ultimately swept away.”<sup>29</sup> These fundamental perceptions of anarchy, power and security were immediately applied to the UN upon its creation.

UN legitimacy was established through the participation of the post-WWII global powers. The participating states had just recently exited an environment of total war, and the formation of the UN was an attempt to prevent such an environment from re-creating itself. However, the UN was also seen as a tool for the current state powers to maintain their power. As Baurantonis argues, “the UN would not have been attractive to the great powers in 1945 had there not been adequate built-in safeguards to avert the risk of them being outvoted on issues touching upon their national interests.”<sup>30</sup> According to the Realist framework, the global powers created and participated in the UN only because it acted as a mechanism to uphold their relative dominance in an environment of anarchy. The UN’s practical power “comes from whatever power strong states are willing to invest in making [it] influential.”<sup>31</sup> Since the UN is a product of the investments of sovereign states, its “institutional

---

<sup>28</sup> Michael Barnett and Raymond Duvall, “Power in International Politics,” *International Organization*, Vol. 59, No. 1, Winter, 2005.

<sup>29</sup> Glennon.

<sup>30</sup> Dimitris Bourantonis, *The History and Politics of UN Security Council Reform*, 9.

<sup>31</sup> Hurd, 17.

outcomes invariably reflect the [underlying] balance of power.<sup>32</sup> Therefore, the UN is legitimized only through the power of participating global hegemons. This rationality was employed in justifying the unapproved U.S. invasion of Iraq.

### **Liberalism and the UN**

Like Realism, Liberalism is in essence a problem-solving theory. Liberalists and Neo-liberalists believe that states exist in an anarchic system, are rational and wish to survive. However, key knowledge producers such as Robert Keohane, Joseph Nye, and John Mearsheimer argue that states are more concerned with absolute rather than relative gains, allowing for the existence of a complex system of economic interdependence that makes military action less likely and less effective.<sup>33</sup> They also stress the importance of democracy and freedom in preventing direct violence. While this framework has contributed to the acceptance of international organizations as mechanisms for interstate cooperation, it has also perpetuated the structuration of illegitimacy within these institutions by refusing to acknowledge the internal power dynamics that cause deadlock.

According to Kenneth Abbott and Duncan Snidal, "Rational states will use or create a formal IO [International Organization] when the value of these functions outweighs the costs, notably the resulting limits on unilateral action."<sup>34</sup> International organizations serve many purposes, including (1) supplying public goods, (2)

---

<sup>32</sup> John Mearshiemer, "A Realist Reply," *International Security*, Vol. 20, No. 1, Summer, 1995.

<sup>33</sup> David Baldwin, "Neoliberalism, Neorealism, and World Politics," *Neorealism and Neoliberalism*, 5.

<sup>34</sup> Kenneth W. Abbott and Duncan Snidal, "Why States Act through Formal International Organizations," *The Journal of Conflict Resolution*, Vol. 42, No. 1 (Feb., 1998).

coordinating the services of actors, (3) providing an institutional atmosphere for the formation of alliances, and furthering the private interests of state agents.<sup>35</sup> By this view, the UN was created as a solution "to coordination problems among states."<sup>36</sup> Therefore, it retains its legitimacy by continuing to make state-to-state interaction cheap, simple, and fast. "The Security Council, for example, is organized so that it can function on short notice, with each member required to maintain continuous representation at UN headquarters."<sup>37</sup> The U.S. impatience with the Security Council in 2003 represented an attempt to illuminate how the procedural mechanisms of the Security Council are too slow for it to respond effectively to international crises.

The UN also carries legitimacy through democratic consensus. "States seek to be viewed as legitimate by other states, to be understood as acting with a degree of moral authority and sanctioned purpose,"<sup>38</sup> and the UN provides such an understanding through collective legitimization. Collective legitimization is "an aspect of the verbal... functioning of the United Nations... that authorizes and endorses in compensation for its inability to effectuate commands, and... condemns and deplores in compensation for its inability to prohibit and prevent."<sup>39</sup> The UN's ability to generate and direct a free and fair consensus has become the new foundation of UN legitimacy, the new weapon to challenge unauthorized military action like that taken by the U.S. against Iraq. However, these liberalist theories fail to respond to the reality of the

---

<sup>35</sup> Bruno Frey, "The Public Choice View of International Political Economy," *The Political Economy of International Organizations*, 13.

<sup>36</sup> Hurd, 18.

<sup>37</sup> Kenneth W. Abbott and Duncan Snidal.

<sup>38</sup> Michael Barnett, "Partners in Peace? The UN, Regional Organizations, and Peace-Keeping,"

*Review of International Studies*, Vol. 21, No. 4, October, 1995.

<sup>39</sup> Inis L. Claude Jr., *The Changing United Nations*, 88.

power inequalities within the UN, allowing Realist knowledge to continue reproduction behind the scenes.

### **Neo-conservatism: The Best of Both Worlds**

The Neo-conservative movement draws on Neo-liberalist doctrine and offensive Realism to advocate the spread of “freedom” and “progress” as hegemonic ideals. Developed in the 1930s by a core group of Trotskyists at City College, Neo-conservatism has been identified as “tough-minded pragmatism in the face of liberal naivete.”<sup>40</sup> Irving Kristol, the proclaimed godfather of Neo-conservatism, described a Neo-conservative as “a liberal mugged by reality.”<sup>41</sup> Such descriptions frame the Neo-conservative movement as hopeful yet rational. By using the most appealing and internalized aspects of Liberalism and Realism as groundwork, modern Neo-conservative knowledge producers have been able to justify unilateral actions like the invasion of Iraq.

Basic Neo-conservative theory illustrates the combination of Realist and Liberalist doctrine. In respect to foreign policy and international relations, Neo-conservatism embraces three fundamental principles: a concern with democracy and the internal politics of states, a belief in the moral use of American power, and a “skepticism about the ability of international law and institutions to solve serious security problems.”<sup>42</sup> The Neo-conservative concern with democracy is, at its heart, Liberalist. Immanuel Kant’s Perpetual Peace sketches out the beginnings of the

---

<sup>40</sup> “The Neocons' Unabashed Reversal,” *The Washington Post*, April 17, 2005. <<http://www.washingtonpost.com/wp-dyn/articles/A57779-2005Apr15.html>>

<sup>41</sup> Ibid

<sup>42</sup> Francis Fukuyama, “After Neoconservatism,” *The New York Times Magazine*, February 19, 2006. <[http://www.nytimes.com/2006/02/19/magazine/neo.html?\\_r=3&pagewanted=2](http://www.nytimes.com/2006/02/19/magazine/neo.html?_r=3&pagewanted=2)>

democratic peace theory, which “attributes the absence of war between democracies to institutional constraints: the restraining effects of public opinion... [and] democratic norms and culture – a shared commitment to the peaceful adjudication of political disputes.”<sup>43</sup> The second belief in the moral use of American power is a reinterpretation of Realist theory on virtue. From “Hobbes’ attempt to foster enlightened individuals, to Rousseau’s conception of the citizen, to Morgenthau’s vision of a robust democratic polity, a politics of virtue is central to willful Realism.”<sup>44</sup> The Neo-conservative movement has taken this idea of virtue and combined it with “a self-conscious mythologisation of the American ‘purpose’ as a mission.”<sup>45</sup> It can be imagined as the new manifest destiny. The President and his advisor used this belief – that US action is inherently moral – to justify an invasion that broke with the pre-existing mechanisms to guide state ‘conduct in the international system.

The third principle of Neo-conservatism – skepticism towards international law and institutions – has had critical implications for the UN. The Neo-conservative perception of the UN is based of key assumptions from the Realist and Liberalist paradigms. First, Neo-conservatives employ Realism in assuming that international organizations continue to operate within an anarchic system.<sup>46</sup> In doing so they accept as truth the subsequent argument that “without independent control of military capacity, IOs can only be conduits for the expression of underlying distributions of

---

<sup>43</sup> Christopher Layne, “Kant or Cant: The Myth of the Democratic Peace,” *International Security*, Vol. 19, No. 2, Autumn, 1994.

<sup>44</sup> Michael Williams, *The Realist Tradition and the Limits of International Relations*, 202.

<sup>45</sup> Ibid

<sup>46</sup> Mohammed Nuruzzaman, “Beyond the Realist Theories: ‘Neo-Conservative Realism’ and the American Invasion of Iraq,” *International Studies Perspectives*, July 5, 2006. <<http://www3.interscience.wiley.com/journal/118607010/abstract?CRETRY=1&SRETRY=0>>

state power.”<sup>47</sup> Since anarchy forces states to remain perpetually self-interested, the UN only functions as a mechanism for the collection, maintenance, and subversion of power between states. Second, the Neo-conservative view of national self-interest comprises of “two closely interlinked components – an increase in military capability as well as the spread of American values and institutions.”<sup>48</sup> The Liberalist values and institutions that Neo-conservatives claim as American – namely freedom and democracy – are distinctly separate from the values and institutions of the UN. As we can see, the internalization and combination of these isolated tenets of Realist and Liberalist problem-solving theory has produced a framework in which the UN is legitimate only through supporting the actions of the most powerful participant. When the UN fails to do so, as it did in 2003, its legitimacy is disregarded.

### **UN Security Council Structure: The Interaction with Agency**

The Security Council “holds a special place among the principal organs of the United Nations, empowered as it is by the organization’s Charter to make decisions binding on all UN members.”<sup>49</sup> The universal impact of Security Council decisions makes its structure critically important. If the structure is not perceived as legitimate, then the decisions become irrelevant. The UN Security Council’s structure has contributed to the structuration of illegitimacy by refusing to acknowledge the effects of globalization since its creation in 1942. The five permanent members no longer reflect the global power dynamic, and the veto system prevents the Security Council from responding fast and effectively to real-time security threats.

---

<sup>47</sup> Hurd, 17.

<sup>48</sup> Nuruzzaman.

<sup>49</sup> Amer Arais, “The Journey of an Iraqi Diplomat,” *Multilateral Diplomacy and the United Nations Today*, 62.

The Security Council consists of five veto-wielding permanent members – the U.S., U.K., Russia, France, and China – along with ten non-permanent members elected to two-year terms. The five permanent member seats represent the victorious powers of WWII. However, the global power dynamic has shifted greatly since 1945. Today, "Russia (as well as China) can justify its seat as a permanent member of the Security Council mainly on the account of population and territorial size."<sup>50</sup> However, Britain and France, in comparison to the population giant India or the economic powerhouse Japan, have little claim to their seats. In addition, as Morgenthau states, "The occupants of non-permanent seats are usually small or medium-sized states dependent on the support of a great power."<sup>51</sup> Most non-permanent votes end up aligning with the permanent member on which they are dependent, rendering the whole system ineffective.

Individual and state agents have used the lack of realistic power representation within the five permanent members to illegitimate UN Security Council decisions. Since France and Britain no longer match the U.S. in terms of military power, Realists argue that these states use their status as permanent members Security Council to maintain their historical status as global hegemons. With the fall of the Soviet Union and the end of the Cold War, "the dynamics of the world stage shifted as the United States emerged as the sole superpower, and the only place our policies could be challenged was in the Security Council."<sup>52</sup> As Kagan argues, "For Europeans, the UN Security Council is a substitute for the power they lack."<sup>53</sup> In the

---

<sup>50</sup> Bourantonis, 9.

<sup>51</sup> Hans Morgenthau, *Politics Among Nations*, 448.

<sup>52</sup> Eric Shawn, *The U.N. Exposed*, 48.

<sup>53</sup> Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order*, 40.

case of Iraq, "France's interest lay in forcing the United States to back down, thus appearing to capitulate in the face of French diplomacy."<sup>54</sup> By constricting permanent membership to the post-WWII global powers and by refusing to acknowledge the shift in power towards other state agents, the UN Security Council reinforces the structural theories imposed by Realist and Liberalist knowledge producers.

The UN Security Council's structure also reinforces the knowledge produced by the Realist and Liberalist frameworks by allowing state agents to act on such knowledge. The veto allows any of the five permanent members to prevent a resolution from passing by voting against it. Only one veto is required to prevent the adoption of a proposal. As Ian Hurd argues, "It is a negative power in that it allows permanent members to stop the process of creating collective security obligations at any moment. The permanent members thus have absolute control over the shape of their responsibilities toward the Council."<sup>55</sup> The veto therefore acts as tool through which states enact the knowledge of Realist and Liberalist frameworks. In addition, the veto slows down the process of reaching resolutions, making the UN less effective as a first responder to global security threats. These structural problems reinforce specific premises of Realist and Liberalist knowledge to the point where international organizations are disregarded, as in the case of U.S. Neo-conservatism in 2003.

### **Conclusion: New Perceptions of UN Legitimacy**

The structuration of illegitimacy within the UN Security Council is the product of the feedback loop between Realist and Liberalist knowledge production and stagnant

---

<sup>54</sup> Glennon.

<sup>55</sup> Ian Hurd, "Unrealizable Expectations," *Approaches, Levels, and Methods of Analysis in International Politics*, 248.

Security Council structure. The Security Council was born into a perceived environment of anarchy, state self-interest and relative power. This perception required the Security Council to develop specific mechanisms, including the five permanent members and the veto system, to establish and maintain legitimacy. However, as globalization transforms the international power dynamic, the UN Security Council has failed to respond accordingly. The Realist mechanisms of legitimization continue to exist in an environment that no longer reflects them as necessary. Realists have taken this to mean that the UN Security Council is no longer legitimate, yet they refuse to acknowledge their role in producing the metrics for such illegitimacy. While Liberalists still support the functions of international organizations, they refuse to acknowledge the historical power dynamics that restrain them. Most recently, Neo-conservatives have combined elements of Realist and Liberalist doctrine to understand international organizations as legitimate only through supporting the actions of the most powerful, creating the basis for the unapproved U.S. invasion of Iraq.

So where do we go from here? The solution to the UN crisis of legitimacy lies in accepting the limits of the UN Security Council within the current global system. We must cease to evaluate UN legitimacy through its ability to forcibly alter a state's actions and instead recognize that the UN achieves legitimacy through its ability to develop and direct moral consensus. If looked at in this light, the UN succeeded in 2003. By refusing to approve the U.S. invasion, the Council "reinforced the legal principles of the Charter on the use of force, and it raised the political costs of

Morgenthau, Hans. *Politics Among Nations*. New York: Alfred A. Knopf, 1948.

Nuruzzaman, Mohammed. "Beyond the Realist Theories: 'Neo-Conservative Realism' and the American Invasion of Iraq," *International Studies Perspectives*, July 5, 2006. <<http://www3.interscience.wiley.com/journal/118607010/abstract?CRETRY=1&SRETRY=0>> (Accessed October 12, 2009).

Shawn, Eric. *The U.N. Exposed*. New York: Penguin Group, 2006.

"The Downing Street Memo." *The Sunday Times*, July 23, 2002. <<http://www.timesonline.co.uk/tol/news/uk/article387374.ece>> (Accessed October 12, 2009).

"The Neocons' Unabashed Reversal." *The Washington Post*, April 17, 2005. <<http://www.washingtonpost.com/wp-dyn/articles/A57779-2005Apr15.html>> (Accessed October 12, 2009).

"Threats and Responses: Diplomacy; U.S. says UN Could Repeat Errors of 90's." *The New York Times*, March 11, 2003. <<http://www.nytimes.com/2003/03/11/world/threats-and-responses-diplomacy-us-says-un-could-repeat-errors-of-90-s.html?scp=3&sq=United%20Nations&st=nyt&pagewanted=2>> (Accessed October 12, 2009).

Thucydides. "The Peloponnesian War, The Melian Dialogue (Book 5, Chapter 17)." 431 B.C.E. <<http://www.wellesley.edu/ClassicalStudies/CLCV102/Thucydides--MelianDialogue.html>> (Accessed October 12, 2009).

UN Security Council Resolution 1441. November 8, 2002. <<http://www.un.org/Docs/scres/2002/sc2002.htm>> (Accessed October 12, 2009).

"U.S., U.K., Spain draft resolution on Iraq." *CNN*, February 24, 2003. <<http://www.cnn.com/2003/US/02/24/resolution.text/index.html>> (Accessed October 12, 2009).

Williams, Michael. *The Realist Tradition and the Limits of International Relations*. Cambridge: University Press, 2005.



## **Notes**