

Reconsidering the Role of the United Nations Security Council in Promoting Peace and Security in a Rapidly Changing World: Case of the International Migration Crises

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Abstract: Over the last 15 years around 22,000 men, women and children have drowned in the Mediterranean Sea. Majority of these people are fleeing from conflict and poverty mainly from the Middle East. Despite the vast migration of refugees to the European countries in search for better and safer environments very little has been done by the international community to save the situation. Thousands of migrants die in the process while others end up being subjected to harsh migration laws. In 2015 the total number of people that were subjected to death in attempt to reach Europe was about 2373. The International Community response in recent years to migration across the Mediterranean has focused largely on trying to prevent or discourage people attempting to make dangerous crossing. In reality, attempts to prevent crossing are likely to fail as this approach overlook the reasons people are willing to risk their lives to attempt several deadly sea passages. This paper looks at the challenges of the International Migration Crises and the ongoing suffering. It seeks to set out the problem of the international Migration crises and the causes of the migration. This work seeks to Challenge the United Nations to consider passing a resolution that all governments provide comprehensive responses, expand safe and legal channels of migration and act with humanity, compassion and in accordance with their international obligations. Advocating for the respectful and fair treatment of Migrants, and defend their access to procedures that guarantee basic rights enshrined in international law, albeit to help resolve this international migration crises.

Keywords: Refugees, United Nations Security Council, Migration, Act, Mediterranean Sea, International Obligations.

1. INTRODUCTION

The International Migration Crises has been going on for several years now. Thousands of Men, Women and children die as they struggle to cross through the Mediterranean Sea in very difficult circumstances. Thousands die in the process and other thousand make it but are then subjected to migration laws that deny them peace and dignity. The voice of the United Nations, has been heard in a very feeble manner. There has been no decisive action on the part of the United Nations Security Council. Someone needs to take that decisive action to avert this suffering of Thousands of humanity.

Problem Statement:

Over the past 15 years around 22,000 men, women and children have drowned in the Mediterranean Sea. The vast majority of these people were fleeing conflict and poverty, many from Syria, Iraq, Somalia and South Sudan amongst others. The deaths of all immigrants and refugees attempting to reach Europe by Sea in 2015 totaled 2373. The World is presently experiencing a wave of migration of a size unseen since World War II. Western European governments are facing a surge in asylum seekers and refugees unparalleled since the collapse of the Soviet Union and the war in former

Yugoslavia. (Faiola) The United Nations is yet to publish an agenda on the ongoing migration crises bringing together the different steps the United Nations must take to build a coherent and comprehensive approach to migration.

As we are increasingly bombarded by statistics and figures and ever exposed to dehumanizing terminology, we need to remind ourselves that behind each figure, there are real people who have already been through war, loss and devastation.

Article 14 of the Universal Declaration of Human Rights States that 'everyone has the right to seek and enjoy in other countries asylum from persecution'. The United Nations 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees guides national legislation concerning political asylum. The Right to life and protection against refoulement are cornerstone rights of international human rights architecture.

With many thousands of extremely vulnerable people surviving without adequate food, water healthcare or shelter across multiple countries due to the current migration crises, the United Nations and other relevant institutions must provide adequate assistance and immediate support. The United Nations Policy makers have failed dramatically to address the growing crises. The scale and speed of the response on the part of the United Nations institutions has been inadequate.

The International Community response in recent years to migration across the Mediterranean has focused largely on trying to prevent or discourage people attempting to make dangerous crossing. In reality, attempts to prevent crossing are likely to fail as this approach overlook the reasons people are willing to risk their lives to attempt several deadly sea passages. In many cases there are desperate reasons grounded in forced displacement and human rights abuse for making this desperate journey, since their countries have been torn apart by war and generalized violence. There ought to be a human rights and international security threat at the center of efforts to respond to the crises.

The United Nations Security Council should establish an International Security coherent and comprehensive migration Policy to allow the easing of suffering of the many Thousands, Men, Women and Children. The same standards applied to other threats to International peace and Security must now be applied to the International Migration crises, since migration is a consequence of war and violence. The United Nations Security Council must now be both a responsible actor and a strong advocate for comprehensive responses, given the authority it wields within the organs of the United Nations, since the decisions it takes is binding on all state parties. This must include a commitment by the United Security Council to continue saving lives at sea, targeting criminal smuggling networks, ensuring the granting of protection of displaced persons through resettlement and long term political action that diffuses the threat to International peace and Security as well as tackling Upstream crises driving irregular migration and forced displacement.

2. METHODOLOGY

This paper looks at the challenge of the International Migration Crises and the ongoing suffering. It sets out the problem of the international Migration crises and the cause of the migration crises which often than not are civil wars and long drawn conflicts. We will study reports of various international organizations that are not limited to Human Rights Watch, Trocaire, and International Organization for Migration amongst others. We will look at articles from various institutions including the Jacob Blaustein Institute for the Advancement of Human Rights, Instituto investigaciones juridical amongst others. We will look at the international theories that speak to International peace and Security as espoused by various scholars. The role of the United Nations Security Council as currently under the Charter is looked at. We look at what amounts to threats of international Peace and security and stretch the meaning of the Provisions of Art 39 of the United Nations Charter, we will seek to find out, the circumstances under which the UN Security Council has stretched its mandate under the charter to intervene to avoid human suffering. We draw a linkage on how the migration crises could fit within the meaning of threats to international peace and Security. We then make our concluding remarks as to what the expanded role of United Nations Security Council could be, given the new trends of threat to International Peace and Security, in helping solve the International Migration Crises.

3. THEORIES

There are different theories as to the role of international organizations in maintaining peace and security. Accordingly, constructivists argue that international organizations induce states to cooperate internationally even though their power and utility-maximizing interest is not achieved. Neo-Liberals also believe that international organizations are vital to make the world peaceful and cooperative.

Neorealists on the other hand, argue that international organizations are the means by which states achieve their self-interest, thus, contribute nothing for peace and security. UN, as a testing ground, has contributed a lot in the maintenance of peace and security by deploying peace-keeping forces in the conflict areas though still lack of member states' commitment to provide necessary supports, the level of their interest at stake and the interest of veto powers put challenges on the effective operation of the organization. As regards the role of international organizations in maintaining peace and security, there have been divergent views. Some argue that international organizations are the representation of state self-interests and cannot satisfy what is expected from them. Others argue in favor of positive role of international organizations in promoting cooperation as well as peace and security. There are contending theories in this regard.

Constructivists argue in favour of international organizations. They argue that international organizations have the role of not only regulating state behaviour but also modifying the identity and interest of states, which, in turn, directs states action (Mitchell, 2006). Finnemore (in Hobson, 2003:154) believes that states are "normative-adaptive entities". This means that, through international organizations, states adapt international norms of appropriate state behaviour to inform their policies and domestic structures (ibid). Thus, international norms push states to cooperate internationally even though states' power as well as utility maximizing interests is not achieved (ibid). Constructivists underestimate the relevance of relative gain, unlike the neo-realists, and propagate the more likelihood of cooperation among states (Nugroho, 2008).

Moreover, international organizations, by constraining self-interest of states and infusing new appropriate norm to states, control states not to deviate from international cooperation (ibid). This optimistic view on the role of international organizations makes constructivists to embrace neo-liberals. Above all, international organizations have the role of, *inter alia*, promoting democratization of member states and encouraging member states to pursue peaceful conflict management strategies (Mitchell, 2006).

Neo-liberals or liberal institutionalists argue in favour of the significance of international organizations in promoting cooperation and stability. Unlike the neo-realists, neo-liberals assert that "states are concerned with maximizing their 'absolute gains' – an assessment of their own welfare independent of their rivals (what will gain me the most?)" (Burchill, 2005:65). This is vital for promoting cooperation among states and maintaining mutual benefit. In this connection, Boehmer, et al., (2004) argue that in a condition where states focus more on obtaining absolute gain, cooperation and collective security are more feasible. Neo-realists or structural realists argue, organizations are the product of state interests, thus, they cannot independently function, rather, it is state interests, which determine the decision whether states cooperate or compete (Baylis, 2001; Meierhenrich, 2012; Sinclair and Byers, 2006). UN, the International Monetary Fund (IMF) and the European Union (EU) are international organizations through which states safeguard their interests. Arguing that they are formed on the basis of self-interest calculation, neo-realists reject the importance of international organizations in serving to achieve peace and security (Baylis, 2001; Meierhenrich, 2012; Nathan, 2012). International organizations could not have the role to prevent war (Nugroho, 2008). For neo-realists, organizations are reflections of the interests of states and states are unwilling to surrender their power. Thus, the cumulative effect of these constrained the independent role of international organizations.

4. ROLE OF THE UNITED NATIONS SECURITY COUNCIL UNDER THE UNITED NATIONS CHARTER

United Nations was founded in 1945 with the primary purpose of maintaining international peace and security. The Security Council, the primary responsible body, is mandated to "pacific settlement of disputes" under Chapter VI of UN Charter. The Security Council suggests the appropriate means to be used by concerned parties when it believes that the issue would threaten international peace and security.

More importantly, the Security Council is also mandated under Chapter VII of the Charter to decide on appropriate actions to be taken when there exists "any threat to the peace, breach of the peace, or act of aggression". Such power of the Security Council involves the use of force "to maintain or restore international peace and security". The United Nations confers upon the UNSC's primary responsibility for the maintenance of international peace and security and allows the Council to act on its behalf whilst performing the aforementioned functions. Binding the council to work within the boundaries of the Purposes and Principles of the United Nations, Chapters VI, VII, VIII and XII of the Charter and sheds light on the specific powers bestowed on the Council. "The Security Council shall determine the existence of any threat to the peace, breach of the peace or act of aggression..." (Charter, Article 39, Chapter VII). The Council's

powers include the establishment of peacekeeping and special political missions, authorisation of military enforcement action, the imposition of international sanctions on member states, and the ability to refer matters to the International Criminal Court (ICC). While other organs of the United Nations make recommendations to member states, only the Security Council has the power to make decisions that member states are then obligated to implement under the Charter (Article 25 of UN Charter)

The collective security role of the UN is, thus, stipulated on the Charter providing power to the Security Council ranging from peaceful resolution of disputes to the use of armed force depending on the situations. Accordingly, Matheson (2001) presents that since the end of the Cold War in 1991, UN has played significant role in resolving intrastate and interstate violence as well as boundary conflicts either with the permission of the states or based on the power of the Security Council under Chapter VII of the UN Charter.

Since the maintenance of international peace and security is the primary responsibility of the Security Council, from its very establishment the Security Council has needed rapidly deployable force to respond to threats to international peace and security (Koops and Varwick, 2008; UN, 2003a). This means that there has been a great need for improvement of UN peace-keeping operations to effectively and promptly respond to numerous crisis situations. This was evident from the UN Secretary General's (Boutros Boutros-Ghali) recommendation, in his "Agenda for Peace" and the "Supplement" to member states to cooperate with UN in peacekeeping operations through preparing their troops for rapid deployment with the same training standards and procedures (Koops and Varwick, 2008). Consequently, member states, refusing the earliest proposal of having a standing army (a permanent army similar to the army of a certain state) on the ground that will endanger their sovereignty, favoured this proposal of a standby arrangement (where forces situated in the country of their origin and deployable through notice) as a sensible choice (ibid). Accordingly, Department of Peace-Keeping Operations (DPKO) has organized the United Nations Stand-by Arrangement System (UNSAS) since 1994 to strengthen the supports of states in the peacekeeping operations of UN (Mazzei, 2009). The UNSAS does not have its own military force; rather it depends on contributions from member states of military units, equipment and personnel (UN, 2003b; Mazzei, 2009).

The UN Security Council, though not in all case, has been able to minimize or prevent conflict across different corners through its peacekeeping operations (UN, 2007). Therefore, UN as an international organization has played a paramount role in the maintenance of international peace and security, though not without challenges. Putting it differently, UN has played a great role in the overall peace and security of the world even though it fails to address all issues adequately.

5. WHAT AMOUNTS TO THREATS OF INTERNATIONAL PEACE AND SECURITY?

The Security Council of the United Nations has the obligation and the power to determine under Article 39 of the Charter of the United Nations "the existence of any threat to the peace, breach of peace or act of aggression" However, the Charter does not contain explicitly the limits to the Security Council for the interpretation of the concept. That interpretation in our view must be undertaken in conformity with the rules of the Vienna Convention on the Law of Treaties of 1969 and in accordance with the principles and purposes of the United Nations Charter.

In order to establish whether the Security Council has been interpreting article 39 of the UN Charter in conformity with the general rules established in the Vienna Convention, we will analyze the practice in which the Security Council has been determining what constitutes a threat to the peace through several resolutions. The Security Council had only determined as threats to the peace those acts related to specific situations in a specific territory. Notwithstanding, with Resolutions 1373 and 1540 the Security Council created resolutions in a general and abstract form that can be considered by some authors as an exercise of law-making process by the Security Council in which general obligations were imposed on all States in a context not limited to a particular country. These means, that in both resolutions the Security Council for the first time declared an abstract phenomenon (international terrorism) as a threat to international peace.

In accordance with article 31 paragraph 2 of the Vienna Convention, in order to interpret a term in a treaty, the context is also of main relevance "it is obvious that the treaty must be read as a whole, and that its meaning is not to be determined merely upon particular phrases which, detached from the context, may be interpreted in more than one sense" so, in these regard we also have to take into consideration its preamble, annexes and any agreement or instrument related to the treaty in connection with its conclusion.

When the interpretation of a resolution cannot be done in accordance with the rules of article 31 of Vienna Convention, then, as in treaties, supplementary means of interpretation established by article 32 have to be considered. At the time when the UN Charter was being drafted the only problems known or imaginable by the drafters were military threats as constituting 'threats to the peace'. But the problems and circumstances changed through the years and after the Cold War the Security Council increased its activity, especially in framing Security Council resolutions in a broader form, implying that civil wars, lack of democracy and serious violations of international human rights law, among others constitute threats to the peace. Some scholars have argued that the vague language in article 39 indicates that the Charter leaves the Security Council the broadest discretion in determining which situations can be classified as threats to the peace, "indeed, the fact that Article 39 grants the Council a great deal of discretion may not necessarily mean that it is *legibus solutus*". However, there is a general agreement that according to article 24 (2) of the Charter, the Security Council must act in accordance with the purposes and principles of the UN and the provisions of the Charter.

However, article 39 does not give a definition of the terms 'threat' neither 'peace'. The term 'threat to the peace' is an abstract concept, so in determining its meaning an analysis of the ordinary meaning has to be made.

In analyzing both terms the most adequate place to start is looking through a common dictionary to find an ordinary meaning generally accepted by the community. The Oxford dictionary for instance defined the term threat as: "1. a statement of an intention to inflict injury, damage, or other hostile action as retribution".

An intention implies that no action has been taken yet but an external manifestation of taking such action has been considered. This intention is to inflict injury, damage or hostile action as retribution. It is important to take into account in this definition the fact that the intention is to produce a harm. Since Resolutions are legally binding for Member States a legal interpretation is also useful in these regards. The Black Law Dictionary has given to the term 'threat' the following meaning: "1. A communicated intent to inflict harm or loss of another or on another's property... 2. An indication of an approaching menace".

In accordance with the aforementioned dictionary definition, threat is a communicated intent to produce harm or loss. Again the term intent appears in this definition meaning "the state of mind accompanying an act, especially a forbidden act". As we have noticed, this term is vital for the interpretation of the term 'threat', the fact that no action has been taken yet makes it quite difficult to determine when a situation can be consider a real threat.

The term communicated intent means an external manifestation of a desire to act. This act is a harm or loss of another or another's property. The term 'harm' means an "injury, loss, damage; material or tangible detriment", and is also in relation with the term loss that means "an undesirable outcome of a risk; the disappearance or diminution of value".

In accordance with the definitions of the dictionaries, a 'threat' can be consider an intention to produce a harm, this intention has to be demonstrate by acts which are not always very clear (approaching menace). On the definition of the term peace. Considering the Oxford dictionary by peace is meant the "1. Freedom from disturbance; tranquility. 2. Freedom from or cessation of war". In both definitions the word freedom comes from the word free' that in accordance with the same dictionary means "not under the control or in the power of another." In these regards, the term means that there is no disturbance by any third agent. The same can be said of the word tranquility that also means free of disturbance. Regarding the second definition given by the same dictionary freedom from or cessation of war, can be read as the end of hostilities or war that were taking or would take place.

In analyzing both definitions, we can conclude that the general ordinary meaning understood by the term 'peace' is the cessation of hostilities or no disturbance or interference of a third agent (either a State, entity, person or group of persons). However, it is also relevant to take into account the legal interpretation of the term 'peace' in a law dictionary. The Black's Law dictionary define it very similar, "a state of public tranquility; freedom from civil disturbance or hostility." This definition incorporates the term public as "relating or belonging to an entire community, state or nation" this means that the state of peace has to be in a community as a whole and not only in a determinate group of people. It is a general concept, applicable to a whole community or State. Although the term 'peace' is not defined in the UN Charter it is enclosed in its preamble and in multiple articles. The preamble promotes to "live together in peace with one another as good neighbors", and "the strength to maintain international peace and security." Through many articles the reference to terms such as "maintenance of international peace and security" and "peaceful settlement of disputes" are present suggesting that all of them are referring to an absence of hostilities and conflicts as a concept of 'peace'.

Although this term is a very abstract concept, while analyzing the terms in a common and law dictionaries, the term 'peace' has only been considered in its negative aspect. However, as we will analyze later on, after many years in which the Security Council interpreted the term 'peace' in a negative sense (meaning only the absence of war) the Security Council by Presidential Statement S/23500 (1992) innovated in the interpretation of this term by incorporating a positive and more comprehensive and complex term. This Presidential Statement considered economic, social, humanitarian and ecological crises as threats to the peace, and established that the absence of war and military conflicts amongst States does not in itself ensure international peace and security.

We have to consider that the term 'threat to the peace' cannot be separated. An analysis of both terms has been done, so now we can infer that the meaning of the term as a whole is: 'the intention to injury, damage or endanger the freedom of public disturbance or tranquility'. We have to bear in mind that the main object and purpose of the UN and therefore of the Security Council, in accordance with article 1.1 of the UN Charter, is the maintenance of international peace and security so, in these regards, the Security Council has to determine the concept of threat to the peace in conformity with the aims of the UN Charter.

It is also relevant to consider that it was after the Cold War that new challenges and conflicts arose and the Security Council in order to give the international community a solution started widening the interpretation of the term 'threat to the peace'. In order to study if the Security Council has the power conferred by the UN Charter to broad the term threat to the peace, an analysis of several resolutions (considered by the Security Council as threats to the peace) dividing them in three main categories (serious violations of human rights, lack of democracy and anti-terrorist interventions) will be addressed.

1. Serious violations of human rights as threat to the peace:

Iraq. Resolution 688 (1991) was designed to address Saddam Hussein's repression of the Kurdish population in northern Iraq, which led to the flight of up to a million civilians -many into the neighboring country Turkey. The Security Council while issuing this Resolution condemned the repression of the Iraqi civilian population and stated that the consequences threaten international peace and security in the region and demanded the immediate end of this repression.

In this case, the Security Council while determining that 'the magnitude repression of civilian population constituted a threat to international peace and security' (internal conflict) it widened the concept of threat to the peace. Although the widespread of human rights violations were a factor to determine a threat to the peace, this Resolution was also adopted against the massive flow of refugees to neighboring countries, so this problem can be accepted more easily by States to constitute a threat to international peace than the former one.

The Security Council's deliberations over the resolution indicate that most Member States perceived the relevant threat to international peace and security to be the "transboundary effects (flow of refugees across international frontiers) rather than the actual suppression of the kurds within the borders of Iraq (some of them, like the representative of United States, seem this as an intervention in internal affairs)".

Rwanda. The Security Council deeply concerned by the ongoing violence in Rwanda, the continuation of systematic and widespread killings of the civilian population (genocide by the Hutus of the Tutsis) and the impunity with which armed individuals have been able to operate, and recognizing this situation as unique, determined by Security Council Resolutions 918 (1994) and 929 (1994), that the magnitude of the humanitarian crisis in Rwanda constituted a threat to the peace in the region. Although, the Security Council did not elaborate what was the real threat to the peace, it seems in view of the Security Council that the humanitarian crisis in Rwanda and the large-scale killings of civilians constituted a threat to the peace in the region, "however, it was clear that there was indeed a massive flow of refugees to the neighboring countries, primarily to Zaire (now the Democratic Republic of Congo), which may have a destabilizing effect on regional peace," so this conflict can also spread to the state of Burundi.

2. Lack of democracy as threat to the peace:

Haiti. The Security Council while condemning and responding against the overthrow of the first democratically elected President in Haiti, is for the first time considering that the lack of democracy constituted a threat to the peace. The Security Council by resolution 841 (1993) determined that the humanitarian crises including mass displacements of population, the non-reinstallation of the democratically elected President, and the contribution of this situation for Haitians fearing persecution and economic dislocation fleeing for refuge in neighboring states threatened the international peace and security in the region.

This situation can be considered as an internal conflict in Haiti, but the fact that the Haitians are fleeing to neighboring countries make this conflict an international one making it possible to consider it by the Security Council as a threat to the peace. In view of the Security Council the lack of respect for the democratically elected President was the cause of the refugee flow, by these means the unique and exceptional circumstances and the continuation of this situation constituted a threat to the peace.

By Security Council Resolution 917 (1994), the Security Council reaffirmed its determination that in this unique case and with these special circumstances, the situation created by the failure of the military authorities in Haiti to fulfill their obligations under the Governors Island Agreement and to comply with relevant Security Council resolutions constitute a threat to peace and security in the region.⁶⁹ Contrary to Security Council Resolution 841(1993), in this case the Security Council did not refer to the problem of the flow of refugees.

3. Antiterrorist interventions as threat to the peace:

Libya. The Security Council through its Security Council Resolution 731 (1992) condemned the destruction of the aircraft in Lockerbie and the resultant loss of hundreds of lives and deplores the fact that the Government of Libya did not responded to the requests of cooperation and urges the Libyan government to provide a full and effective response.

According with the Montreal Convention there is a principle of *aut dedere aut judicare* (a state on whose territory the suspects are found should either prosecute them or extradite them). Libya refused to surrender the suspects, so the Security Council through Security Council Resolution 748 (1992), decided that the refusal of compliance by the Libyan government to demonstrate by concrete actions its renunciation of terrorism in particular its failure to comply with Security Council Resolution 731 was a threat to international peace and security.

As we have noticed, the Security Council after the Cold War has been widening this concept by considering atypical situations as threats to the peace. In the case of human rights violations we have seen through several cases that the extreme magnitude of human suffering, the heavy loss of human life and violations of humanitarian law have been considered as threats to the peace. It seems that the Security Council in determining a threat to the peace in these resolutions (except for the case of Iraq) prefer to consider other humanitarian and human rights aspects rather than the flow of refugees, which can be easier identified as a threat to international peace, since this situation can internationalize an internal conflict. In the case of lack of democracy as threat to the peace, the Security Council considered that the political and humanitarian situation were threats to the peace and condemns the attempts to overthrow the legitimate governments by force or coup d'état and the non- reinstallation of democratic Presidents. In these resolutions, since no reference is made to that conflict, the Security Council seems to consider the flows of refugees to neighboring states as a consequence of the lack of democracy.

Regarding the anti-terrorist interventions as lack to the peace, the Security Council seems to give more weight to the failure in complying the resolutions requesting extradition of the suspects or desisting from activities supporting their activities or sheltering them, than the acts of terrorism in itself. So, as we have seen through several resolutions, the Security Council is widening the restrictive approach taken before the Cold War to interpret 'threat to the peace', considering also as threats, some conflicts such as serious violations of human rights, lack of democracy and anti-terrorist interventions.

Implications of a broader interpretation of article 39 by the Security Council:

The main characteristic of Resolutions 1373 and 1540 is that both of them reflect general and abstract norms created by the Security Council, nevertheless, there is no article in the UN Charter which specifically entitles the Security Council to create this kind of norms (legislative nature). While determining a binding decision it is vital that the organ that adopts it has competence to do so and the legal basis to have this power comes from the constituent treaty.

The UN is based on the respect for international law, its main object is the maintenance of international peace and security. Article 24 (2) establish that "the SC shall act in accordance with the Purposes and Principles of the United Nations", so the Security Council as organ of the UN is also bound by these principles and purposes. Even when the Security Council enjoys broad powers enclosed in Chapter VII of the UN Charter, that does not mean that the Security Council is *legisbus solutus*,¹⁰⁷ it has to respect the objects and purposes of the UN Charter, "an organ is bound by the rules of the constitutive act delimiting its powers,"¹⁰⁸ otherwise States shall not be obliged to comply with those resolutions which are not in conformity with the provisions of the UN Charter. Given the above considerations and that the United Nations Security Council can stretch the meaning of Article 39 of the Charter, It would be useful for the United Nations Security Council to invoke that power to help deal with the ongoing International migration crises.

3. CONCLUSION

In determining a threat to the peace in accordance with article 39 of the UN Charter, even when after the Cold War new challenges and conflicts have been considered by the Security Council, we have to bear in mind that the Security Council is still bound by international law, jus cogens norms and principles and purposes of the UN Charter and it has the obligation to act in good faith and following the general rules established in the Vienna Convention.

As we have seen and in accordance with the ordinary meaning of the term ‘threat to the peace’ the drafters of the UN Charter considered the term ‘peace’ in its negative aspect. However, as we have seen through several resolutions, the Security Council is widening the restrictive approach taken before the Cold War to interpret ‘threat to the peace’, considering also as threats, some conflicts such as serious violations of human rights, lack of democracy and anti-terrorist interventions.

By considering atypical situations such as human rights violations and the extreme magnitude of human suffering, the heavy loss of human life we posit that the United Nations Security Council find the International migration crises a threat to international peace and security and that the United Nations Security Council considers an active role in promoting peace and stability in a rapidly changing world where conflicts go unresolved for decades, depriving populations of stability, prosperity.

That the United Nations Security Council Considers support to governments’ efforts to respond effectively to migration flows and strengthen protection measures. Using its influence and resources, to address the major drivers of migration, including wars, conflicts and systematic human rights violations that serve as the major push factors for refugee and migration flows.

That the United Nations considers passing a resolution that all governments provide comprehensive responses, expand safe and legal channels of migration and act with humanity, compassion and in accordance with their international obligations. Advocating for the respectful and fair treatment of Migrants, and defend their access to procedures that guarantee basic rights enshrined in international law, albeit to help resolve this international migration crises.

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