



Research Article

International Journal of Kurdish Studies

11 (1), pp. 247-268

<http://www.ijoks.com>

The Necessity of Reconsidering the International Collective Security System

Bendahgane Al-Azhari ALAAEDDINE¹ & Benghalem BOUMEDIENE²

Received: Dec 17, 2024

Accepted: Mar 17, 2025

Abstract

International relations change with the change in international reality, so the international community witnessed a cold war as soon as the United Nations was formed, so that the international conflict turned between two poles that formed an international system different from the international system that countries witnessed before World War II. Although this period witnessed the actual launch of the United Nations, with its charter prohibiting the use of force, collective security system mechanisms, and Chapter VII deterrent provisions, this did not prevent the use of force in countries. The international community witnessed violations of international legitimacy and the rules of international law during the international organization cycle, which claimed the lives of states' sovereignty and the most important principles for which the United Nations was established. The strange thing about these events and their effects on international peace and security is that the actors are the same founders of the United Nations and the same drafters of the provisions of its charter and collective security system.

Keywords: International system, United Nations Charter, prohibition of the use of force, collective security system

Recommended citation:

Alaaeddine, B. A.A., Boumediene, B. (2025). The Necessity of Reconsidering the International Collective Security System. *International Journal of Kurdish Studies*, Volume 11 (1), 247-268,

DOI: <https://doi.org/10.21600/ijoks.1645677>

¹ Dr., Amar Telidji University, Laghouat, Algeria, E-mail: al.bendahgane@lagh-univ.dz,

ORCID: <https://orcid.org/0009-0009-0439-9091>

² 2Dr., Abou Bekr Belkaid University, Tlemcen, Algeria, E-mail: benghaleboumediene@gmail.com

ORCID: <https://orcid.org/0009-0008-1187-050X>

Introduction

The shortcomings of the United Nations have become evident in many areas, especially those related to maintaining international peace and security, where many parties have called for its reform, considering that the reform process is more than necessary to correct the course of the international system (Bididi, 2014/2015), and considering the main objective of establishing the United Nations is to maintain international peace and security by prohibiting the use of force in international relations or the threat of it, except in cases that threaten international peace and security or disrupt it in order to restore it to its proper place and deter acts of aggression.

In light of this argument, a question arises about the reasons or motives for deviating from international legitimacy in cases where force was used within the framework of the collective security system. Here, we can answer that the United Nations, and especially the Security Council, the executive body responsible for activating the measures of the collective security system, including the use of force, did not respect the provisions of the United Nations Charter, and its powers were diverted from the objectives of the United Nations stated in the Charter, due to hegemony on the one hand, and on the other hand there is another obstacle added to this analysis, which is the failure to complete the construction of the collective security system as envisioned by the Charter, starting with Articles 42 and 43 and the subsequent articles of Chapter VII responsible for the international penal system, also, the failure to reach the special agreements stipulated in Article 43 and the failure to activate Article 42 of the Charter as a result of its connection to Article 43, was tantamount to announcing that Article 42 is an article devoid of its content, which results in the impossibility of taking military measures within the framework of the collective security system, and being satisfied with non-military measures, which makes the use of force within the framework of the collective security system a use of force outside the framework of the United Nations (Muhyiddine, 2006).

Through this concept, when we talk about the efforts to reform the phenomenon of the use of force within the framework of the collective security system, we cannot talk about it independently without talking about the collective security system as a whole, because it represents a cohesive bloc that we cannot divide. Therefore, if we want to reform the phenomenon of the use of force within the framework of the collective security system, we must address reforming the system in general, to match the theoretical aspect of the collective security system with its activation in the reality of international life, when the conditions for its activation are available.

II. Proposals for Reforming the Collective Security System:

Before addressing some proposals for amending some texts of the UN Charter framing the collective security system or texts that have an indirect relationship to the collective security system, we must address another problem related to the texts of the Charter regulating and framing the collective security system, which is the issue of forming the international army and the problem of financial funding for this army, because this issue is among the important issues that stood in the way of the effectiveness of the collective security system, as it is the direct cause of the failure of this system, and the transgression of international legitimacy by taking alternative measures to the collective security system, and the use of force outside this framework.

1. Completing the mechanisms of the collective security system by establishing and equipping a permanent international army:

One of the goals of the drafters of the UN Charter in their view of maintaining international peace and security was to provide the United Nations with a fully equipped international army, so this view carried with it the great importance of these forces and their effectiveness in joint international military operations (Manal, 2014-2015). Accordingly, the drafters of the Charter equipped the collective security system with everything required to form military forces subject to the Security Council and the

General Staff Committee, through the texts of the Charter that defined its general framework in Articles 43 to 47, but all this vision remained a mere organizational framework in its theoretical capacity, which caused the failure of the collective security system on the one hand, and the exploitation of this system by the major powers to harness it in the service of their interests, and thus the defect of the collective security system was diagnosed in two points: the first is the necessity of forming a permanent international army affiliated with the United Nations, and the second is the commitment of the member states to finance the equipment of these forces to ensure their effectiveness.

2. Strengthening the collective security system with a permanent international army:

The UN Charter has made it clear that “the use of force shall not be considered an act of collective security except under the authority and supervision of the Security Council and with the assistance of the Military Staff Committee,” (Nafaa, 1995) as stipulated in the texts of the Charter from Article 42 to 49. However, the absence of these mechanisms -the UN army- specific to implementing repressive measures prevented the Security Council from exercising its powers, and the result was disastrous in the reality of international action after the Security Council delegated the powers granted to it by the Charter through its articles regulating the collective security system to states and military alliances, where these states and alliances seized the opportunity to serve their interests at the expense of the general interests of the international community. (Hassani, 2015) The reason for this chaos and the failure of the collective security system is the evasion of some major permanent member states of the Security Council from fulfilling their obligations to establish a permanent military force for the United Nations, and their failure to negotiate and conclude special agreements related to the forces of the collective security system, and this has been the case for 77 years since the establishment of the United Nations to this day. (Franck, 2006)

The Cold War also contributed to disrupting the completion of the mechanisms of the collective security system, because the United Nations Charter granted and established an integrated system of collective security in theory, containing all the necessary pillars to ensure its effectiveness and efficiency at the practical level (Nafaa, 1995), but the tensions of the Cold War between the allies of World War II led to the freezing of the work of Article 43 of the Charter, which led to the weakening of the role of the Security Council in maintaining international peace and security, and its complete paralysis many times, as a result of the repeated use of the right to object, so that these actions between the major permanent member states resulted in some of these states monopolizing the authority to implement collective security measures for their interests, causing serious violations of international legitimacy. After the end of the Cold War, the features of the new unipolar international system were drawn, where all the intersections and differences of the Cold War ended and disappeared, at least in the nineties until 2014, when the United States of America had absolute dominance over the Security Council, as, after the end of the Cold War, Russia and France saw in 1990 the necessity of establishing a Military Staff Committee and activating Articles 43, 45, and 47, but the United States of America strongly rejected this project (Hassani, 2015), and thus the United States and those who support it within the Security Council have evaded their obligations before the Security Council to activate the mechanisms of the collective security system, and it and its allies contributed to the inability of the Security Council to perform its functions and its failure in many crises in favor of these effective countries that control its fate.

The international reality has shown that the differences in interests of the permanent member states of the Security Council, which were relied upon to build the international army from their regular forces, will not be, especially after the lack of trust between them and the freezing of the work of the Military Staff Committee, and the impossibility of concluding the special agreements mentioned in the text of Article 43 of the Charter during the Cold War (Chourab, 2017-2018), and the opportunity was favorable to complete the mechanisms of the collective security system, as previously indicated, had it

not been for the stubbornness of the United States in rejecting it, as it benefits from international conditions. But we raise a question about the possibility of forming an international army to maintain international peace and security within the framework of the collective security system, amid the current state events resulting from the Russian intervention in Ukraine in early 2022, and in light of the widening gap daily between Russia and China on the one hand, and between the United States, France and Britain on the other hand, therefore, we see that we are on the verge of forming a new map of the international system, either a new multipolar international system, which is the closest to being achieved, or the return of the unipolar system, but in a more brutal form.

However, these events did not prevent some attempts that called for concluding special agreements stipulated in Article 43 of the Charter, as well as the article on the establishment of the Military Staff Committee, with the formation of a permanent international military force under the supervision of the United Nations, which was included in the peace plan proposed on January 31, 1992 by the former Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, especially after the collapse of the Eastern Bloc, and with it the reasons for the paralysis of the Security Council as a result of the Cold War conflict, where the collective security system could be embodied in the image drawn by the drafters of the Charter during this period, because a permanent military force would enhance the preservation of international peace and security upon request, although the Secretary-General of the United Nations did not hide his fear that these military forces entrusted to the guardianship of the United Nations were unable to confront the armies of the major developed countries, in other words, they could only confront small and weak countries (Ali, 2004-2005).

In addition to the proposal of Mr. Boutros Boutros-Ghali, which came in his peace plan in 1992, came the proposal of the subsequent Secretary-General, Mr. Kofi Annan, especially after the Iraq war in 2003, which was to establish a committee of experts whose mission is to conduct a comprehensive study supported by ideas that can be embodied, to

advance the international organization and strengthen its effectiveness, to confront international crises and new challenges, as the committee of experts finished preparing its report in 2004, which contained 100 recommendations. Mr. Kofi Annan began the introduction to this report by emphasizing the proposal of his predecessor, which he continued by saying: "..., what is required is a comprehensive system of collective security that addresses old and new threats, and addresses the security concerns of all countries, whether poor or rich, weak or strong...", (Sleika, 2014) and thus this committee emphasized the completion of the mechanisms of the collective security system, especially about the formation of an international army to confront new challenges within the framework of respecting international legitimacy.

In the same context, there is another proposal that preceded the last two proposals, which is a jurisprudential proposal presented by Pr. Nashaat Othman Al-Hilali in his doctoral thesis, which combined in his proposal the United Nations forces mentioned in the text of Article 43 of the Charter with the peacekeeping forces created as an alternative to the collective security system, as he sees in his proposal that if the two means are combined at the United Nations, they will strengthen the organization and support the preservation of international peace and security, by differentiating between the tasks of the two means, and adding a new chapter in the United Nations Charter dedicated to peacekeeping operations, and that the Security Council decides after adapting to the conflict if it is in its infancy to use peacekeeping forces, and if the conflict develops, the Security Council activates the mechanism of the international army, which he called the United Nations forces within the framework of what is stipulated in Article 43 of the Charter (Al-Hilali, 1985), and thus Dr. Nashaat Othman Al-Hilali divided the conflict into two stages: the stage of the beginning of the conflict, in which the United Nations can intervene with peacekeeping forces to resolve the conflict, and the stage of the development of the conflict into an international or civil war, where the international body can use force within the framework of the collective security system to resolve the conflict and maintain international peace and security.

It remains merely a proposal in front of the international reality that rejects these solutions and opinions to resort to the legitimacy of the charter, as Professor Dr. Bin Sahla Thani Bin Ali believes that unless the Charter of the United Nations is amended, there will be no importance in forming an international army affiliated with the United Nations, and this amendment comes with the reform of the Security Council of the executive body responsible for maintaining international peace and security, otherwise, small and weak countries will fall into the trap of the interests of the major countries that dominate international decision-making.

3. Equipping the international army:

The United Nations was established on two important issues, carrying out its duties, which of course leads the international organization to achieve the goals or the assumption for which it was formed. The duties and objectives of the organization are the scale that is relied upon to evaluate whether the organization is on the right path or has deviated from its predetermined and defined path. As is known, the international organization carrying out its duties in the best possible way to achieve its goals requires money and expenses, and the source of these funds is the payments of the organization's members from financial contributions. (Aita, 2018)

The same concept applies to the collective security system, which will not exist unless it has financial resources that enable it to carry out its functions, especially prevention and deterrence measures. The results of these functions will determine the effectiveness of the collective security system, which is primarily linked to the extent of implementing the collective obligations of the member states of the United Nations to share the financial burdens resulting from the activities of the United Nations, and among the financial burdens, if we see the future of the collective security system, is the formation of a permanent deterrent force and the building of an international army ready to move in all circumstances, as we must talk about providing financial resources (Ali, 2004-2005) to equip this international army.

The issue of financial funding is in fact one of the most difficult challenges facing the United Nations, and this is not only with regard to funding the permanent international UN army, which we are talking about in this issue, and which falls under the category of reforming the collective security system, but rather this issue has been suffered by the United Nations for a long time, and it is a severe financial crisis that is almost destroying it and putting it on the brink of bankruptcy, which began in the sixties of the last century until today with varying severity according to international circumstances and the extent of the satisfaction of the major countries with the international organization (Nafaa, 1995), and since the crisis is severe and does not require partial reforms or looking at the financial requirements of a specific body while marginalizing another body, but rather the treatment must be through a process of comprehensive radical reform of all financial imbalances, and for all bodies, due to the interconnectedness and overlap of the latter with each other (Nahaili, 2016-2017).

It is worth noting that the United Nations relies on three different systems for financial funding, including funding the regular budget through mandatory contributions in the form of shares ranging from a maximum of 25% to a minimum of 0.01%, and the expenses of peacekeeping forces, which are also funded by mandatory contributions in the form of shares that differ from the regular budget funding shares, in addition to voluntary contributions with which the United Nations funds development activities and programs and humanitarian aid. (Nafaa, 1995) However, the refusal of some countries to contribute to the financing of peacekeeping operations established by the United Nations to confront international crises, as happened in the Middle East crisis in 1956, and the Congo crisis in 1960, (Aita, 2018) and in addition to this evasion of the countries' commitment to fulfilling their financial duty towards the United Nations, this diversity in funding and bearing expenses, some experts see as blackmailing the United Nations by the countries that contribute the largest percentage of financial contributions, which are the major and most advanced countries, including three countries in particular that contribute the most to the financial shares, namely the United States of America, Japan

and Germany, whose total contributions amount to about 50% of the total budget of the organization (Ali, 2004-2005), as the United States has often threatened the United Nations with cutting off its financial contributions in the event that the decisions of the United Nations or its affiliated agencies intersect with the foreign policy objectives of the United States of America (Sabiha & Bourenane, 2022).

To avoid this bitter reality that has mortgaged some of the United Nations' movements in favor of the interests of major powers, the former Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, proposed, within his peace plan, which he presented to the Security Council on 01/31/1992, as we mentioned earlier, a set of proposals to rid the United Nations of the problem of financial funding, which are:

- Enabling the organization to finance its activities through direct tax opportunities on some aspects of international activity (Nafaa, 1995).
- Establishing a temporary peacekeeping reserve fund to finance peacekeeping operations pending payment of member states' contributions, with the Secretary-General being authorized to make commercial assumptions if other financial sources are insufficient (Ali, 2004-2005).
- Imposing tax benefits on member states' arrears of assessed contributions (Nahaili, 2016-2017).

It is noted that these proposals, which fall within the field of reform, as pointed out by Pr.Bin Sahla Thani Bin Ali, do not address the proposal to activate Article 43 of the Charter and establish an international UN army, as much as they are proposals to finance peacekeeping operations created by the United Nations, and that the main reason for the inability of the United Nations to carry out its tasks related to maintaining international peace and security lies in the lack of financial resources, as it is necessary to work to remove this problem to strengthen the effectiveness of the United Nations in carrying out its tasks, especially with regard to security tasks and maintaining international peace and

security, as the solution that guarantees the effective performance of the United Nations in this field is its independence with its army, which distances the organization from the conflicts of interests of major countries (Ali, 2004-2005) that exploit their influence through financial blackmail to control the decisions and positions of the United Nations (Sabiha & Bourenane, 2022).

III. Proposals to amend some provisions of the Charter of the Collective Security System:

To discuss the effectiveness of the collective security system and the achievement of the purpose of its formation, the theoretical aspect represented by the legal texts regulating it must be consistent with the practical practice in international reality. As we mentioned earlier, the strength of this system and its effectiveness lie in the military force or the international army that is supposed to be permanently formed at the disposal of the United Nations to confront the urgent challenges threatening international peace and security. However, as we discussed at the beginning of this section, the structure of the collective security system has not been completed for several reasons that have been mentioned, including those related to the legal texts included in the United Nations Charter, whether they are directly related to the collective security system, such as the provisions of Chapter VII of the Charter, or those texts included in the Charter that have an indirect relationship to the collective security system, as well as texts related to organizing the powers of international institutions (the Security Council and the General Assembly) in the field of international peace and security, therefore, when talking about reforming the texts of the United Nations Charter, this process must include the texts regulating this system, whether directly or indirectly related, due to their relationship to organizing the field of maintaining international peace and security.

1. Proposals to amend some provisions of the Charter directly related to the collective security system:

Article 43 of the Charter is the legal basis for the establishment of a permanent international army, and it also gains great legal importance among the legal texts framing

the collective security system, because it shows the mechanism for implementing the decisions of the UN Security Council issued under Article 42 of the Charter. Therefore, Article 43 of the Charter reflected the vision of the drafters of the Charter for implementing military measures, while emphasizing the role played by the United Nations in maintaining international peace and security through the Security Council in implementing these measures (Al-Maqrihi, 2019). In light of the importance and status of Article 43 of the Charter for the collective security system, its formulation has been subject to significant criticism from international jurisprudence for the lack of clarity in its wording, in addition to the ambiguity of how the Security Council is provided with military forces, is it at its request? Or through prior agreements mentioned in the article itself?

1.1. Proposed amendment to the text of Article 43 of the Charter:

The original text of Article 43 of the Charter contained three paragraphs with unclear features, as we mentioned above, and as for the proposed amendment to the text of the article, it contains four paragraphs:

- The Member States of the United Nations shall conclude agreements whereby they shall place at the disposal of the Security Council their armed forces and the assistance and facilities necessary for the achievement of this objective, so that the United Nations may maintain or restore international peace and security (Al-Hilali, 1985).
- These agreements shall include the numbers, types, armaments, level of readiness, and locations of these forces in general, as well as the type of facilities and assistance provided (Ali, 2004-2005).
- These agreements shall be concluded with the Security Council as the organ of the United Nations responsible for maintaining international peace and security and shall be ratified by member states under the requirements of their constitutional status (Al-Maqrihi, 2019).
- The Security Council shall, in every case requiring the use of force, determine the countries whose forces shall be used, and shall also determine the size and armament of these forces. These countries shall participate in these discussions whenever they express their

desire or are invited by the Council, even if they are not members of the Council at that time (Ali, 2004-2005).

What can be concluded from the text of Article 43 of the Charter proposed to amend the original text is that it embodies the actual application of the Preamble to the Charter in its eighth and ninth paragraphs, which stipulated “...to unite our forces to maintain international peace and security... and to ensure by our acceptance of certain principles and the drawing up of necessary plans that armed force shall not be used except in the common interest...” (Preamble to the Charter of the United Nations, 1945), in addition to the practical embodiment of the text of Article 2/1 of the Charter regarding the recognition of the principle of equality among member states, through its determination of what forces should be placed at the disposal of the Security Council after concluding agreements with the United Nations, and this amendment removes the event of the Security Council’s inability to conclude agreements, as in this case the General Assembly can replace it as it is responsible for maintaining international peace and security (Ali, 2004-2005), as indicated in the first paragraph of the text of the amendment.

As for Articles 44 and 46 of the Charter, Pr. Nashaat Othman Al-Hilali believes that they should be abolished (Al-Hilali, 1985) due to the lack of any legal benefit from these two articles, given that the proposed amendment to the text of Articles 43 and 47 of the Charter includes the content of the text of the two articles that are to be abolished. Article 47 of the Charter included the formation of a Military Staff Committee responsible for the strategic direction of any armed forces placed at the disposal of the Security Council, in addition to commanding these forces and providing advice and assistance to the Security Council. However, the major problem with this committee is, according to the text of Article 47 of the Charter, that it is formed of the permanent members of the Security Council, meaning that this committee is judged to be dead, as a result of the outbreak of the Cold War between the permanent members of the Security Council, and keeping this formula without amendment keeps the situation as it is without change, with the

emergence of signs of a second Cold War between the same permanent members of the Security Council.

1.2. Proposed amendment to the text of Article 47 of the Charter:

The text of Article 47 of the Charter consists of four paragraphs, and the second paragraph of this article constituted the danger that caused this committee to be frozen, by imposing its formation from the permanent member states of the Security Council or their representatives, while the proposed amendment to the text of this article also consists of four paragraphs:

- A War Staff Committee shall be formed, consisting of the thirteen war chiefs from the members of the United Nations or their representatives, and in this selection, fair geographical distribution shall be taken into account, and the member whose term expires may be re-elected once or several times (Ali, 2004-2005).
- The General Assembly decision shall be issued by a two-thirds majority of the members present and participating in the vote, and the Security Council's recommendation in this regard is considered a substantive matter (Al-Maqrihi, 2019).
- The Security Council may authorize the War Staff Committee to establish subcommittees to assist it in accomplishing its tasks (Ali, 2004-2005).
- The Security Council shall establish regulations clarifying the method of work of the War Staff Committee (Al-Hilali, 1985).

Through this proposal to amend the text of Article 47 of the Charter, it becomes clear to us that the distinctive thing in this proposal is the limitation of the authority that distinguished the permanent members of the Security Council. Thus, the Military Staff Committee is no longer limited to the countries that control the Security Council under their permanent membership but is formed of 13 members of the United Nations without discrimination among all members of the United Nations (Ali, 2004-2005). Accordingly, this proposed amendment guarantees a kind of independence and a broader dimension in the leadership of combat units to use force within the framework of the collective security

system, from the control and harnessing of these forces by the major countries that currently control the Security Council to serve their purposes.

And always within the framework of reforming the texts of the Charter directly related to the collective security system, some have suggested amending the text of Article 41 of the Charter to oblige the Security Council to gradually adopt punitive measures (Elias, 2015-2016), so that it first resorts to political sanctions as a first stage, then in the event of non-response, it resorts to escalating and raising the level of sanctions from economic to the point of resolving the dispute by using force. In light of the current composition of the Security Council, we see this proposal as correct and successful because it curbs the major permanent member states of the Security Council, headed by the United States of America, which has dominated the Council and its decisions, which threatens international peace and security. However, these proposals, especially amending Articles 43 and 47 of the Charter with the cancellation of Articles 44 and 46 thereof, with the introduction of amendments to the structures of international institutions directly related to the collective security system such as the Council, the General Assembly and the oversight of the International Court of Justice, we believe that all of this will contribute to amending the behaviors that have deviated from international legitimacy, which witnessed the use of force within the framework of the collective security system.

2. Proposals to amend some provisions of the Charter indirectly related to the collective security system:

The Preamble to the Charter of the United Nations enjoys a prestigious position as an identification card for the establishment of the United Nations and in light of the many developments and changes that have taken place in the international arena since the birth of the United Nations in 1945, especially those related to the most important international issues that receive great attention from the international community, namely the issues of maintaining international peace and security, the Preamble to the Charter must be

reformulated to serve this transformation, within the framework of achieving the collective security system in its comprehensive concept in the service of human progress.

Therefore, we can propose amending the wording of the preamble to the United Nations Charter as follows: “We, the peoples of the international community, with all our races, sects and laws, believe and reaffirm our faith in fundamental human rights, in the dignity of the individual and the equal rights of all nations, large and small, and to commit ourselves to work together to achieve international collective security in its comprehensive concept, to prevent the use of unlawful force and to confront all dangers that may threaten humanity, while achieving justice and respecting the obligations arising from treaties and other sources of international law, ...”. The rest of the paragraphs of the preamble remain as they are without change because they are phrases that are consistent with the goals of the United Nations and the aspirations and hopes of peoples.

2.1 Proposal to amend the text of Article 2/4 of the Charter:

The issue of defining the meaning of force mentioned in the text of Article 2/4 of the Charter has raised a major problem, because the motives that push states to use force are many and established, in light of the changes that the international arena and internal societies have witnessed, especially after the end of the Cold War, which made it difficult to set a specific standard for the legitimacy of the use of force, and opinions differed regarding defining the type of force intended in Article 2/4 of the Charter (Al-Maqrihi, 2019), so we propose the following amendment:

- All members of the organization shall refrain in their international relations from threatening to use force in all its forms, such as military force, political, economic, and media coercion, or using it against the territorial integrity or political independence of any state, directly or indirectly, or in any other manner inconsistent with the purposes of the United Nations.

Thus, the wording and formulation of Article 2/4 are clear and explicit, where the word force means all forms of means that can be used against states, such as military or

economic force, as well as all forms of political and economic pressures, media warfare and propaganda, in addition to actions that may threaten the sovereignty of states, such as financing terrorist movements, whether inside or outside the state, or contributing to destabilizing states by financing and mobilizing some elements in order to change the situation within states, as happened in some Arab states in the so-called Arab Spring.

As Pr. Nashaat Othman Al-Hilali suggested adding 6 new paragraphs to Article 2 of the Charter, we see in these proposals paragraphs that would strengthen Article 2 of the Charter, by strengthening the prohibition of the use of force in international relations, and removing the ambiguity contained in Security Council Resolution No. 1373/2001 on armed struggle for self-determination, the proposed two paragraphs are as follows:

- The members of the United Nations agree not to recognize any consequences resulting from the use or threat of force, including the seizure of territory by one state by another.
- The organization and its member states recognize the right of peoples to self-determination and independence and the legitimacy of the struggle of peoples who are still under colonial and foreign domination, to actually exercise that right and to achieve national independence (Al-Hilali, 1985).

Regarding the establishment of a supervisory system over the Security Council and other organs of the United Nations, some see the need to amend the text of Article 15/2 of the Charter to be consistent with granting the General Assembly more binding authority over the reports submitted by the Security Council, by stipulating that these reports are subject to discussion and comments on them, as this amendment constitutes a type of material oversight over the Security Council by the General Assembly in the field of implementing the provisions of Chapter VII (Elias, 2015-2016).

Regarding Chapter IV of the Charter as a whole, Professor Dr. Nashaat Othman Al-Hilali sees the addition of a complete article that guarantees the United Nations the direct

measures of the collective security system, including the use of force, if the Security Council is unable to transfer its powers to the General Assembly legally and close the door to interpretation regarding the General Assembly replacing the Security Council in the illegal framework - the 1950 Union for Peace Resolution - and the proposal for the new article in this chapter is as follows:

- In cases of threats to the peace, breaches of the peace, or acts of aggression, if the Security Council fails to carry out its responsibilities to confront these cases due to the lack of the required majority to issue its decisions in this regard, the General Assembly shall immediately examine the matters to issue the necessary decisions to take collective measures, including the use of armed force when necessary, to maintain international peace and security, and the General Assembly may also be called to an emergency session within 24 hours, at the request of a majority of the members of the Security Council or a majority of the members of the United Nations (Al-Hilali, 1985).

This proposal fills the gap in the United Nations Charter, as we have indicated, regarding the events of the issuance of the Union for Peace Resolution No. 377/5/1950, however, we see the need to amend the first paragraph of this proposal to be consistent with international changes, because the professor's proposal was in 1985, and did not keep pace with the events that the international community experienced after the end of the Cold War. Therefore, we see that the first paragraph should be as follows:

- If the Security Council is unable to carry out its responsibilities to maintain international peace and security, and in light of the United Nations' commitment to confronting all risks and threats that could affect international peace and security, it shall...

With this proposal for the first paragraph, we see that its content is consistent with international changes and the challenges that may face the United Nations' progress in the field of international security.

2.2. Proposal to amend the text of Article 24 of the Charter:

Dr. Aadjabi Elias believes that Article 24 of the Charter must be amended because the latter contained a set of legal loopholes, which he believes were fabricated by the drafters of the Charter, especially the first and third paragraphs of the same article. The first paragraph did not set the limits of the Security Council's exercise of its powers in the field of maintaining international peace and security, in addition to the fact that this paragraph marginalized the role of the General Assembly in the same field in the event that the Council was unable to exercise its powers. As for the third paragraph, the professor also believes that it must be amended to enhance the General Assembly's oversight of the work of the Security Council, as well as to abandon the authority to choose to submit annual and special reports to the General Assembly by the Security Council (Elias, 2015-2016). We, in turn, support this proposal to involve the General Assembly in the mandate stipulated in Article 24/1 of the Charter, because recognizing the General Assembly's joint role with the Security Council would enhance the intervention of the United Nations in addressing issues of international peace and security, especially when the Security Council is unable to perform this role when the interests of the active states in it intersect.

In addition to the requirement to impose oversight on the work of the Security Council, if achieved, it ensures respect for international legitimacy and the correct application of the rules of international law and the provisions of the Charter, this concept also weakens the control of the major permanent member states over the Security Council, especially the United States of America, which has exploited its dominance over the Council to serve its political and ideological agendas. Therefore, we propose amending the first and third paragraphs of Article 24 as follows:

- P1-** In the desire that the work of the United Nations be prompt and effective, the members of that body entrust the Security Council with the primary responsibilities for the maintenance of international peace and security, and agree that this Council acts on their

behalf in carrying out the duties imposed on it by these responsibilities, and if the Security Council's inability, the General Assembly shall act on its behalf in assuming the primary responsibilities for the maintenance of international peace and security.

-P3- The Security Council is committed to submitting annual and special reports on all its work to the General Assembly for consideration.

Thus, we see in this formulation a correspondence and complement to the proposal of Pr. Nashaat Othman Al-Hilali, regarding adding an article to Chapter Four on the powers of the General Assembly, which will strengthen its role in maintaining international peace and security alongside the Security Council on the one hand, and these proposals are likely to reduce the Security Council's monopoly on the consequences of maintaining international peace and security without supervision, especially in light of the hegemony of the United States of America, which has exploited it to serve its interests at the expense of the rules of international legitimacy, and the principles and goals of the United Nations.

In fact, amending and reforming the United Nations Charter, especially in the field of maintaining international peace and security, is subject to the will and desire of the major permanent member states of the Security Council in accordance with the provisions of Articles 108 and 109 of the Charter, on the one hand, and the willingness of these states that control international decision-making to give up or sacrifice all or some of what was established for them as privileges, acquired rights and legal positions, on the other hand. Accordingly, these states see it as impossible for other states to participate in these privileges, and the current reality of the organization is a result of these states' rejection of any reforms or amendments to the United Nations Charter, for fear of losing international leadership and international decision-making, with the disappearance of current privileges and gains within the framework of the gaps and contradictions contained in the texts of the United Nations Charter.

Conclusion

Our study concluded that despite the international community's conviction of the necessity of reforming the collective security system, for the United Nations to achieve its desired goal of preserving international peace and security, and avoiding the same fate as the League of Nations, which failed to preserve international security, on the one hand, as well as the contribution of the international community with proposals and visions that it sees as practical rules to correct the course of the United Nations, on the other hand, the basic problem that we conclude is clear, lies in linking and suspending the fate of the collective security system and activating its measures, with the agreement of the major permanent member states of the Security Council. This situation and what has increased it from international interactions and developments since the formation of the United Nations in 1945, has determined the paths of preserving international peace and security according to the interests of these powers that dominate international decision-making and international practices alike and have mortgaged the fate of the collective security system, and even the fate of the United Nations as a whole, and the issue of international legitimacy has become a description of any practice or decision that the major powers dominating the international system see, through which their interests are protected.

Sources and References:

- Aita, M. A. (2018). *The United Nations between Obstacles and Collaps*. Egypt: University Thought House.
- Al-Hilali, N. O. (1985). *International Collective Security with an Applied Study in the Framework of Some Regional Organizations*. Egypt: Faculty of Law, Ain Shams University.
- Ali, B. S. (2004-2005). *Collective Security in Light of the New International*. Algeria: Faculty of Law, Djilali Liabes University - Sidi Bel Abbes.
- Al-Maqrihi, A. A. (2019). *The Development of the Role of the Security Council in Maintaining International Peace and Security*. Egypt: Faculty of Law, Alexandria University.
- Biddi, A. (2014/2015). *Reforming the United Nations System in the Field of Cooperation and Partnership with Actors*. Algeria: PhD Thesis in Law, Faculty of Law, University of Algiers-1.

- Chouirab, D. (2017-2018). *The Role of the Security Council According to Chapter 7 of the Charter of the United Nations - A Comparative Study* -. Algeria: Faculty of Law, University of Algiers.
- Elias, A. (2015-2016). *Activating the United Nations System for Maintaining International Peace and Security*. Algeria: Faculty of Law, University of Algiers 1 Youssef Ben Khedda.
- Franck, T. M. (2006). *collective security and UN Reform : Between the necessary and the possible*. chicago: chicago journal of international Law.
- Hassani, K. (2015). *Security Council Powers in Implementing Chapter 7*. Lebanon: Al-Halabi Legal Publications.
- Manal, S. (2014-2015). *International Sanctions between the Charter Texts and Actual Practice*. Algeria: Faculty of Law, University of Algiers-1-Youssef Ben Khedda.
- Muhyiddine, D. (2006). *Collective Security Policy under the United Nations Charter*. Algeria: Al-Sirat Journal.
- Nafaa, H. (1995). *The United Nations in Half a Century, a monthly series issued by the National Council for Culture*. Kuwait: Arts and Letters.
- Nahaili, R. (2016-2017). *Amending International Charters in Light of Regional and International Changes - The United Nations Charter as a Model*. Algeria: Faculty of Law, University of Algiers-1-.
- Preamble to the Charter of the United Nations*. (1945).
- Sabiha, A. E., & Bourenane, A. (2022). *American Foreign policy within the United Nations : The Israeli-Palestinian conflict*. review of Human Science.
- Sleika, R. G. (2014). *International Crisis Management under the Collective Security System*. Lebanon: Al-Halabi Legal Publications.