

A CASE FOR DELEGATION:

THE U.N. SECURITY COUNCIL, REGIONAL CONFLICTS, AND REGIONAL ORGANIZATIONS

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ABSTRACT:

When it was created in 1945, the United Nations Security Council was charged with ensuring international peace and security. In order to allow it to carry out that mission, the U.N. Charter confers upon the Security Council the power to designate threats to international peace and security, and deal with those threats by authorizing the use of force by U.N. member states.

In recent years, the Security Council has been criticized by both scholars and practitioners as unrepresentative and ineffective due to collective action problems. The principle cause of such collective action problems stems from the veto power of the Council's five permanent members (the US, UK, France, China and Russia) over Security Council action. Due to the veto power, the Security Council has historically been unable to act to address threats to international peace and security when such action might impinge on the interests of any of the five permanent members.

This paper proposes that the Security Council could increase its geographic diversity and act more effectively by prospectively delegating to multinational regional organizations its power to designate threats to international peace and security and authorize the use of force to deal with those threats. Nothing in the text of the Charter prohibits such a delegation, and regional organizations are better suited to respond quickly and effectively to crises such as the "ethnic cleansing" that took place in Rwanda and Kosovo during the 1990s.

Any delegation, however, would necessarily need to include safeguards in order to assure that the U.N. Charter's prohibition on the unauthorized use of force is respected. First, regional organizations should only be delegated the power to designate threats and authorize the use of force within their geographic boundaries. Second, a clear and unequivocal statement of delegation should be required before any regional organization's authorization of the use of force is deemed legal under international law.

If such proper safeguards were put in place, a scheme in which the U.N. Security Council prospectively delegated its power to regional organizations may prove an effective means of increasing the representative character of the U.N. system by giving more voice to countries other than the five permanent members of the Security Council. Most importantly, such a system could prove effective in creating a mechanism for quick and decisive action to bring a halt to humanitarian crises such as the current situation in Darfur and the "ethnic cleansing" that took place in Rwanda and Kosovo during the 1990s.

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