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## *The Security Council in peacebuilding in failed states, a doctrinal discussion*

### **Abstract**

The UN Security Council is the body responsible for the maintenance of international peace and security, and is the only body that can adopt resolutions that are binding on UN member states. In this article, we will analyse the role of this body in the so-called “peacebuilding process”, which is understood as post-war peacebuilding in so-called “failed” or “collapsed” states. To this end, we will look at some notable theories such as Michael Ignatieff’s theory of the lesser evil, or William Zartman and Cynthia Arnson’s theory of necessity, greed and creed, and we will analyse the doctrinal evolution of this type of state and the elements that should be taken into account when establishing a discussion on peacebuilding in these areas within the framework of the United Nations Security Council.

### **Keywords**

United Nations Security Council, Peacebuilding process, Failed state, collapsed state, international peace and security.

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## I. Introduction

Peacebuilding is a crucial process for achieving stability and sustainable development in any country affected by armed conflict. However, the concept of peacebuilding is widely debated and, according to the International Peace Institute (IPI), it can be understood in two senses: a negative one referring to the absence of war, or a positive one, encompassing goals such as the repair of social and political structures, with a focus on reconciliation (International Peace Institute, 2009: 4). The United Nations Security Council (UNSC) plays a fundamental role in promoting international peace and security. However, the legitimacy, credibility and effectiveness of this body has been increasingly called into question as events have unfolded and the UN proved ineffective in the face of several of them.

The aim of this article is to shed light on the actions of the UNSC, the main UN body charged with maintaining international peace and security, particularly in “failed” or “collapsing states”. This article will show how the Security Council has evolved from the post-Cold War period until the war in Ukraine. One of the aims of this paper is to show how different authors have addressed the issue of failed states and their integration into the international security agenda at the hands of the United States, and how they have studied the peacebuilding process in such territories, with Africa as the main field of study.

The methodology of the work is based on studying, chronologically since the 1990s, the action (or inaction) of the United Nations, through the UNSC, in the different historical events that have taken place and involving armed conflicts necessitating an international response. This first section will examine how different authors have dealt with the issue of failed and collapsing states and how these concepts have been integrated into the international security agenda since 9/11 in the context of the “war on terror”.

The second section will attempt to examine how different authors, in a different chronology, have tried to study the phenomenon of failed and collapsing states with a focus on the African continent. From their main contributions, we will highlight the most important elements to be taken into consideration when discussing the peacebuilding process.

The third section will look at the UNSC as a body and its main limitations in asserting its position as the body responsible for maintaining international peace and security. In the course of this paper, we will link and contextualise the authors, texts and main contributions so as to understand what the theory of this peacebuilding process has been. This section is closely related to the fourth, as we will briefly consider what the current war in Ukraine has meant for the UNSC in its quest to be the ideal peacebuilding body.

Finally, the fifth section will be aimed at reviewing the very concept of peacebuilding and extracting from certain authors some key ideas for a correct understanding of the

term and, at the same time, to know in general terms what is the current theory on this process.

## 2. Failed states and early signs of ineffectiveness

The concept of a failed state is widely used in the literature. Gerald B. Helman and Steven R. Ratner in 1992 conceived it as a state that is “totally incapable of sustaining itself as a member of the international community” (Helman and Ratner, 1992: 3), and the need to “save” these failed states lies not so much in protecting the people living within these territories, but in “containing” the spread of lawlessness and chaos in these regions, which are usually countries usually in sub-Saharan Africa or, at the time of the authors’ writing (1992-93), the Balkans and parts of Southeast Asia.

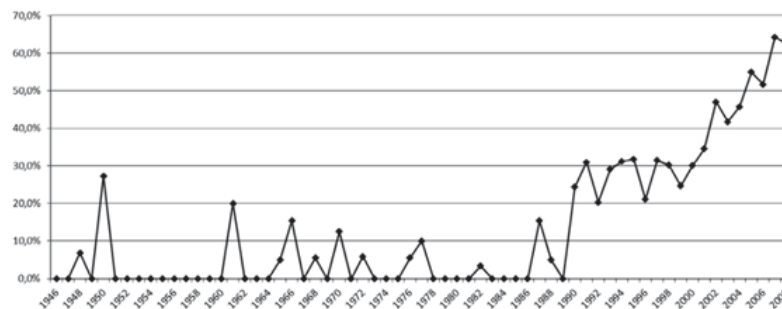
These authors, in fact, placed the origin of this phenomenon on the post-Second World War decolonisation process and the excessive permissibility given to the principle of self-determination of peoples at that time. In the authors’ words, “Self-determination, in fact, was given more attention than long-term survivability” (Helman and Ratner, 1992: 4). This “balkanisation” of the international community, was accordingly to the authors not sustainable in the long term, as a country’s survival was threatened once they became “useless” after the end of the Cold War and the dissolution of the Soviet Union in 1991. It is no coincidence that the 1990s was one of the most unstable periods in the history of the second half of the 20<sup>th</sup> century. These states were able to survive on the support provided to them by either the capitalist bloc or communist bloc as the rival superpowers tried to contain one another and extend their own spheres of influence. From this perspective, the authors already warned of the structural deficiencies of these independent states, such as corruption, weak institutions and a backward economy.

It was at this time, 1992-93, that the then UN Secretary General Boutros-Ghali used the concept of “post-conflict peace-building”. He expanded on it and integrated different phases of post-conflict action: the reconstruction of institutions and infrastructure, and the creation of peaceful ties of mutual benefit between the different nations. In short, the concept of “post-conflict peace-building” should refer to all those actions aimed at preventing a conflict that has ended from recurring in a given area (Boutros-Ghali, 1992: 8). In this regard, the former Secretary-General expressed the UN Charter’s recognition of the UNSC having a leading role in matters related to the maintenance of international peace and security, but also expressed the importance of other bodies, including the General Assembly (UNGA) in matters of a similar nature and to the extent of their respective competences.

The 1990s saw numerous intra-state conflicts, i.e. internal conflicts, many of which took an international (Gulf War) or regional (Sierra Leone) dimension. In essence, these internal conflicts had consequences for the rest of the international community. The role of the United Nations in managing these developments has often been described as a failure, as exemplified by authors such as David Cortright and George A. Lopez (2000), Michael L. Cornell (2000) and Adam LeBor (2008). Indeed, the results were

truly striking and, as a result, the concept of the “Responsibility to Protect” (R2P) was given impetus at the 2005 World Summit as a means to remedy the failure of the previous decade. Under this concept, if a state is unwilling or unable to protect its population from the most heinous crimes against humanity —genocide, war crimes, crimes against humanity and ethnic cleansing— it is the duty of the international community to act and intervene to put an end to these crimes (United Nations, 2005). This reinforces the idea that state sovereignty is not limitless, and especially not in the case of certain events that gravely violate the peremptory norms of international law. In this regard, it is worth noting that Article 4.h) of the Constitutive Act of the African Union of 2000 establishes “the right of the Union to intervene in a Member State pursuant to a decision by the Assembly in respect of grave circumstances, namely: ... genocide....” (Constitutive Act of the African Union, 2000).

Some of the most notable failures were Somalia, now in chaos, Iraq, with the controversial intervention in 2003, the former Yugoslavia and Kosovo with such notorious events as the Srebrenica massacre and NATO’s intervention, and finally the Rwandan genocide of 1994. Indeed, during the 1990s, it was not the United Nations that was most success in peacekeeping operations, but the Economic Community of West African States (ECOWAS) which acted efficiently to stabilise the situation in Liberia and Sierra Leone (Ruys *et al.*, 2018: 442; Cook, 2003: 3). The UNSC during this decade was indeed active, albeit unsuccessful in hindsight. As this graph from “*The Humdrum Use of Ultimate Authority: Defining and Analysing Chapter VII Resolutions*” by Patrik Johansson shows, the number of resolutions adopted under Chapter VII of the UN Charter increased significantly, but the results were not good and, moreover, there were occasions when actions were taken without the mandatory authorisation of this body, as in the case of Kosovo (Ruys *et al.*, 2018: 597).



Graph 1. Chapter VII resolutions as a percentage of all Security Council resolutions by year, 1946–2008 (Johansson, 2009: 16).

At the beginning of the 21<sup>st</sup> century, on September 11 a series of terrorist attacks took place on US soil, which sent shockwaves through most of the States in the international community, especially the United States. The “appearance” of a new enemy, with characteristics completely different from those of a traditional enemy, meant that the strategy to be followed by the American giant had to be redefined. Thus, the Bush administration declared a “war on terror” and elaborated an unprecedented National Security Strategy, with concepts such as pre-emptive war, and the inclusion of failed states into the international security agenda.

With the discourse of the “war on terror”, failed states became part of the international security agenda; posing a threat to international security and peace by providing a safe haven and expansion for terrorist groups (Mateos Martín, 2019: 55). Since they could not directly confront the problem (terrorist groups), lacking a unique structure and territorial base, the aim was to attack all those states that were harbouring such disruptive groups within their borders. The National Security Strategy attributed to these “failed” states certain characteristics, such as corruption, weak institutions and poverty, which made them easy prey for terrorist networks.

All the events of the 1990s, along with 9/11, crystallised a serious concern of political scientist Christopher Clapham which he expounded on in his 2002 article “The Challenge to the State in a Globalised World”. In this article, the author sought to integrate the concept of failed and collapsing states into a more general context: the evolution of statehood. This is how the author put it in several fragments: “Individual instances of state failure and collapse must be placed within a broader appreciation of the evolution of statehood within the international system” (Clapham, 2002: 775); and “Yet there were good reasons why much of the world had not previously possessed states” (Clapham, 2002: 778). As we will see in the next section, Africa was and is the field of study par excellence for dealing with the issue of failed states, and Clapham was no stranger to this fact: “In much of Africa —to revert to a part of the world with especially challenging problems of state formation —the historic weakness or absence of states has been compensated for through the development of other mechanisms for assuring human welfare on the one hand, and social control on the other” (Clapham, 2002: 778-779).

Perhaps the 1990s was one of the first signs of the failure of the state model in several regions of the world, particularly in Africa as a consequence of the decolonisation process. How would this translate into the peacebuilding process? As we shall see, among the proposals for reform of the UNSC reform, in addition to the abolition of the right of veto (which is not very plausible), is the proposal to respect the principle of geographical equality in the composition of the UNSC. When the UNSC was inaugurated in 1945, the number of states in the international community was small compared to today. Undoubtedly, the process of decolonisation led to a significant increase in the number of states and thus of peoples under their protection. In the coming years, population growth in Africa will be exponential, and if we take into account that most of the resolutions adopted by the Council have the African continent as their territorial or geographical focus, reforming the UNSC in this sense seems to hold priority.

### 3. Africa as a field of study

Since 9/11, numerous international interventions have taken place in states considered weak or collapsing, such as Libya, Iraq and Afghanistan. Elsewhere, numerous peace operations have been authorised by the UNSC and launched in African countries,

especially the Sahel region (Mali, Sudan). Similar operations have taken place in other parts of the world, such as Haiti, India/Pakistan and Timor-Leste (United Nations, n.d.). However, Africa has undoubtedly been the world region where most peace operations have been rolled out. Different authors mark the 9/11 attacks as a turning point in what failed and collapsing states mean for security. This is closely related to the fact that their focus is on the UNSC, which, according to the UN Charter, is in charge of maintaining international peace and security. From 2001-02 onwards, several authors began to publish their texts on failed states, making Africa, in the process, the field of study par excellence.

Robert I. Rotberg, in 2002, in his work *Failed States in a World of Terror*, refers to the fact that it is not only these “structural” causes that must be taken into account to understand the nature or behaviour of these states, but that some importance must also be attributed to the behaviour of individuals (Rotberg, 2002: 128). Former leaders of African states such as Siad Barre in Somalia, Mobutu in the Democratic Republic of Congo, Al-Bashir in Sudan, or Charles Taylor in Sierra Leone are not obscure figures; the politics of these states are often characterised by patronage and clientelism, with really high levels of corruption (Cooper, 2019: 259). In the same vein, Jesús Díez Alcalde speaks of this agency of African political leaders when he says that

“In this context, African leaders were not capable of managing this new reality, and moreover, they built their national projects with their backs turned or in opposition to the majority of their population who were already suffering from endemic poverty, drowning in underdevelopment, and could hardly enjoy the benefits of the longed-for independence” (Díez Alcalde, 2015: 30).

The politicisation of the military establishment in Africa, for its part, has been a very strong regional trend; even today, there are States where, although the government is civilian, military influence is still very significant, as in the case of Nigeria, elaborated on by Professor Eduardo Carreño Lara in *¡Soldados, a sus cuarteles! Hacia una Gobernanza Política en Nigeria* [Soldiers, to your barracks! Towards political governance in Nigeria]. In this work, Professor Lara speaks of the need for a “reform of civil-military relations” (Carreño Lara, 2015: 10), an essential factor that must be taken into account in the peacebuilding process in states where the presence of the military has been or is a major influence on society. The climate of violence created by successive civil wars, by poverty leading to need and greed, shapes a predetermined individual and collective behaviour based on survival and self-interest, leaving moral principles or so-called “democratic” values behind. It is this struggle to promote the values of human rights, democracy or market freedom that regional organisations such as the African Union or the Association of Southeast Asian Nations (ASEAN) face major obstacles.

Four years later, Cynthia Arnson and William Zartman published *Economics of war: the interaction of need, greed, and greed*, in which they establish an interesting structure-agency interrelationship, where state weakness, a structural issue, is intertwined with greed, a factor informing individuals at the top of the state’s political administration, and who in many cases, in African states, tend to be from the military branch. This

greed leads to the hoarding of scarce resources and to people needing resources that are for their very survival. Creed is used as a synonym for identity; as the authors point out, need or creed alone is not enough to lead to conflict, but a zero-sum scenario is required (Arnson and Zartman, 2006: 133). Unlike the UNSC, regional and sub-regional organisations such as the African Union or ECOWAS, among others, are closer to this type of problem and can therefore better focus on the practices to be undertaken to resolve conflicts derived from this triad (need-creed-greed). There is no shortage of arguments from African states, whether for quantitative or other reasons, to increase the number of seats in the UNSC, in line with the principle of geographic equity promoted by the UN Charter.

Timothy Raeymaekers, in his book *Collapse or order? Questioning state collapse in Africa* (2005), refers to Zartman's (1995) and Clapham's (2002) definitions of collapsing state and failed state. "Collapsing state" is a situation where the structure, authority and legal order have fallen apart and must be rebuilt in some way (Zartman, 1995: 1). "Failed state" is one that is unable to fulfil core state functions, which requires further study of what those functions are (Clapham, 2002: 776). Whereas Raeymaekers does not mention these essential functions of the state, Arnson and Zartman do. In their work cited above, the authors note that "governance breakdowns generate grievances" (Arnson and Zartman, 2006: 131), where governance is based on the performance of basic functions or, as we can also extrapolate, on the provision of basic needs (the authors point out in the text that the performance of basic functions and the provision of basic needs are directly related to the incidence of armed conflict). Thus, the function of an effective government must be to provide for the basic needs of its population, that is, "the general qualities that people require to live" (Arnson and Zartman, 2006: 132). However, determining when a state has failed or is collapsing requires more fleshing out. The authors do not give a clear definition of what basic needs are, but only that they are prerequisites for life. The authors are right not to give a precise definition of what these needs are or should be, since we are entering a truly subjective field, these concepts will mean different things for different people.

Recently, published texts have been based on collecting concepts used by previous authors to analyse issues related to failed states and proposing new approaches or nuances to them, mainly for analytical purposes. In her text *Africa and International Relations: Assembling Africa, studying the world* (2016), Rita Abrahamsen develops what she calls the "assemblage approach", and seeks to expose the misconceptions of the colonial library, studying concepts such as state, society, or "the international". Finally, authors Kevin C. Dunn and Morten Bøås (2017), and Noel Twagiramungu *et al.* (2019) published articles in which they sought to redefine or qualify some concepts that had already emerged earlier. In their respective works, the authors expose different misconceptions held by Europeans when they think of Africa.

Dunn y Morten Bøås clearly state that when we speak of insurgencies on the African continent, even if we speak of them within so-called "collapsing states", we cannot speak of an absence of governance, but of an "environment of competing modes of governance" (Dunn and Bøås, 2017: 5). This is because these movements, be they

reformist, secessionist, liberationist or even the rise of warlords (this collectivisation of insurgent movements by Bøås and Dunn helps us to sort out the reality) are not oblivious to socio-political, economic and normative changes, but on the contrary: they destroy and create other systems according to their operating principles, but always within the framework of competition for governance. On the other hand, in the article by Twagiramungu *et al.*, the authors argue that the concepts of civil war and inter-state conflict are “too narrow to capture the particularities of wars in Africa”, and that concepts such as state and non-state actors are not so easy to distinguish in the context of armed conflict (Twagiramungu *et al.*, 2019: 2-6).

#### 4. Adequacy of the Security Council to fulfil its mandate

On 26 June 1945, the UNSC was given responsibility for preserving international peace and security (Art. 24.1 of the Charter). The importance of this body is based on the actions, through resolutions, it has taken over its lifetime, especially those relating to Article 2.4 of the UN Charter, on the prohibition of the use of force in the settlement of international disputes. Under these provisions, the UNSC has a wide, and often controversial discretion to authorise measures to enforce state compliance with a range of obligations, most often related to the protection of human rights. The main problem that we will observe in the council's practice is the decision-making superiority that the five permanent members possess thanks to the right of veto they enjoy. This veto has allowed them on many occasions, to prevent the adoption of many resolutions that are in principle, unfavourable to them, clearly prioritising their status as sovereign countries and national security over international security. This is the so-called “original sin” of the UNSC.

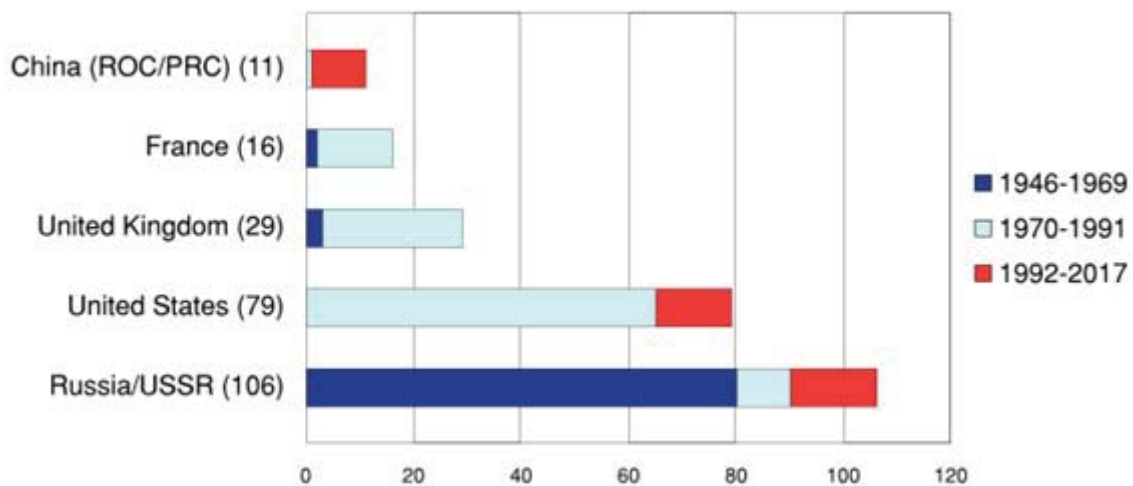
On this inequality among states within the United Nations, Barnett and Finnemore express in *Political Approaches*, the role of the organisation as a “tool of the great powers” (Barnett and Finnemore, 2007: 43). The authors make a clear reference to and criticism of the five veto-wielding permanent members of the UNSC —Russia, the US, France, the UK and China— but not just in terms of their degree of control of the UNSC, but of the entire UN apparatus: “as a consequence, if someone wants to know what the UN will do, the place to look is not New York, but Washington, London, Paris, Beijing and Moscow” (Barnett and Finnemore, 2007: 43).

However, the veto and, in general, the superiority of five states over the remaining 191 cannot be understood as a coincidence but as a product of causality. One theory that should be taken into account by these authors is the “lesser evil theory”, which Michael Ignatieff developed in his 2004 book “*The Lesser Evil: Political Ethics in an Age of Terror*”. These privileges were accepted by the international community, which decided to adhere to the Charter as a “lesser evil” than not having the major nuclear-armed powers in the organisation, the effects of which had already been observed in Hiroshima and Nagasaki. As Ignatieff puts it, “Bad consequences are not always foreseeable, so, in choosing the path of the lesser evil, we may have to take blind steps,

knowing that, unfortunately, good intentions cannot absolve us of guilt when bad consequences occur” (Ignatieff, 2004: 30).

It is important to note that the idea of the right of veto was not first introduced in the UN Charter, but that of a similar instrument already existed in its predecessor, the League of Nations. Indeed, the Council of the League required the unanimity of all its members for the adoption of its decisions (League of Nations Covenant, 1919) (except in procedural matters). The change from total unanimity of the members of the Council of the League to the right of veto held by several UNSC states was therefore both an imposition and an acceptance of a new international order by the great and small powers, which would be prefixed in the various preparatory acts for the United Nations Charter, in particular the Dumbarton Oaks and Yalta Conferences of 1944 and 1945.

With the outbreak of the Syrian civil war in 2011 as part of the Arab Spring, Russia’s (and, to an extent China’s) systematic vetoes were the UNSC’s main obstacle to intervening in the conflict (Menéndez del Valle 2016). The absence of the UN’s most important body for the maintenance of international peace and security in a conflict as devastating as the Syrian conflict (as it has been and continues to be) is a harsh attack on the UN system with truly shocking international significance. In fact, the system had earlier been declared dead by Bush advisor Richard Perle (Perle, 2003). The current war in Ukraine, as we shall see, has proceeded to deal another severe blow, not only to the UNSC, but to the entire UN system.



Graph 2. Vetoed United Nations Security Council Resolutions (Wikipedia).

Years later, in 2019, Lättilä and Ylönen published *United Nations Security Council reform revisited: a proposal*; the authors focus not only on the veto, but also on other internal shortcomings of the UNSC, such as inequality, exclusivity, the rotating seating system, and the system of representation (Lättilä and Ylönen, 2019: 166). Based on these factors, the authors propose a “Two-Layered Regional Model”, in which they propose to address factors such as exclusivity, by allowing all UN member States to participate in Council debates; emphasise the principle of sovereign equality and

therefore abolishing the right of veto and any other privileges; and strengthen the representation of the different regional groups in accordance with reality. Alongside this model, the authors highlight other initiatives undertaken by certain groups of States in the interests of a future reform of the Council. However, realistically, this still seems far from a plausible possibility.

## 5. Ukraine war: the latest hard blow to the Security Council

The war in Ukraine, which began on 24 February 2022 with Russian military forces invading Ukrainian soil, has undoubtedly been a reaffirmation of what we have been seeing for years: the United Nations cannot function when the great powers so decide. One of the most novel features of this war is that it has Russia, a permanent member of the UNSC, as the main actor. In this case, the use of its veto was virtually certain, and so it has been. Russia vetoed two draft UNSC resolutions<sup>1</sup>, making it necessary to adopt resolution within the framework of the “Union for Peace”, whose origins date back to 1950, and which offers the possibility of holding an extraordinary session of the UNGA on UNSC matters when the UNSC becomes ineffective due to the abuse of the veto power of its permanent members. Professor Ved P. Nanda (2023) and Ivan Levy (2023) have discussed Russia’s ability to block and veto UNSC draft resolutions on Ukraine. Nanda highlights the aforementioned challenge of the aggressor party (recognised as such by the UNGA) being a permanent member of the Council (P. Nanda, 2023: 306); for his part, Levy considers that this event has increased the need to consider a change in the composition and/or prerogatives of the most privileged members of the UNSC (Levy, 2023: 171-173). In sum, the literature is clear on the need for reform of the body charged with maintaining international peace and security, and events such as those in Syria and Ukraine reaffirm this position.

Although the Union for Peace resolution gives the UNGA the possibility to deal with matters within the Council’s competence, this attribution of powers is not total, since the UNGA can only issue recommendations and its resolutions are therefore non-binding on states. However, from a geopolitical point of view, the UNGA extraordinary meetings and the votes on its resolutions condemning Russia’s aggression served to put the positions of each of the states in the international community on the table, with very few (e.g. Syria and Nicaragua) voting against the resolution.

## 6. Peacebuilding

Having reviewed the literature on the suitability of the UNSC to fulfil its mandate, failed and collapsing states as a threat to international peace and security, and the

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<sup>1</sup> The vetoed draft resolutions were *S/2022/155* of 25 February 2022, one day after the start of Russian aggression against Ukraine; and *S/2022/720* of 30 September 2022.

African region as a field of study in the peacebuilding process, we will move on to analyse post-war peacebuilding itself, for which Óscar Mateos (2019) uses the concept of “liberal peace”.

Firstly, we must understand that peacebuilding, following Johan Galtung’s 1976 model, is nothing more than the last phase of a process that is preceded by two previous phases: the first, peacekeeping, in times of peace or stability, and peacemaking which is the policies or efforts made to put an end to an ongoing armed conflict. Reaching the peacebuilding stage, it means that previous attempts to maintain peace and end an armed conflict have failed. In addition, in each of these stages, the actions and the subjects that carry them out are different. In the two stages of peacemaking and peacebuilding, the UNSC takes part, whereas it is primarily up to the states themselves and, where appropriate, the regional and international organisations created for this purpose, to maintain a degree of stability and avoid armed conflicts between and within states .

Secondly, we should not equate failed or collapsed states entirely with passive subjects of peacebuilding; Ukraine is not a failed state as it has the capacity to perform its most essential functions; nor is it a collapsed state (all this prior to the outbreak of the war) as its institutions enjoyed a certain stability, a fact recognised by the European Union in the context of the Eastern European country’s possible accession to the regional organisation. There are situations in which states with some stability can be directly involved in armed conflict, including in Europe. Thus, the war in Ukraine has proved to be a blast of reality to the prevailing idealism of organisations such as the United Nations or the European Union, a blow that demonstrates that, although the United Nations Charter expressly prohibits war as a method of settling disputes, it remains an alternative for certain subjects to protect their most legitimate interests and to pursue their interests as a last resort.

Many factors, including geographic, climatic, ethnic, religious and linguistic diversity, are at play in peacebuilding but are not taken into account by the texts considered. Instead, most literature focuses on others, such as the dilemmas inherent in peacebuilding (Paris and Sisk, 2011), critiques of the very concept of “liberal peace” (Mateos Martín, 2019), or the question of gender in the liberal peacebuilding project (Giménez-Arrieta, 2016). However, as the texts by Paris and Sisk and Óscar Mateos rightly state, an understanding of local realities is crucial for sustainable peacebuilding (Paris and Sisk, 2011: 8; Mateos Martín, 2019: 61).

For Paris and Sisk, the peacebuilding project in a post-conflict environment must be a sustainable project, where a positive peace is pursued and not just a mere absence of war. This goal should be pursued through a restructuring of the social contract with the populations of the war-torn territory and, to this end, the “successive missions” (Paris and Sisk, 2011: 13) of which Paris and Sisk speak must be studied themselves, as they form an area of analysis in their own right due to their nature and importance. While I agree with this aspect, I believe that another dilemma should be raised: the dilemma of legitimacy, i.e. who has the legitimacy and under what discourse to constitute such successive missions, to initiate social restructuring, and to decide who will govern the future post-war territory.

The dilemmas inherent in the peacebuilding participants are just as important as the dilemmas inherent in the project itself, since it is necessary to ask who carries out such projects, and for this the 'gender dilemma' should be included among the others, since in peacebuilding processes a lot of decision-making takes place in collegial bodies, through voting, and gender must be taken into account when including it in these bodies, such as the principle of parity in collegial bodies.

In relation to Óscar Mateos, as he concludes in his work, one should not fall into the "overproblematization" (Mateos Martín, 2019: 77) of humanitarian intervention and peacebuilding projects here, the doctrine of the lesser evil mentioned above fits perfectly in this regard. Neither a pessimistic nor an optimistic view should be taken in approaching this project. Instead, an empirical approach ought to be taken, since it is a project that must evolve and we can analyse the observable effects it leaves in its wake, and observe patterns that do not facilitate the extrapolation of specific methods to other spaces although they should not be extrapolated to other areas due to the multiple differences that may exist in relation to the historical context or ethnic and religious components. However, I believe that an empirical analysis of the impact of peacebuilding projects, will allow us to observe which areas can be improved and which need to be restructured (gender in decision-making bodies, certain logistical issues of the interventions, or certain personnel needed in these peacebuilding processes, among others).

A text that may help to understand this proposed empirical study is *Conflicto palestino-israelí ¿Más proceso que paz?* [Israeli-Palestinian conflict: more process than peace?], by Professor Álvarez Ossorio, in which he explains the evolution of the Israeli-Palestinian conflict from its beginnings after the breakdown of the partition plan proposed by the United Nations in 1947, to the situation in 2011. In this analysis, the professor shows us the various initiatives that have been taken place to put an end to the conflict, such as the Oslo process, or the Arab Peace Initiative among others, although none of them managed to put an end to the conflict and reach an agreement between the both sides, or even to reduce the violence between the parties (Álvarez Ossorio, 2011: 46). Ossorio's conclusion is based on empirical field studies, which take into account the number of victims, the number and form of attacks and the conflicts that take place. Moreover, unlike previous authors, Ossorio does not focus the problem on statehood, but rather on the relationship of power between actors, a relationship that has not been changed by the various initiatives presented in his book (Álvarez Ossorio, 2011: 46). Thus, although the state is at the centre of the discussion, the real issue in the Israeli-Palestinian conflict is how to rebalance the power relations of the actors inhabiting the territory of the state, and how these relations can influence the creation of two states, the maintenance of the existing one, or an alternative solution.

This approach may be appropriate for understanding the current conflict in Ukraine, examining the power relations of the actors involved, not only Russia and Ukraine, but also others such as the United States, NATO, the European Union and others. When the Ukrainian war comes to an end, without the support of the UNSC for reasons already discussed, it will be essential to take these power relations into

account, how they stand at the end of the conflict, in order to establish a framework for peacebuilding.

In short, the peacebuilding process requires a deep and multidimensional analysis. These three texts each offer a different perspective on this challenge. However, not only do they complement each other, but other texts, such as those mentioned in the section on the adequacy of the UNSC, complement each other, for let us not forget that the peacebuilding process and the UNSC's mandate are intimately linked.

## 7. Conclusion

Determining a State as failed, fragile or collapsing can serve two purposes: analytical and adjectival. The first function allows us to monitor the level of governance of different governments; however, here the question arises as to what criteria define good or bad governance, and who imposes such criteria, leading to a problem of legitimacy. Such criteria are conspicuous by their absence in the texts considered. We believe they are important to discuss, bearing in mind that a definitive answer is not possible (being totally subjective concepts and perspectives) where the battle takes place in a debate with its performative power.

As we have seen, the composition of the UNSC runs counter to some of the principles of the UN Charter, in particular the principle of equality of member states and equitable geographical distribution, and in general, the principle of democracy that should govern all collegiate bodies. However, despite these shortcomings, which have been highlighted by numerous authors, it remains the body responsible of maintaining international peace and security by addressing threats that endanger these elements. It is in this institutional framework where we could find an answer to the question of legitimacy. Through its resolutions, it seeks to legitimise certain interventions and actions that, if necessary, infringe on state sovereignty without prior consent.

The issue of peacebuilding, for its part, corresponds partially to the final phase of a doctrine which, although it has not been taken into account in the texts, has been progressively developing since 2005. We refer to the Responsibility to Protect (R2P) doctrine, affirmed by all member states at that year's World Summit. Although the concept of peacebuilding applies to broader contexts, where such violence need not necessarily occur, it would be important to take this doctrine into account, in the way that the African Union already does.

In the most violence contexts, peacebuilding is not only a matter of strengthening failed states on the basis of the international security agenda, but above all protecting the civilian populations residing in these areas, who suffer the direct effects of armed conflict and its aftermath. Moreover, this responsibility lies not only with the state, but also, subsidiarily, with the international community represented, in this case, by the UNSC, the body that supposedly has the necessary legitimacy to impose such measures. Faced with the Security Council's inability to act in certain scenarios, regional

organisations must respond actively and take the relevant peacebuilding actions in their member states, insofar as possible. Anti-colonial or anti-imperial criticism of peacekeeping operations as a case of international interference in the internal affairs of a state, or as a sign of an alleged violation of state sovereignty, is legitimate and cannot be dismissed. However, given the inaction of state governments, either intentionally or through lack of means, to tackle the tasks of peacebuilding, and the threat of a future resurgence of conflict, there is no doubt that the international community's action is more than justified, both from an ethical and moral point of view and from a legal point of view.

Finally, there are still questions to be debated and resolved, and the creation of spaces for dialogue is essential to offer a response in accordance with the new changing realities. Both inside and outside institutions, particularly in the academic field, there is no need to bring out to the light of day subjects that have been silenced or little discussed in comparison to others. We are referring, for example, to gender equality in decision-making bodies, or to a deeper understanding of local realities, especially in an area prior to humanitarian intervention in a context of armed conflict.

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