

Topic: The United Nations and the Management of Humanitarian Crisis Risks: An Analysis Based on the Contractualist Philosophies of Thomas Hobbes and John Locke

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Abstract

This article is a sociology of international law analysis that aims to understand and better assess the application of the United Nations Charter regarding the management of humanitarian crisis risks, on the basis of the logic that underpins the creation, structuring and functioning of the United Nations. By confronting this logic with the Hobbesian and Lockean contractualist philosophies, this article notices its identification to these philosophies, with a Hobbesian predominance. Consequently, the results of the United Nations efforts with regard to the management of humanitarian crisis risks are considerable but are not sufficient to meet the problem of perpetual insecurity for all members of international society. The answers to the problem of insecurity theorized by Hobbes and Locke, although valuable, are limited in their conception of human nature, particularly its ontological individualism. It is from the option for an orientation of this one that result their respective models of political formations which do not make it possible to curb the insecurity under an identity basis that persists in the case of the United Nations mission regarding the management of humanitarian crisis risks. Thus, another orientation of that individualism, especially towards the sense of an ontological identification of Men could have reinforced these solutions, not only on a purely ethical basis, but also on the concrete evidence that the pursuit of security of some to the detriment of others, on a discriminatory identity basis is the main factor of insecurity for all. So for better results from the commitment of crisis risks management, the United Nations have to address this major issue.

Keywords: United Nations, Thomas Hobbes, John Locke, Humanitarian Crisis, Contractualism

INTRODUCTION

Humanitarian crisis are recurrent phenomena in human societies reason why, they must be studied and dealt with. The consequences they entail justify the humanitarian intervention whose purpose is to protect victims by performing some activities responding to the emergency and to consider possible future crisis. Although this last objective is currently the subject of a consensus, this has not always been the case because the humanitarian intervention has long been

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confined to emergency situations. But it is obvious that crises are not born *ex nihilo*, they have causes against which effective actions have probably been taken to prevent them from reaching a point of saturation materialized by the crisis. It is clear that a humanitarian intervention ignorant of this state of affairs would quickly appear partial and inevitably inefficient, hence the tendency today to emphasize on crisis risk management. It is a set of activities of paramount importance for the benefit of communities at risk of humanitarian crisis. It helps to protect the most basic right of life, more than emergency intervention can do. Crisis risk management is part of the overall framework for security efforts. It is a set of activities that are carried out in order to ensure security of people and goods, intervene upstream of the crises in order to avoid their appearance or at least to reinforce the resilience of the populations facing those crisis. The lessons learned from many of them made it possible to involve the field of development as a component of crisis risks. This area of activity is a concern for the entire international community and is formalized among other international organizations, the most prominent of which is the United Nations (UN).

The UN finds itself as the organization at the heart of international relations and cannot escape the substance of all advanced theoretical approaches to better understand them. Their developments make it possible to understand from several angles the logic that frames the exercise of its missions. The myths of the state of nature developed by Thomas Hobbes and John Locke are among the most edifying intellectual contributions attempting to understand human nature and to find the political organization most appropriate to this nature. These are states characterized by insecurity, in which men would have lived before entering the political society as the solution to this insecurity. Each starts from a different conception of human nature and adapts a model of social formation in response. Generally regarded as contractualists, in that they postulate the contract as a mode of constitution of the political society and they fundamentally recognize that man is rational. Their analysis focuses on the internal society and to varying degrees, the international society. The internal or state political society is the first concerned by these theories because it presents itself as the answer to the state of nature. International political society is concerned only by raising these theoretical constructions on an international scale. Just as the internal political society is a society of individuals, so the international political society is a society of states.

The UN being the organization which would represent an organized international society deserves to be analyzed in a way that is suited to these theories because the context of its creation is interesting for such an analysis. Indeed, the Second World War embodying the failure of the League of Nations, the UN should be a guarantor of a new international order responsible for centralizing international affairs and leading nations on ways of lasting peace and, without no doubt, the management of humanitarian crisis risks contributes to this. Undoubtedly, the UN was born with noble goals. Their creation is thus identified with the mode of transition from the state of nature to society as developed by Hobbes and Locke.

Analyzing the management of humanitarian crisis risks by the United Nations in the light of the contractualist philosophies of Hobbes and Locke is to analyze the identification of the UN spirit with that of these theoretical models. Then, to analyze the quality of the results of the office of this organization within the general framework of international security, especially in the field that concerns us, the management of the risks of humanitarian crisis, which would finally make it possible to appreciate the solutions to the problem of insecurity that these theoretical models proposed to solve.

This article is a Sociology of international law Analysis, especially the United Nations Charter, as it will attempt to address the socio-political and historical elements, in this case those of the contractual philosophies of Hobbes and Locke, which are the basis of this charter, which will allow us to better understand the quality of application that it knows with regard to the management of humanitarian crisis risks.

We postulate that the UN was built on the logic of these philosophies. In 70 years of existence, the results of the UN Office with regard to the management of humanitarian crisis risks – which is part of the goal of international security – are considerable but are not sufficient to meet the problem of perpetual insecurity for all members of international society. The answers to the problem of insecurity theorized by Hobbes and Locke, although valuable, are limited in their conception of human nature, particularly its ontological individualism. It is from the option for an orientation of this one that their different models of political formations result which do not make it possible to curb the insecurity under an identity basis that persists in the case of the office of the United Nations, in its nations, as regards the management of the risks of commitment in the management of humanitarian crisis risks. Thus, another orientation of that individualism, especially towards the sense of an ontological identification of men could have reinforced these solutions, not on a purely ethical basis, but on the concrete evidence that the pursuit of security of some to the detriment of others, on a discriminatory identity basis is the main factor of insecurity for all. Thus, for lasting results in the management of the risks of humanitarian crises, the United Nations should strengthen its office to sensitize the whole international community on the ontological identity of men so that it grounds the application of its Charter. Our analysis will therefore focus on three main points:

- The general logic behind the creation of the United Nations (I);
- The management of the risks of humanitarian crises by the UN in reference to the general logic of its creation (II);
- For a better productive humanitarian crisis risk management commitment in the United Nations (III)

I. THE FOUNDATION OF THE CREATION OF THE UNITED NATIONS: SECURITY UNDER THE HOBBSIAN AND LOCKEAN PRIMS

In a sociology of international law perspective, the creation of the United Nations is based on a set of obvious ontological, socio-political and historical reasons, which can be traced back to the existential tendency of man in search of security (A), whose materialization, can we say, corresponds to contractual philosophies of Thomas Hobbes and John Locke (B).

A. THE EXISTENTIAL GOAL OF MAN: THE PRESERVATION OF BEING BY THE SEARCH FOR SECURITY

The purpose of human society is one of the most analyzed questions of scholars of all epochs. It has given rise to a multitude of answers, all of which are found, however, around a common denominator: the conservation of being. Most divergences are concentrated in the apprehension of the way in which this conservation of being is achieved. Aristotle is doubtlessly amongst the first to maintain that the purpose of man is the preservation of his being¹.

Aristotle is undoubtedly among the first to maintain that the finality of man is the preservation of his being.² This assertion has not been challenged and rightly so. Indeed everything is, in itself, a substance, a reality. Then, it is not a question of all substances, of all realities but of “this” substance, of “this” reality. It is therefore inscribed in the nature of a thing its own “law”, so that it should be said that one thing is “that law”. But every law calls for its respect, for its confirmation, which is nothing but the reality that it represents. In this sense, if a law calls for its respect, it is logical to think that it does not call for its disrespect which would aim to oppose it and to encourage a nullity that it does not find itself in reality. Thus, we can say that Man is “that thing”, “that substance”, “that reality”, “that law” which calls for respect and confirmation and which is therefore not intended to disappear but to perpetuate. If man does not aim to disappear, but to perpetuate himself, it is clear that he seeks only to preserve himself. So the preservation of life is therefore the ontological tendency of the human being. Man is inclined to preserve himself.³

1 D. ABEL, *Theories of Human Nature: Classical and contemporary Readings*. New York: Mcgraw-Hill, 1992; P. LOPTSON, *Theories of human nature*, Peterborough: broadview, 3rd ed. 2006

2 L. Cournari, *Aristote, Commentaire du livre IV des Politiques*, Philopsis: Revue numérique, <http://www.philopsis.fr> F. X. CHENET, KANT, *Philosophie pratique, Métaphysique des mœurs, Critique de la raison pratique*, Philopsis éditions numériques 147 p. 2008 ; F. NIETZSCHE, *La volonté de puissance*, 2 tomes, coll. «tel», Gallimard, Paris, 1995

3 G. TANZELLA-NITTI, “The Aristotelian-Thomistic Concept of Nature and the Contemporary Debate on the Meaning of Natural Laws”, *Acta Philosophica*, n°6, 1997, pp. 237-264; A. SILVA TAROUCA (de) « L'idée d'ordre dans la philosophie de saint Thomas d'Aquin ». In: *Revue néo-scholastique de philosophie*. 40^e année, Deuxième série, n°55, 1937. pp. 341-384

Hobbesian⁴ and Lockean⁵ state of nature myths asserted the ontological tendency of man. However the fundamental point of divergence is how to mean this tendency. Indeed, for Hobbes, in the state of nature Man is a wolf for man, because all seeking, on a natural egalitarian basis, to be confirmed, competition become the behavioral logic structuring their daily lives. Since men cannot trust each other in respect of the natural law, for everyone mistrust is the most widespread feeling. Thus in the Hobbesian state of nature, the conservation of being is summed up by means of violence.⁶ It is the war of all against all. For Locke, a man being naturally equal in freedom and naturally inclined to rationality, the conservation of being is done naturally or is called to be done peacefully because any idea of subordination of one man by another is impossible.⁷

Finally, Hobbes and Locke converge in the fact that they perceive a human being as an individualistic being.⁸ It is therefore at the level of the orientation of this individualism that they separate. For Hobbes, the individualism of man refers to natural selfishness, whereas for Locke this individualism is naturally altruistic. However, Locke acknowledges that there is possibility of insecurity in the state of nature from the possibility for individuals not to behave like rational beings as they are in reality and interfere in a negative way in the freedom of others.⁹ Thus for Locke, in the state of nature, the rationally altruistic natural individualism of man is the principle, and irrationally selfish natural individualism is the exception. Whereas for Hobbes, in the state of nature, the principle without exception is rationally selfish natural individualism. The solution to this exceptional and principle problem therefore leads the two authors, each in their own way to consider the constitution of a state of the society. It goes without saying that the problem being perceived differently, the solution in turn could not be identical.

For Hobbes, the state of society consists in this political form where all individuals concede their full powers to the hands of a single person or an assembly, charged with ensuring the safety of all. Having now all the strength and monopoly of its exercise, this individual or this assembly has all the guarantees to be feared and to establish the order and thus a climate where each one can

4 Th. HOBBS, *Le Citoyen*. Paris : Flammarion, 1982 ; R. HARDIN , “Hobbesian political order”, *Political theory*, n°19, 1991, pp. 156-180; R. HARDIN, “Law and social order”, *Philosophical issues, Social, political and legal philosophy*, 11, 2001; R. HARDIN, “Hobbesian political order”, *Political theory*, n°19, 1991, pp. 156-180F. PALLADINI, “Pufendorf disciple of Hobbes: The nature of man and the state of nature: The doctrine of *socialitas*”, *History of European Ideas*, n°34, 2008, pp. 26-60; B. RUSSELL, “Hobbes’s Leviathan” Chapter VIII, *A history of western philosophy and its connection with political and social circumstances from the earliest times to the present day*, Simon and Schuster, New York, pp. 545-557

5 J. LOCKE, *Traité du gouvernement civil*. Paris: Flammarion, 1992; B. RUSSELL, op.cit. “Locke’s Political Philosophy”, Chapter XIV, pp. 610-640

6 “The natural state of men, before they had formed societies, was a perpetual war, and not only that, but a war of all against all.” Th. HOBBS, *ibid.* P. 99

7 “Reason [...] teaches all men, if they wish to consult it, that, being all equal and independent, no one should harm another, in relation to his life, his health, his freedom, to his good “. J. Locke, *Ibid.* p. 145

8 F. TRICAUD, « Hobbes et Locke : convergences et divergences », in: XVII-XVIII. *Bulletin de la société d'études anglo-américaines, des XVIIe et XVIIIe siècle*, n°25, 1987. P. 77

9 It is indeed possible that the conflict arises when an individual moved by his passions declares to another, either by words or by actions, that he wants to his life”. J. Locke, op. cit. p.156

pursue its own conservation in complete safety.¹⁰ For Locke, however, individual being naturally free, the social configuration which he envisages is that which confirms this nature of man. Thus, the transition to society requires a contract between all individuals to create this entity that will ensure the security of everyone in his natural freedom to preserve himself. And the authority of the power conferred by the social contract is responsible for his government in front of all the individuals who can thus revoke him because having preserved this freedom to do it.¹¹ This is fundamentally the difference with Hobbes because individuals, by fully granting their liberties to one, it is clear that they no longer have the opportunity to remove him and he becomes logically irresponsible to his governed. He is responsible only to himself.¹² This way of conceiving political society would finally suggest that the freedom of individuals is the most harmful element for each other and therefore the solution lies only in the renunciation to it.

The preservation of being thus passes to Hobbes only in the renunciation of the founding freedom of the State. For Locke, freedom is the most characteristic good of man and only because it can be irrationally threatened in the logic of confirmation of being in the state of nature that the political society is instituted. The conservation of the being cannot then pass by the renunciation of the freedom but by its conservation because it remains the only rampart against the governors who would decide not to respect the social contract.

In this way, we finally discover the place of freedom in the theoretical undertakings of Hobbes and Locke. Freedom is a natural attribute perceived as a power. For Hobbes, it is a harmful power because it finally leads to the insecurity of all. The solution is to sum it up and give it to one who will ensure the safety of all, even if he remains free against all. For Locke, freedom is a power that can only be harmful in exceptional circumstances; a situation that must be corrected by a social constitution in which this natural power is protected against any irrational encroachment and secured to the level it allows the dismissal of failed guarantor to secure it in all that nature.

In the different conceptions of Hobbes and Locke of the political society, one can thus see the respective germs of absolute power and democratic power.

10 *The advent of political society passes by the submission of the will of all individuals to that of a single man, or an assembly. The one to which one submits acquires so great strengths, that they can shake all those who wish to disunite and break the bonds of concord; which holds them back in duty and obedience.* Th. HOBBS, op.cit. p. 144. B. RUSSELL, op. cit. pp. 555

11 *... So that the people must be considered, in this respect, as always having the sovereign power, but not however as always exercising this power* J. Locke, op. cit., p. 254. *With regard to the legislative power, he declared that since the legislative power has been entrusted, so that those who administer it act for certain ends, the people still reserve the sovereign power to abolish the government or to change it, when they see that the leaders, in whom they had placed so much trust, act in a manner contrary to the end for which they had been invested of authority.* J. Locke, ibid, p. 253. B. RUSSELL, op. cit. pp. 629-633

12 *The sovereign is not attached to civil laws for he would be obliged to himself, nor can he be obliged to any of his fellow-citizens.* Th. HOBBS, op. cit., p. 159. *Finally, from the fact that every individual has submitted his will to the will of the one who possesses sovereign power in the state, so that he cannot employ against himself his own forces; it follows clearly that the sovereign must be unjustifiable, whatever he undertakes.* Th. HOBBS, Ibid., p. 155

At this level it is necessary to make a first conclusion: The final tendency of the man is thus its conservation by the perpetual search for security. Political society is therefore the means to reach this end. The question then is what is the translation of these theories into the international political society embodied by the United Nations?

B. THE TRANSLATION OF THE HOBBSIAN AND LOCKEAN SOCIAL CONTRACTS IN THE INTERNATIONAL UNITED NATIONS ORDER: A MIXTURE

The myths about the state of nature have allowed their authors to construct arguments about the nature of man and the purpose of political society. Therefore, they should not be seen as historical realities but as models for generally understanding the meaning of men's efforts in the campaign of life. The observation of international society as embodied by the United Nations falls within the limits of their interests.

The Westphalian Treaties dedicated to the state configuration of the European world. For the most part, domestic political societies are characterized as human groups located within the boundaries of a specific territory under the authority of a government to direct its destinies. It cannot be doubted that the fundamental objective of a government elsewhere, at least as proclaimed in the Constitutions, is to work for the development and well-being of people on its territory. In history, absolutism has progressively declined, at least in official consecration, to give way to democracy. Indeed, it would have soon turned out that the hobbesian model of government was an individual like everyone else who sought to preserve his being. Finding himself as the repository of absolute power, he embodied a perpetual threat to security of the governed. Because he owned law and force, it was possible to serve his selfish interests. Social and political revolutions have allowed a gradual foundation of political organization forms where all powers are no longer concentrated in the hands of a single individual and where the freedom and rights of individuals are taken into account.¹³ Thus, the evolution of political ideas in international society today makes it possible to observe the democratic model as dominant because it is judged as the most likely to allow the preservation of being and the security of individuals. That seems then to move the realization of this political social purpose internally to a problem of governance.

In the international level, it must be said that international society is a society of states with no authority that would impose on them without their consent. It is a society of sovereign entities that they have established as a framework of cooperation enabling them to realize both individually and collectively the well-being and the fulfillment of the individual. The United Nations is the most eminent framework of cooperation that States have established. What analysis can be made

13 We can take as example the French revolution The French Revolution that was a period of deep political and social transformations that faced France from 1789 to 1799. That Revolution is the final opposition to the absolute Monarchy under the reign of Louis XVI and under which citizen were denied basic rights and endured economic injustices. The main consequence of the revolution was the overthrow of the absolute Monarchy and the establishment of the Republic that had to ground the governance on the Declaration of Human and Citizen Rights. See Th. CARLYLE, *The French Revolution, A History*, Modern Library, May 14, 2002

of the United Nations in relation to the myths of the Hobbesian and Lockean contractualist philosophies?

The preamble of the United Nations Charter states that the People of The United Nations are determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom”.

Undoubtedly, such goals represent the most accomplished trend of an international society in which all the human groups composing it live in harmony both in the national borders and in the international common space. That resolution has for purpose only the preservation of man, his confirmation in its essence.

It is then necessary to analyze what structure this organization has been endowed with in order to realize its lofty ideals. According to Article 7 of the United Nations Charter, the Organization of Nations is composed of a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice and a Secretariat. The first two deserve special attention since they could be considered as the main decision-making centers, and therefore the United Nations directories.

The order in which these organs are quoted pre-supposes an order of importance which nevertheless hides reality badly. Indeed, the General Assembly is the body composed of all the member states of the United Nations in an egalitarian principle on a democratic basis. Each state thus has a voice equal to each of the others. Resolutions taken by the General Assembly are not binding. The Security Council is composed of permanent and non-permanent states. Permanent states with the particularity of being superpowers, enjoy an individual veto right that nothing can resist. The resolutions of the Security Council are binding.¹⁴

Thus, as we can see, the Security Council has greater authority over that of the General Assembly. This clearly shows that the more powerful have more authority in decision-making even if they enjoy the same sovereignty. In fact, this directing structure of the United Nations responds to a combination of Hobbes’ and Locke’s solutions to insecurity from the state of nature. Indeed, the

14 *In any case, the organ is very singular, unparalleled in any other international, universal or regional organization. Not so much because it is a small body, comprising only a part of the members, and a very small part (15 out of more than 180, or about 8% of the members), but much more because of the inequality deep among its members themselves, 5 permanent members on one side, 10 non-permanent, elected for two years by the General Assembly, on the other. These permanent members (...) are nominally designated in the Charter, that is, if not intangible at least strongly protected against any change. Finally, they have the privilege, unique to the United Nations, of the right of veto, that is to say, they can block individually any resolution that does not suit them, including if it concerns them. In other words, on the one hand, they are above the Charter – we cannot exclude them without their consent – and on the other hand, the Charter cannot function without their agreement.* » S. SUR, « Le conseil de sécurité : blocage, renouveau et avenir », *Pouvoirs* 2/2004, n° 109, pp. 61-74

logic of the Security Council tends to respond to the Hobbesian logic while the General Assembly tends to respond to the Lockean one.

Hobbes defends the solution of transferring all natural powers to a single or an assembly that will be responsible for ensuring collective security. This individual or this Assembly thus acquires an unlimited power, having the capacity to impose its force on all. He is accountable only to it. The United Nations Security Council stands as the guarantor of peace and international security, and the decisions it makes at this level are infallibly respected. It is in fact an Assembly, from Hobbes' point of view, whose composition, however, tends to betray the identification with the theoretical model of the latter. Under Article 23 (1) of the Charter of the United Nations, "The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall select six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution. "

As we have seen, the members of the Security Council do not all have the same status because there are some who are permanent and others who are not. In addition, those who are permanent have an additional right of veto with obvious consequences. The use of the latter renders ineffective all decisions that would be taken even by a majority by the other members of the Council. Thus within the Security Council, there is a predominance of the Hobbesian model of governance and a semblance of the Lockean model: it is a democratic assembly where some make the law.¹⁵

In reality, it must be thought that the presence of other States in the Security Council on a non-permanent basis on a rotating basis would have been very obvious of the predominance of certain States on the most crucial issues of human societies, namely peace and security. It would have been quickly perceived blatantly discriminatory. It was therefore necessary to organize the situation in a democratic and egalitarian way by giving all States the opportunity to participate with the right to vote. This formula, which does not reduce the reality of the inequality ratio, certainly helps to reduce the strength of possible uprisings. Other states have the opportunity to participate in this prestigious Council even if only one veto of a permanent member has the power to block everything.

15 *The right of veto seems objectionable, whether one places oneself in the field of efficiency or that of representativeness. On the first, it is clear that it constitutes an obstacle to the decision-making capacity of the Council, which is unable to intervene since its action would not be suitable for a permanent member, whatever may be the case. Threats or breaches to international security. As for representativeness, how can one accept this exorbitant prerogative granted to permanent members only, who makes the Council hostage while placing them above the Charter? The trial is classic, and there is little need to insist on it. It concludes with a negative judgment on the UN organization of collective solidarity. It presupposes that all are in solidarity with each other's security, that the Member States subordinate, at the very least, their national interests to the objectives of the Charter. But the right of veto affirms the supremacy of some national interests on the whole. S. SUR, ibid.*

The legitimacy of the Security Council in its composition and functioning depends mainly on the accession of States to the United Nations. Joining the United Nations means adhering to its Constitutive Charter, which states in Article 24 (1) that “In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf “. The wording of this article confirms the Hobbesian way of passing from the state of nature to the state of society. The Second World War is undoubtedly one of the historical events that translate in fact and by approximation the myth of the state of nature developed by Hobbes. Indeed, at that time, there is almost no order in international society if we take into account the failure of the League of Nations. However, the attitude of the parties to this conflict reflects a membership of the two Hobbes and Locke models. Indeed, for the camp of the axis, it is an affirmation of excessive international imperialist impulses led by Nazi Germany. It is for this camp, from a maximization of the power to the final effect of conservation of the human groups that they constitute. It shows identification with the attitude of the state of Hobbesian nature. For the allied side, it is a matter of defending oneself against the enemy who is nothing but an actor who has decided not to behave rationally according to the principles of the natural law that makes everyone, equal actors between whom no form of subordination can exist. It was therefore a question of defending oneself against the one or those who came to break the natural order which allows each one to preserve himself in his freedom. This attitude corresponds in general to that of the state of nature developed by Locke.

The war had marked the victory of the allies, as Lockean, the insecurity of the state of nature could be solved only by the constitution of an international political society which was to ensure the collective defense of all its members or States, even if the latter could not exactly take the exact form of the national political society. Indeed, the allies have elaborated an international social constitution integrating both the requirement of respect for the principle of sovereignty and the need for collective cooperation to achieve the security of all its members and therefore a conservation of all human groups constituting them. However, the logic of this society which takes the form of the United Nations, will no longer obey exclusively the Lockean formula, but will be a mixture of it with the Hobbesian formula with predominance of the latter, at least in its leading structure.

After having elaborated the Charter of the United Nations with a Council of Security, a little more powerful of the power of 5 permanent members the winners left it to the free adhesion of the other States. This meant for them that they had, by their sovereignty, the freedom to choose to belong to such a society resolute of noble ideals or to remain outside, in this unorganized state where the risk of aggression and Insecurity was permanent, in a word, in the state of nature. The choice became very clear. And it must be added that the image of the drafters of this charter had been of a certain contribution. For they positioned themselves as powerful actors who had used their power for a legitimate and just purpose to protect their freedoms and those of others threatened by aggressors pursuing unjust, illegitimate and irrational goals. They proposed then to constitute for the benefit of all nations a political framework of cooperation where the freedom

and thus the sovereignty of each one would be respected against any unjust aggression, proposing also to continue to be guarantors of it with all the others, in spite of the fact that they had a few more prerogatives for this task. Given the context, such a proposal was hardly unacceptable both for the independent states of the time and for those that were to be subsequently.

By exercising their sovereignty and on the basis of it, States freely decide to be submitted to the authority of the decisions of the Security Council for the maintenance of international peace and security. Although these are influenced by the veto power of the 5 permanents, each one of them is likely to participate in his decisions when on the basis of the rotation procedure, his turn comes. Contrary to the Lockean social model where individuals can deprive the rulers, this is a mixed model with Hobbesian predominance.

The United Nations General Assembly, for its part, is certainly the most democratic body in the United Nations because states actually have an equal voting right. Essentially, states can only be bound by General Assembly resolutions on their own. And they do not even have a binding force. This testifies here to the inscription on the Lockean model of the social state.

It should be noted that because of the profound and obvious changes in the international arena that they find it difficult to match and respond to, this 70-year-old United Nations structure is being called into question because it is no longer the political and economic configuration of contemporary international society. Everywhere else a reform is called. However, the substance that this reform should take diverges. For some proposals, it should affect the whole organization, for others, it should concern only the Security Council.¹⁶ For others this reform will remain in the proposal stage.¹⁷

According to a mixture of Hobbesian and Lockean social contracts, the creation of the UN is therefore the response of human political communities constituting the international society to their ontological security requirement. It is clear that the application to be given to the constitutive charter of this organization depended on this foundational logic.

16 The Stanley Foundation, *The United Nations and the Twenty-First Century: The Imperative for Change*, Report of the Thirty-First United Nations of the Next Decade Conference, Gleneden Beach, Oregon, USA June 16-21, 1996; Z. A. TUCKER, *United in Progress: A Proposal to Reform United Nations' organizational Structure*, University of Arkansas at Monticello, 2010; E. CHILDERS, *Symposium on The United Nations at Fifty: Creating a More Democratic and Effective UN*, Hesburgh Centre for International Studies, University of Notre Dame Conference December 2, 1994, B. KIMOON, *Reform Under Ban Ki-moon: A Stronger United Nations for a Better World*, United Nations General Assembly Records, 2008. <http://www.un.org/reform/>

17 *In a word, the reform will not happen. It will remain a theme of study and debate, but it is unworkable in the foreseeable future, if only because it requires the unanimous consent of the current permanent members. They multiply the declarations of principle, but are careful not to act. Is reform even necessary, is its absence really a hindrance for the action of the Council? Recent experience shows that no. The Council has been able to take action in difficult circumstances. It has already adapted its practices to new balances, it has more discreet institutional means to achieve this. More deeply, the theme of reform actually reaches the organizing principle of the Council itself, it tends to a revolution, or even destruction rather than consolidation. The Council was conceived from a principle of efficiency and not of representativeness. It is shaping a collective hegemony in terms of peace and security, and not a representative form of an illusory "international democracy. S. SUR, op. cit.*

II. THE MANAGEMENT OF HUMANITARIAN CRISIS RISKS BY THE UNITED NATIONS DEPENDS ON THE GENERAL LOGIC OF ITS CREATION

Humanitarian crisis risk management is a fundamental component of security. Even if it does not fall outside the framework of international peace and security as governed by the United Nations Charter with a predominantly Hobbesian configuration (A), it still remains of a growing interest in the United Nations (B).

A. PANORAMIC ASSESSMENT OF THE UNITED NATIONS COMMITMENT TO INTERNATIONAL PEACE AND SECURITY: A REALISTIC CONTRIBUTION

In seventy years of force of the United Nations Charter, a panoramic assessment of the United Nations commitment to international peace and security is to be considered. After the Second World War, the Cold War took place between the United States and the Union of Socialist Soviet Republics (USSR), indicating clearly leadership aspirations between these two great powers in the conduct of world affairs. All the strategic logics of this confrontation certainly marked the tendencies of the post-war international society within which the United Nations had to concretize the noble objectives of their constitutive Charter. The unfolding of this war at this childhood epoch of United Nations already foreshadowed the kind of relations that States could keep between them while at the same time adhering to the vision of the organization they had created. It is clear that it was the signal that the task of United Nations was not going to be any less easy. After the cold war, we can mention a plethora of conflicts in the world including Yugoslavia, Rwanda, etc. If all these conflicts had called out the United Nations, we must stop at the Rwandan genocide and be astonished of the kind of crimes that took place and almost 50 years after the massacre of Jews which is among the most important reasons why the United Nations was created and with such an unprecedented scale in the history of humanity, in the eyes of the international community. We should think with fear that it is possible that such events occur again in the future.

The end of the East-West conflict has not regenerated either international law or the United Nations. The hostilities triggered by the North Atlantic Treaty Organization (NATO) states against Yugoslavia in 1999 showed that the great powers could bypass the Security Council. This drift strengthened after the attacks of September 11, 2001, the “war against terrorism” launched by the United States. From the overthrow of the Taliban, in the absence of any prior armed aggression legally attributable to the Afghan state, to the intervention in Iraq in 2003, unleashed without the authorization of the Security Council, the unilateral war has made a spectacular comeback on the World Scene.¹⁸

18 O. CORTEN, « La sécurité collective, un rêve contrarié », *Le monde diplomatique*, septembre 2005, p 17

One of the most striking conflicts in the news is undoubtedly the Syrian crisis that has lasted for almost seven years and where the United Nations is struggling to find a definitive solution, one of the most important reasons being the use the veto right in the Security Council.

It must therefore be concluded that the foundations for the creation of the United Nations have no doubt been very noble, but certainly ideal for actors capable of setting them aside from time to time to favor the satisfaction of other interests considered more crucial.

In reality, Locke's fears must be confirmed in his theoretical model. Indeed, it is possible that the sovereign retains his selfish inclinations as the governed, which justifies that all the powers are not transferred to him and that it is always possible to rise against him when he has not been to the height of the confidence of the governed. It is clear that the member states of the United Nations while participating in the noble objectives of their constitutive charter remain dictated by a certain number of own interests which do not always coincide with those of others. The permanent member states of the United Nations Security Council certainly should not be excluded. It is in this climate that the component of security named management of humanitarian crisis risks has been subject of a more and more pronounced interest.

B. THE UN MISSION OF MANAGING HUMANITARIAN CRISIS RISKS: THE PROGRESSIVE AWARENESS OF A CRUCIAL MISSION FOR MODERATE RESULTS

According to Article 1 of the United Nations Charter, the management of humanitarian crisis risks is the first mission of the United Nations. And we understand it because if this organization manages to realize it perfectly, then the noble ideals of the preamble would be concretized. The management of humanitarian crisis risks is therefore of utmost importance for the daily life and future of the International Society.

A humanitarian crisis can be conceived of as situations of an anthropogenic or a natural origin of such magnitude as to cause detrimental consequences to human life and property and thus requiring humanitarian intervention. These situations are situations of profound insecurity that do not contribute to the preservation of being. Thus, the management of humanitarian crisis risks finds itself at the center of the United Nations mandate in its various organs. And we understand that because this area of activity is highly beneficial for the entire international society. It is ultimately one of the most effective means by which security of all its members can be achieved.

Humanitarian crisis have long been subject of mobilization in the emergency phase alone, immediately after or during the onset of the crisis. Until the 1990s this attitude dominated the interventions of the international community and concerned mainly armed conflicts. In addition to the exercise of preventive diplomacy, the Security Council felt more and more called out by the plight of civilians who were at the heart of armed conflicts. The perils that threatened them were now seen as threats to international peace and security. Thus, acting under Chapter 7 of the United Nations Charter, humanitarian interventions were deployed in various contexts of

armed conflicts. In these situations, it was not a matter of preventing conflict but of protecting civilian populations against belligerents. This practice began with the Yugoslav and Somali crisis.¹⁹ In doing so, the Security Council used its right of humanitarian intervention which later conceptually developed to the responsibility to protect.²⁰ The practice has become quite common. As an example we can mention the recent political crisis in Libya and Cote d'Ivoire in 2011.²¹

However, the deployment of these operations is often analyzed as not departing from the highly interested logics of the permanent members of the Security Council. The logic of intervention of the "double standards" is strongly evoked in this practice²² and is confirmed in a number of situations, including the current Syrian crisis, which accounts for a confrontation of very divergent interests. And during this time, the human toll keeps growing.

In view of the progressive development of the practice of the United Nations, it must be considered that Article 1 (1) has been interpreted in favor of armed conflicts. The other part of disaster risk management, dealing with natural disasters, has not received the same basis for international peace and security in its implementation, at least as openly as the United Nations interventions in armed conflict, while also addressing the human security of the endangered population. But if there is one area where the concept of human security²³ has been favorably received is that of natural disasters.²⁴ It has given rise to a more structured framework for action leading to concrete initiatives. Already in 1989, the UN General Assembly adopted a resolution proclaiming the International Decade for Natural Disaster Reduction for the 1990s,²⁵ one of its aims being to "develop measures to evaluate predict, prevent and mitigate natural disasters through technical assistance and technology transfer programs, demonstration projects and educational and training activities ..."²⁶ Also defining the measures to be taken by the United Nations system, it should be read in Article 5 that "United Nations organs, organizations, are urged to give priority in their

19 Security Council Resolution 770 on the Former Yugoslavia, adopted on 13 August 1992, Security Council Resolution 794 adopted on 4 December 1992 on Somalia. See O. CORTEN, P. KLEIN, « L'autorisation de recourir à la force à des fins humanitaires: droit d'ingérence ou retour aux sources »? *Journal Européen de Droit International*, n° 4, 1993

20 M. BETTATI, « Du droit d'ingérence à la responsabilité de protéger », *Outre-Terre* 3/2007, n° 20, pp. 381 – 389

21 Resolution 1973 on Libya adopted on 17 March 2011, Resolution 1967 on Ivory Coast adopted on 19 February 2011

22 See A. NOVOSSELOFF, « L'élargissement du Conseil de sécurité : enjeux et perspectives », *Relations internationales* 4/2006, n° 128, pp. 3-14

23 First mentioned in the 1994 UNDP Human Development Report, the concept of human security was somehow sanctioned by Kofi Annan when he told *Le Monde* in 1999 (following the intervention from NATO to Yugoslavia): "The human being is at the center of everything. The very concept of national sovereignty was designed to protect the individual, which is the *raison d'être* of the state and not the other way round. It is no longer acceptable to see governments flout the rights of their citizens on the pretext of sovereignty." See also, Kofi Annan: "In greater freedom: development, security and respect for human rights for all", (I. "Living free from need" II. "Living free from fear", "Living in dignity", IV "Strengthening the UN", march 2005, and J.F. RIOUX, (Sous la direction de), *La sécurité humaine, une nouvelle conception des relations internationales*, Paris, L'Harmattan, 2001

24 REVET, S. « « Vivre dans un monde plus sûr », *Cultures & Conflits*, n°75, pp. 33-51 ; S. REVET, « Les organisations internationales et la gestion des risques et des catastrophes « naturelles », in *Les Etudes du CERI*, n°157, Septembre 2009

25 General Assembly resolution 44/236, 29 December 1989

26 *ibid*

operational activities (...) to planning, prevention of natural disasters, as well as the organization of relief and short-term recovery efforts and the assessment of the risks of economic damage²⁷. At the end of the decade, the International Strategy for Disaster Reduction was adopted²⁸ and the United Nations Office for Disaster Risk Reduction²⁹ was specifically created to facilitate its implementation. It deals mainly with managing hazards of natural disasters and strengthening the resilience of populations to them. Then, at the end of the World Conference on Disaster reduction, held in Kobe (Hyogo, Japan) from 18 to 22 January 2005, adopted the Framework for Action 2005-2015, at the benefit of resilient Nations and communities facing disasters.³⁰

Finally, at the end of the Hyōgo Framework for Action, the Sendai Framework for Disaster Risk Reduction 2015-2030 was adopted at the Third United Nations World Conference on Disaster Risk Reduction, which is held in Sendai, Miyagi, Japan, from 14 to 18 March 2015. Its objective is to substantially reduce the loss and risk of disasters in terms of human lives, livelihoods and health, people, and damage to the economic, physical, social, cultural and environmental assets of individuals, businesses, communities and countries.³¹

These frameworks for promoting disaster prevention have had significant results on the ground, combining both the development and humanitarian fields.³²

Thus, the meaning given to the concept of security has grown more and more in the United Nations, because of greater consideration of human dignity and human rights. States quickly realized that making security the only prerogative of the State made possible many abuses on populations. It is precisely for the benefit of the latter that the state apparatus finds its reason for being. It thus spread that any sovereignty directed towards the oppression of civilians was a sovereignty against which the international community had to stand and that it had to reframe, if necessary, by the use of force. The threat threshold has also grown and no longer only includes military and law enforcement threats. Threats of all kinds, generally related to the lack of socio-economic development, had to be taken into account now, as their critical consequences also gave rise to insecurity. It must be noted that this represents major advances of the international society in its real goal of seeking security for all its members.

However, the practice still bears witness to many realities which it would be naive to avoid. States persist in behaving according to an individualistic logic characteristic of the state of nature. For

27 *ibid*

28 General Assembly Resolution 56/195: International Strategy for Disaster Reduction, December 21, 2001

29 "The inter-agency secretariat of the Strategy should be strengthened to enable it to carry out its functions effectively, including centralizing coordination of disaster reduction within the United Nations system and synergizing prevention activities. disasters of the United Nations system and regional organizations and activities in the socio-economic and humanitarian fields" Article 6 of Resolution 56/195

30 United Nations, World Conference on Disaster Reduction, Report of the World Conference on Disaster Reduction, Kobe, Hyogo, Japan 18-22 January 2005, 16 March 2005, A/CONF.206/6

31 United Nations, Sendai Framework for Action for Disaster Risk Reduction 2015-2030, p.12

32 According to UNISDR 2014 and 2015 reports

the management of the risks of humanitarian crisis to produce more substantial results, it is necessary to go beyond realistic logic.

III. FOR A BETTER PRODUCTIVE HUMANITARIAN CRISIS RISKS MANAGEMENT COMMITMENT IN THE UNITED NATIONS

The management of humanitarian crisis risks does not yet allow exponentially meeting the need for security on the international scene. This could be the result of predominance of the Hobbesian model within the UN configuration. In reality, this logic has left behind the problem of identity, which proves to be the real cause of insecurity (A), which must be fundamentally answered by a serious awareness in international society (B).

A. THE CHARACTERISTIC REALITY OF THE UN INTERNATIONAL ORDER: A PERPETUAL INSECURITY UNDER A IDENTITY BACKGROUND

Without a supreme authority like in internal political societies, the organizational form of an international political society in response to the global insecurity threat that hung over all states was indisputably let anarchy persist.³³ But the persistence of anarchy makes obvious the persistence of the insecurity threat.³⁴ Anarchy is generally understood as the absence of authority or government. But it must be said that if the international political society does not know a government that imposes itself on the States, it cannot be said that it is without authority. Focusing on United Nations, it must be said that States, by ratifying the United Nations Charter, have recognized the existence of a certain authority among themselves. If one stops only on the domain of Peace and Security, there is a whole well-defined procedural framework to which states have consented to be submitted. The authority that exists within the United Nations is a consensual authority.³⁵ If we persist in talking about anarchy in the international society is actually because the States persist to behave as if they had not consented to the existence of an authority between them, behavior characterizing the realistic school of thought in international relations theory. In these situations, then the pursuit of national interests prevails in logic where the means at the disposal of actors allow them. It is possible that these are of multiple orders and focused on the goal to achieve.³⁶ This situation is certainly similar to the attitudes of the

33 J. CHEVALLIER, « Etat de droit et relations internationales » in *Réflexions sur la société internationale, Etudes, Annuaire français de relations internationales*, volume VII, 2006, p.8

34 Anarchy is the basic element structuring the realistic current of thought of international relations. See J.-L. Martres, « De la nécessité d'une théorie des relations internationales ou l'illusion paradigmatique », in M. BERGES (dir), *Penser les relations internationales*, Collection: Pouvoirs comparés, Paris: L'Harmattan, p.30

35 *The creation of the United Nations system has been a major turning point in this respect, contributing to the institutionalization of international relations – institutionalization through the rule of law: a real legal order has gradually been built under the auspices of the United Nations. UN and this legal order is based precisely on a fundamental principle, the prohibition of the use of force – apart from the very limiting assumptions allowed by the Charter. Bringing together almost all states, the UN appears as a world forum, (...) The creation of the United Nations has indeed laid the foundations for a state of international law, admittedly incomplete and eclipses (...)* “ J. CHEVALLIER, op. cit.

36 *In the realistic discourse, (...) national selfishness must prevail over all others. It is not intended to describe a type of*

Hobbesian state where the calculations, the cunning and the search for the best strategy are the everyday life of individuals. The analysis of the neo-realistic School of thought of international relations is relevant at this level. According to her, anarchy shapes the international society but is tempered by a consensual order under power balance.³⁷

No United Nations Member State is excluded from any unlawful behavior. The example of the Palestinian conflict and the Syrian crises, which are very burdensome in terms of human and material losses but linger indefinitely to receive a definitive solution. In reality, the issue of interests is not often brought to the forefront in a clear way, each party seeking to evoke objective reasons, but that question surreptitiously dictates decisions. Economic interests are undoubtedly the ones that dictate the most the foreign policy of the States. These justify all types of strategies to be satisfied.³⁸ This is amply confirmed by the Blunt Report on the United Kingdom's intervention in the Libyan crisis³⁹ according to which the intervention of the international community was dictated by geopolitical, strategic and economic interests officially unacknowledged of some UN Security council members but officially hidden under the responsibility to protect civilian populations. In 70 years of existence, the United Nations has been confronted daily with conflict somewhere in the world.

It must therefore be said that the current international order put in place by States already bore the seeds of a continuation of insecurity that it had come to fix. Finally we could say that this organization came to make the state of nature less apparent and less obvious. Its base is divided between a powerful legal framework and the logic of the state of nature. Although trying to participate in UN according to established rules, each state is far from ignoring the reality of its vital needs that must be met by all means, of course, and even by those who are not consensual. They would present themselves on the international scene as respecting the rules while they would be careful not to present openly all the occult and unavoidable acts they engage in. Thus, since such actions are considered as invisible, their proof is very difficult, sometimes given that the law serves them as makeup.⁴⁰ Many of the Security Council's interventions have been justified on the basis of the responsibility to protect even though it is known that the intervention was deeply justified by the protection of the interests of the intervening powers. The Syrian case of

political system without rules, which no longer exists in domestic or international societies. At most, the realists aim at the idea of a greater degree of freedom in the defense of interests, because the misunderstanding of peoples to questions of international politics leaves their hands freer. This misunderstanding often conceals implicit consent to the use of means derogatory to internal standards. Victory is the only means of legitimation that can be proud of as well as a sporting success. J.-L. Martres, op. cit.

37 J.-F. RIOUX, E. KEENES ET G. LEGARE, « Le néo-réalisme ou la formulation du paradigme hégémonique en relations internationales », *Études internationales*, vol. 19, n° 1, 1988, pp. 72-74

38 K. BOOTH and N. J. WHEELER, *The Security Dilemma: Fear, Cooperation, and Trust* (Houndmills: Palgrave, 2008), Conclusion; R. NED LEBOW, *The Tragic Vision of Politics. Ethics, Interests and Orders*, Cambridge: Cambridge University Press, 2003

39 C. Blunt (dir.) *Libya : examination of intervention and collapse and the UK's future policy options*, House of Commons, Foreign affairs Committee, Third Report of Session 2016-2017, 14 September 2016

40 Example of United Nations Security Council Resolution 1973; C. Blunt, *ibid.*; Th. HOBBS, *Le Citoyen*, op.cit

non-intervention after six years is a clear example. It is not excluded that many actors pull strings of wars around the world making perfectly sure of the invisibility of their tracks.

But one of the consequences of the state of nature is the perpetual insecurity of all, even those who today are able to satisfy their interests at the price of the sufferings of others. For the strongest is ultimately never the strongest, the most cunning is never the most cunning and he is not immune to the consequences of his own actions despite all the efforts of concealment that he can deliver.⁴¹ Indeed, if in the eyes of all, the situation may seem spotless, nevertheless the victims of such situations do not ignore it and even if they do not have the means to reveal it, they remember the injustice that they can live. It is not uncommon that other kind of weapons will be used by those who feel themselves victims of injustice before an international system which they consider perfectly modeled and mastered to hide the injustices they face. Terrorism is an example. It can be considered as a weapon by which the author can reach his enemy outside of any open warfare and against which he does not want or can actually insure.⁴² It is the very prototype of the strategies in force in the Hobbesian state of nature. Even if there is a consensus on the international scene to denounce terrorism for example, the fact remains that the logic of any system perceived and experienced by some as unfair, will always be to make possible the development of strategies of terrorism as reaction to injustice.

National security is everywhere one of the most crucial areas of public action. It is even it that constitutes the anchor point. The perpetual search for security that allows the preservation of life justifies all the investments that are made in the world in the military field. The budget that the powers devote to it is much higher than the other countries.⁴³ This is a paradox because the most advanced countries in terms of security are those who are always looking for security the most. This would not be possible if they do not live constantly with the shadow of the enemy hovering over them. Rightly or illusorily, this mentality is significant to that of the Hobbesian state of nature. Finally, no one is safe from insecurity.

The same causes producing the same effects, on the international scene the transition from the state of nature to the international political society embodied here by the United Nations was a very indispensable and probably beneficial formula for securing all but limited because it left course to the surreptitious development of insecurity. Considering the theories of the state of nature as developed by Hobbes and Locke, one realizes that they have attempted to solve the problem of the ontological individualism of man that could be used as oppressive means for the natural tendency of being preserved. Whether nationally or internationally, the various solutions proposed by these authors do not guarantee complete security and leave possibilities of the state of nature in the political society granted. In our opinion, these solutions have not been

41 Th. HOBBS, *ibid.*

42 Th. HOBBS, *Le Citoyen*, *op.cit.*

S. LEMAN-LANGLOIS, « Les buts du terrorisme », S. LEMAN-LANGLOIS et J.P. BRODEUR, *Terrorisme et antiterrorisme au Canada*, Montréal : Presses de l'Université de Montréal, (2009).

43 See the list from the Institute for Strategic Studies, top 15 countries with the largest military budget in the world in 2015 with the United States in the lead: 597,50 billion dollars, <http://www.iiss.org/> accessed date: March 27, 2018

sufficient to answer the problem of ontological individualism. Regardless of the social formula that would be found if this problem is not well understood, it will always cause insecurity. It must be understood.

In the Hobbesian and Lockean state of nature myths, the individual would be motivated only by the preservation of his being. It is a perpetual search for confirmation of the law of his being. This means that the law of man is that which is the foundation and purpose of his action. In this logic, man is essentially focused on having a look at himself and that is what makes him an individualistic being. However, man belongs naturally to a community, at least one that includes his father and mother. So this individualism of man naturally knows an extension to those with whom he shares the community. It is then an individual community carried to preserve itself. The main characteristic here is the existence of a reciprocal identification link. It is clear that the same link does not exist at first sight between individuals who do not belong to the same community.

The existence of a society in which individuals maintain this kind of link before the political society embodied in the social contract is not contested by Hobbes⁴⁴ and Locke⁴⁵ in their theoretical models. In their understanding, the difference between the two can be located only in the political disorganization of the first and the political organization of the second.

That said, we must ask why the state of nature would be a source of insecurity while everyone is naturally led to manage only his business and his relatives. In the search for their own preservation and / or their community members, in our view, people would have met around something that would have been of common interest and that would have been a source of conflict. And it is not illogical to think that this thing is a good or a resource that would allow them to be preserved.⁴⁶ Only an insufficiency or scarcity of resources unable to satisfy all individuals could cause a conflict between them, each trying to have an advantage. If we imagined a society in which the resources would be unlimited and sufficient for everyone to be able to preserve themselves, it

44 *The idea of the existence of a society before the political society instituted by the social contract is affirmed by Locke and Hobbes. Just as Aristotle declared that man is a political animal, Locke believes that man has a sociable nature. (...) one could argue, although Hobbes does not say it explicitly, that in these animal species the true individual, that one can not divide without doing violence to nature, is the autonomous social group. In any case, there is nothing like it in man. There is one area in which this individualistic conception of humanity manifests itself with particular sharpness: it is the theory of the family, and particularly the link of dependence and subordination that unites children to parents. Indeed, it is traditional to see this as a natural situation, which does not fit well with the individualistic representation of a humanity composed of beings ontologically distinct and independent of each other.* F. TRICAUD, op. cit. p. 78

45 *Locke defines the state of nature as "a state of peace, goodwill, mutual assistance and mutual preservation (...). When men live together according to reason, without any superior on earth, who has the authority to judge their differences, they are precisely in the state of nature.* J. LOCKE (1632-1704), *Treaty of the Civil Government* (1690), French translation of David Mazel in 1795 from the 5th edition of London published in 1728, p.26

46 *By analysing contractualist philosophies of Hobbes and Locke related to the state of nature, we finally notice that the problematic of necessary resources for preserving life takes an important place. These tackled clearly the interest of resources for the ontological purpose and the kind of management they could receive. All their developments treated the equation of preservation of being in function of natural individualism and available resources. See "Hobbes's Moral and Political Philosophy", Stanford Encyclopedia of Philosophy, First published Tue Feb. 12, 2002; Substantive Revision Mon. Apr. 30, 2018 and "Locke's Political Philosophy", Stanford Encyclopedia of Philosophy, First published Wed Nov 9, 2005; Substantive Revision Mon Jan 11, 2016*

would be necessary to think that the state of war would hardly take place, except to think that men are naturally inclined to make war against each other. Now, as we have seen, the goal sought by man is just security through the preservation of his being.

Moreover, in the presence of a situation of insufficient resources equally coveted by all, conflict would be justified only if individuals do not identify with each other. The identification with each other is very crucial because if it exists it would not lead, at least automatically, to conflict. Because in the face of such a situation, individuals would first be aware of the link that unites them and it is likely that on the basis of this link that they seek, above all, at least to agree on how to manage the situation. The state of war would have finally been the result of a management in conflict mode of a situation of scarcity of the resources destined to the conservation of the being. The state of nature could thus be apprehended as the state in which there would have been individuals who, seeking to preserve themselves according to their natural law, find themselves in conflict for the acquisition or the possession of insufficient resources to enable them to do it, the conflict depending on a lack of identification with each other. In this situation the protagonists judge the settlement of the situation in a confrontational mode if they did not stop to recognize themselves around a common denominator. However, if the primary community connection is lacking, there is still a link between them. This one is simply that they share the same condition. And despite all the differences that could characterize them, they will always share the same ontological reality or existential law: individuals whose natural tendency is the conservation of being and through a resource that concretizes this conservation. It is at this level that they are identical. This idea echoes that of Locke when he argues that:

[It is this equality, where are the men naturally, that the judicious Hooker looks as obvious in itself and so out of contestation, that he makes the basis of the obligation where men are to love each other mutually: it bases on this principle of equality all the duties of charity and justice to which men are obliged to each other. Here are his words:

“The same instinct has led men to recognize that they are no less bound to love others, that they are bound to love themselves. For seeing all things equal to one another, they can only understand that there must be between them all the same measure. If I can only desire to receive good, even by the hands of each person, as no other man can desire for himself, how can I claim to see, in any way, my desire satisfied, if I care to satisfy the same desire, which is infallibly at the heart of another man, who is of one and the same nature with me? If something contrary is done to that desire which everyone has, it must necessarily be that another has to be shocked as I can be. So, that if I harm and cause harm, I must dispose myself to suffer the same harm; there being no reason which compels others to have for me a greater measure of charity than I have for them. That is why my desire to be loved, as far as possible, by those who are equal to me in the state of nature, imposes on me a natural obligation to wear them and to show such affection. For, finally, there is no one who can ignore the relationship of equality between us and other men, who are

others neither ourselves, nor the rules and laws that natural reason has prescribed for the conduct of life. “]”⁴⁷

Now, to the question of knowing which law is man and which he must confirm, man always finds himself providing an answer in one way or another. This is generally summarized as follows: “I am an individual like this ... like that ..., I am this individual in this way ... I am an individual who is characterized this way ...” Such a generic definition of self necessarily calls for an identity phenomenon.

The identity phenomenon can be characterized by a general psychological attitude of individuals having a proper conception of all the material and immaterial traits defining them.⁴⁸ It is this set of collective or individual characteristics by which individuals perceive themselves and approach life. Thus their daily life is lived on the basis of this perception of themselves and others.⁴⁹ Identity is a characteristic fact of states. The human groups that compose them are marked by a multitude of characteristic traits related to race, ethnicity, religion, language, etc. On the international scene, in inter-state relations, it is more of a national identity that merges with the national interest.⁵⁰

The idea of a problematic identity to the ontological conservation of life can only arise if multiple identities are perceived exclusively in their different relationships. It is in fact for individuals or groups of individuals to act on the basis of a conception of their identity as superior to that of others. It is a discriminatory conception of man on the basis of identity. In reality, the basic problem is man’s conception of man. Despite the important development of the idea of human rights, the concept of human dignity, it must be noted that there persists an unequal conception of man by man. Even if we cannot deny the exponential expansion of these concepts, we must note that it persists in mentalities everywhere else that the rights of some have priority over those of some others and therefore that the human dignity on the identity of some is higher to that of some others on the same identity background. It goes without saying that this is not so expressed in the international public space. But this is well observed in all situations of armed conflict, precarious governance of countries and in the visible and invisible logic that surrounds them.⁵¹ Indeed how to think of the generalized killings accomplished with an unprecedented banality? How can we think of the action of arms suppliers and shooters who think only of their interests

47 J. LOCKE, *Traité du Gouvernement civil (1690)*, Traduction française de David Mazel en 1795 à partir de la 5^e édition de Londres publiée en 1728, p. 18.

48 The word “identity” comes from the Latin “identitas,” which means “quality of what is the same “, derived from classical Latin idem,” the same “. It is defined as the “character of what remains the same or equal to oneself in time.” *Dictionary of the French Academy*, computerized version: <http://atilf.atilf.fr/academie9.htm> ; See also P.L. BERGER, TH. LUCKMANN, *The Social Construction of Reality*, New York: Doubleday, 1966

49 See M. HOGG, D. ABRAMS, *Social Identifications: A Social Psychology of Intergroup Relations and Group Processes*, London: Routledge, 1988; See also R. JENKINS, *Social Identity*, London: Routledge, 1996

50 See W. BLOOM, *Personal Identity, National Identity, and International Relations*, Cambridge: Cambridge University Press, 1990

51 J. WELDES, “Constructing national interests”, *European Journal of International Relations*, September 1996 vol. 2 no. 3, J. W. TALIAFERRO, “Security Seeking under Anarchy: Defensive Realism Revisited”, *International Security*, Vol.25, No.3: 128-161; Ch. TILLY, “War Making and State Making as Organized Crime”, in *Bringing the State Back In*, P. EVANS, D. RUESCHEMEYER, and Th. SKOCPOL (Eds.), Cambridge University Press, Cambridge, 1985

and not those of the victims of crises? How to think that countries rich in natural resources are among the poorest in human development? In the name of the national interest, what would the States not be ready to do and how far have they not gone?⁵²

Human life, which is undoubtedly the most important value for all men taken individually, is sometimes relegated to the background in order to favor interests that do not have the same level of importance. But in reality this is not the mentality or the moral context of those who engage in such behavior. For them, the interest sought to justify any attack on the life of others is part of the confirmation or the preservation of being. Such an attitude can only be possible if the author does not share with his victim the same feeling of humanity that is to say, the conception he has of his life, of his identity is different and superior to the one he has of his victim. In this state of mind, one would conclude that one life is superior to another. And this is the principal mentality of the Hobbesian state of nature and the exceptional mentality of the Lockean one. It is this primary identity mentality that in contemporary international society seems consciously or unconsciously not prevails, but which consciously or not is still the last stronghold that sometimes dictates behaviors everywhere else.⁵³

We therefore postulate that it is the exclusive identity mentality that is one of the most tenacious problems in security efforts and therefore in the managing of humanitarian crisis risks. For it is part of man's conception that makes possible the occurrence of conflicts. This is observed both within the state territories and within the international society. On the basis of Article 1 of the Charter of the United Nations, the United Nations can only see its lasting and successful efforts in this domain of security efforts if it devotes itself more to resolving this problem.

B. AN IMPORTANT AXIS OF HUMANITARIAN CRISIS RISKS MANAGEMENT IN THE UN: "MAN" ABOVE "MEN" OR "IDENTITY" ABOVE "IDENTITIES"

As we have seen, the reference to identity particularisms is the most basic factor of insecurity in the international society. In the state of nature individuals identifying themselves in the ontological reality and the adequate to confirm this reality, it is by mistake that perceived identity particularisms superior to that identity. Instead of taking them as a diversity of expression of the common man, they would have taken it as source of conflict. In the understanding of Hobbes and Locke, that perception is respectively considered natural and exceptional. The solutions they have

52 See the answer of McSWEENEY, *Security, Identity and Interest. A sociology of international relations*, Cambridge University Press, 1999

53 *On a similar topic about exclusion, one can read: "In fact, most historical societies have distinguished between full members and members with separate status. It can almost be said that exclusion was then part of the normality of societies, without raising moral or political conscience, except that it aroused mercy under the sign of the virtue of charity. Modern societies, as soon as they were shaken by the revolutionary ideology, upset the old structures, but, under the pretext of putting an end to the exclusions, they rehabilitated them in another way. They promised to eliminate them in the name of equality which would be the principle of the new classless societies, A. AÏT ABDELMALEK,» Mutations identitaires et complexité du lien social : approche sociologique de l'intégration et de l'exclusion » Nouvelles perspectives en sciences sociales : revue internationale de systémique complexe et d'études relationnelles, vol. 5, n° 1, 2009, p. 16. See J. WELDES, op.cit. ; B. McSWEENEY, ibid.*

proposed to get out of the state of nature do not definitively solve the problem of the identity state of mind that reigns there. The damages of that perception in the international society are obvious as perpetual insecurity. The proposed solutions to the state of nature, especially Hobbesian had been developed keeping possible that guarantor authority of security violate the social contract. The transition from the state of nature to the state of society would not have prevented individuals to keep the seeds of a discriminatory identity mentality, consciously or not. Fixing it is an important point in the agenda of the security guarantor. If it is true for the domestic political society, it is also for the international political society.

It is therefore necessary for the United Nations to focus its efforts on raising the awareness of all its members on the reality of an ontological human unit, on the characteristic reality of human societies according to which they are only the expression of a single man and that any contrary attitude is the main basis of national and international insecurity. The idea of “MAN” must be above that of “men” for the benefit of all.

Such an awareness-raising approach is in fact the most important contribution to the UN efforts of managing humanitarian crisis risks. In reality, this awareness-raising approach is not only ethically justified. It is also justified by the fact that security can only be achieved if the most fundamental means of doing so, in this case, the ideal basis or the belief in identity that supports its logic of confirmation, is favorable or compatible to reach the goal. The most appropriate action for the management of the risks of humanitarian crises in the ultimate goal of security can therefore only consist in a reversal of the discriminatory identity belief. And the only way is before all awareness of that reality. This should lead to the identification of human beings and human societies around this common Reality, which is essential in their quest for the security of the preservation of being. In such a perspective, aware that security is the natural tendency of all, the political human communities constituting the international society should understand that it is only by working for collective or common security that all can really secure themselves. The insecurity of a single perceived as a threat to the security of all, all factors of insecurity within nations and in interstate relations should be diagnosed and resolved. The exact form of such an awareness campaign should in our view simply take the form of a very important political communication promoted by the United Nations.

In support to this proposition is an intervention of Pierre Allain:⁵⁴

This is where I come to the position of Professor Wang Suo-Lao, who argues for a theory of international relations that would be an ethical theory above all. Perhaps there would be a specificity, a field, a [185] interstice for visions alternative to North American ones, which insist mainly on interest. Whether in realism or neorealism, in liberalism and neoliberalism, Marxism, globalism, the main driver is the interest of actors, individuals, groups, states, alliances of states. Ethics is an alternative to interest ... I would conclude by looking back at what Professor Tang

54 Speech made at the meeting of the ICA (Interuniversity Cooperation Agreement) in Beijing, (June 2005) and transcribed in M. BERGES, op. cit. P. 172

Shiki said earlier about the two principles: the first, by John Stuart Mill: the feeling of ‘belonging to the same species, human of course, and secondly the pain and joy, perceived in a similar way through time, races, ethnicities, language, cultures. These two principles lead us to a universalism. The great epistemologist of relativism, Paul Feyerabend, who is undoubtedly on this level the one who was the farthest in the direction of relativism on the epistemological level, who, (...) writes at the end of his autobiography: culture is all cultures “... Every culture is all cultures, in that this” pope “of relativism finally accepts that it is in the encounter and in the discussion, as (here) in Beijing, that we come closer and see how we are finally similar to each other.”

CONCLUSION

In accordance with Article 1 of the United Nations Charter, the management of humanitarian crisis risks is one of the most critical areas of activity for the achievement of security for the benefit of all human communities within it. The United Nations must implement it in a spirit consistent with the Hobbesian and Lockean contractualist philosophies. The results it has achieved in 70 years of existence actually reflect the quality of solutions proposed by Hobbes and Locke. If their philosophies are not identical, one realizes that it is the way in which they have approached the reality of the ontological individualism of Man that finally depicts on the modes of political social constitutions that they have proposed.

The problem of identity that would have already been present in the state of nature is not specifically addressed, although it is one of those which is at the base of the insecurity *de principe* supported by Hobbes and the insecurity *d'exception* supported by Locke. If, however, we can deduce from the latter's developments a common identity of all individuals in the state of nature, the solution he proposes leaves in another form, the insecurity of exception that individuals can face in the state of nature. Thus, the international order materialized by the UN, although experiencing an evolution of the concept of security, from a stato-centered conception to a humano-centered one, while integrating the same way armed conflicts and natural disasters in the humanitarian crisis risk management agenda, with considerable results, remains navigating in a perpetual threat of insecurity, which is becoming a reality from time to time.

The identification with the contractual philosophies of Hobbes and Locke would thus have been only partially profitable and the achievement of the objective of Article 1 of the United Nations Charter, regarding the management of humanitarian crisis risks. Better results can only be achieved if the United Nations focuses its efforts more on pushing back the mentality of human communities towards an awareness of the reality of the threat to security for all that constitutes the conception of identity on an exclusive and discriminatory basis, whether it is material or immaterial. The challenge would be to integrate the reality that, despite the apparent differences, which should be interpreted as the richness that characterize human communities, they are only the plural expression of one and the same person: MAN who seeks to confirm the law of his being. It would be the beginning of a better and sustainable improvement of the security issue within the international society.

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