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The United Nations Security Council A Review of the Security Council and their Ability to Uphold the Charter

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The United Nations Security Council
A Review of the Security Council and their Ability to Uphold
the Charter

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Abstract

Under the United Nations Charter the Security Council was mandated to ensure the maintenance of international peace and security. Within the Security Council, the five permanent members, the United States, the United Kingdom, France, Russian Federation and China have special veto powers that have enabled them to greatly impact the international crisis across the globe. During the Cold War, the United States and then Soviet Union exercised the veto to enforce their political and ideological will rather than to uphold the UN Charter. Several events such as the Korean War, the Suez Canal Crisis and the fight for Namibian independence were greatly affected by actions taken by the Security Council, particularly the permanent five. At the end of the Cold War, it appeared as though the division within the Council would end. The unification of the Security Council during the Iraqi invasion of Kuwait created hopes that the Council could now function as mandated. A unified front from the Council in response to the situation in Kuwait brought other questions to the table. Should countries such as Germany and Japan be allowed a seat at the permanent five table for contributing the majority of the financial backing for the Gulf War? Many questions also arose about representation within the Council. With no countries from Africa or Latin America, UN member countries grew weary of adding Japan and Germany to an already unbalanced permanent five membership. During the 1990s the United States emerged as a hegemonic power, using their political, economic and military might to control the actions of the Council. When war broke out in Kosovo and Rwanda, the United States was hesitant to involve their military in the crisis. Without the backing of the United States, the Security Council found it difficult to act. China also showed hesitation, as they feared the Council was becoming too entangled in the domestic affairs of sovereign nations. With regards to collective security, the Security Council lost sense of legitimacy by not responding promptly to the situation in Rwanda. After the terror attacks of September 11, 2001, the foreign policy agenda of the United States shifted. The invasion of Afghanistan to overthrow the Taliban happened without a Security Council resolution that would have legalized the action. This action was overlooked by the member nations of the United Nations due to the severity of the terror attacks. When the United States and their allies believed that Iraq was a threat to international peace and security in 2002, the US government attempted to gain support from the Security Council but failed. The US circumvented the authority of the Council and invaded Iraq against the greater will of the international community.

Introduction

There are four established rules of global security: War, rivalry, collective security and security community. The United Nations Security Council was created to act under the arrangement of collective security. The UN Charter clearly defines the purpose of the international organization in Article I:

The Purposes of the United Nations are

“To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”¹

In collective security, participating members are fellow citizens where autonomy is limited by obligations to follow and enforce the community's rules. Security is achieved through multilateral commitments where members do not break the rules of the community and force is at times necessary to enforce the established rules.² The remaining rules of global security have shaped and affected decisions and actions within and outside of the Security Council since its creation. During the Cold War, The United States and the Soviet Union were in a rivalry which led to the creation of security communities within a bipolar world. After the end of the Cold War, the remaining superpower, the United

¹ UN Charter www.un.org

² Frederking p. 10

States led what some scholars have labeled a hegemonic war against states that would otherwise be considered autonomous. States that are somewhat powerful within the international system, such as the permanent five members of the Security Council, have been able to negatively or positively influence international peace and security issues. The veto power given to the Security Council has been used at times to stop resolutions that otherwise would have effectively ended a conflict. Without the involvement of outside organizations and other organs within the United Nations, many threats to international peace and security may have escalated due to the inability of the Permanent Five members to get past their political/ideological differences and interests. The veto power and the establishment of a permanent membership within the Security Council have created a hierarchy within the Council.³ Because the Council can not act unless all of the permanent five members agree, the remaining ten elected members of the Council are left without the power to pass resolutions. For the Security Council to be more effective, the permanent membership needs to be evaluated and reformed. In many case studies, the hindrances of the permanent five membership are evident. Close analysis of case studies will show the many times the Security Council has been ineffective in handling threats to international peace and security due to the political agendas of the

³ Frederking p. 24

permanent five. Even in cases where the Security Council has acted, it has been in the best interest of at least one of the permanent five. The veto power allows the Council to enforce the rules of collective security on all but the permanent five members. In many instances, the veto power has been abused. In other cases, due to decisions by members of the permanent five, the Council has chosen not to act at all. At times, the more powerful members within the Security Council have been able to completely circumvent the authority of the council without consequence due to their military and economic strength.

The Creation of the United Nations and the Security Council

In January of 1940, the United States and Great Britain began talks on the development of an international organization that would ensure the peace and security of the world after the end of World War II. Although the United States had not yet entered the war, President Franklin D. Roosevelt became one of the main advocates for the creation of a new global security organization that would succeed. The Atlantic Charter served as a key ideological foundation for the principles and norms that would be created. Under the Atlantic Charter, signed by Prime Minister Winston Churchill and President Roosevelt in August 1941, preliminary guidelines on a peaceful existence among the international community were declared. The Atlantic Charter was not a formal treaty between the states but an affirmation in which the two states under clause 8 believe. “...that all of the nations of the world, for realistic as well as spiritual reasons, must come to the abandonment of the use of force. Since no future peace can be maintained if land sea and air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measures which will lighten for peacekeeping

peoples the crushing burden of armament.”⁴ By taking the lead and providing an ideological and political basis on the shape of the post war world, the United States and Great Britain put themselves at the forefront of the creation of the United Nations. On January 1, 1942, just five months after the creation of the Atlantic Charter, The United Nations Declaration was signed not only by Churchill and Roosevelt but by Maxim Litvinov of Russia and T.V. Soong of China. The following day, representatives of twenty-six nations also signed the declaration. The signatories became bound from making a separate peace and pledged to the maximum war effort with their new allies.

The first four signatories of the United Nations Declaration would later become known as the Big Three and China as well as 4 of the 5 permanent members of the UN Security Council. In a later meeting held in Moscow, October 1943, the commitment among these four governments to, ”...recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of sovereign equality of all peace-loving states, and open to membership by all such states, large and small for the maintenance of international peace and security,”⁵ became even greater. This consensus set the stage for a major conference to be held 1944 in Dumbarton Oaks, Washington

⁴ Atlantic Charter www.archives.gov/education/lessons/fdr-churchill/

⁵ Groom; Taylor and Groom, p. 13

D.C. This conference allowed the principal sponsors to present a unified front and create the basic principles that would later become part of the United Nations Charter. The results of the conference were circulated for discussion among other nations interested in becoming part of the new organization. Within this circulatory, the creation of the Security Council, which would consist of five permanent members, those of whom would hold a veto power was centered. The approval of the United Nations Charter draft was to be discussed at a General Conference in San Francisco, April 1945.

Fifty countries were represented at the San Francisco conference. The Big Three and China, led the meetings with their draft from the Dumbarton Oaks Conversations as well as with amendments from the Yalta conference held in Moscow. Amendments from the fifty participating states were also considered. Many of the smaller states feared that they would not be fairly represented within the framework of the United Nations. When compared with the powers held by the permanent members in the Security Council, smaller states were concerned that the veto power would serve as a paralyzing obstacle when faced with issues important to those who would not have the same voting power. An agenda for smaller powers had been outlined in an earlier conference held in the Mexico City meeting of Latin American

countries. Their objective was to strengthen the power of the General Assembly, which they believed was a more equal representation of the international community. The four sponsoring powers of the conference; United States, China, Great Britain and the Soviet Union, were now referred to as the Big Four and agreed that they would not waiver far from what had been agreed upon them at Dumbarton Oaks. The debate by the smaller states over the establishment of the Security Council and the veto were at the forefront of the controversy. The Big Four made it very clear that they would not entertain creating the United Nations without the Security Council. The veto was also to be present in the UN Charter. For them, it was a “take it or leave it” deal and the smaller powers could not afford to “leave it.” The responses to the issue of the veto power were as follows:

“In view of the primary responsibility of the permanent members, they could not be expected in the present condition of the world, to assume the obligation to act in so serious a matter as the maintenance of international peace and security in consequence of a decision in which they had not concurred. Therefore, if a majority voting in the Security Council is to be made possible, the only practicable method is to provide, in respect of non-procedural

decisions, for unanimity of the permanent members plus the concurring votes of at least two of the non-permanent members.”⁶

In this statement, the Big Four affirmed their belief that the Security Council was the primary organ in maintaining peace and security. As the allies and victors of World War II, they believed it was their duty to define what standards the international community should abide by. The sponsoring powers did agree for a review of the UN Charter within 10 years of the founding of the United Nations if requested by two-thirds of the General Assembly and seven members of the Security Council.⁷ By October 24, 1945, the United Nations Charter had received the necessary ratifications to begin operation and the sponsoring powers were now permanent members of the UN Security Council.

“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.

UN Charter Chapter V Article 24

⁶ Goodspeed p.97

⁷ Groom; Taylor and Groom p. 18

The Security Council and the Cold War

The united front of the Big Four and now the Permanent Five members (with the addition of France) of the Security Council began to fade within the first year of the ratification of the UN Charter. Differences in ideology between the Western Nations and the Soviet Union began to affect the relationship among the P5. Iran accused the Soviet Union of unlawful occupation within its borders by its soldiers. In a letter to the Security Council in January 1946, Iran asked the Council to investigate the Soviet Union's interference and recommend a solution. The Soviet Union did not want the issue before the Security Council and requested that the matter be handled bilaterally however they did not block it from the Council's consideration by use of its veto power. After the fifth meeting of the Security Council on the matter, a resolution was drafted allowing the parties to settle the dispute bilaterally but still informing the Council of the progress. This allowed the Soviet Union to have complete control over the issue outside of the Council. By the second time Iran brought the issue to the Security Council, the international climate had changed. Former Prime Minister Winston Churchill had given his Iron Curtain Speech and rifts began to form between the Soviet Union and the United States. Unanimity was not the outcome of the future meeting on the issue of Soviet occupation in Iran. In objection of the Security

Council taking on the issue, the Soviet Union boycotted participation in the Council, the representative stating he wasn't able to participate in discussions because his motion was defeated.⁸

The Iranian dispute was the beginning of a more complicated environment within the Security Council. The veto power was now being used more as a political tool between Eastern and Western ideologies rather than a tool to uphold the fundamental founding of the United Nations which was to maintain international peace and security. On December 1, 1949, the General Assembly passed resolution 290 which is also known as the Essentials of Peace. Within the resolution, The General Assembly calls upon the five permanent members of the Security Council; "To broaden progressively their cooperation and to exercise restraint in the use of the veto in order to make the Security Council a more effective instrument for maintaining peace." This resolution developed due to frustrations felt by those within the United Nations who believed the P5 were not acting responsibly with the powers invested in them by the UN Charter.

In 1947 the UN Special Commission on the Balkans (UNSCOB) was deployed due to complaints that communist movements in northern Greece backed by Soviet satellites such as Albania, Yugoslavia and Greece were destabilizing the Greek state. This issue was first brought to the Security Council but a

⁸ Taylor and Groom pp. 71-72

resolution on the issue was vetoed by the Soviet Union because it was within their sphere of influence. The fall of Greece to a communist movement would only strengthen their hold on Eastern Europe; therefore, the Soviet Union did not want a formal resolution to be passed by the Security Council that would bind them to diffuse the conflict. The United States, aware of the Soviets' political agenda, referred the situation to the General Assembly whom was able to deploy UNSCOB to the area as an observer mission. This was the first fact finding mission deployed by the United Nations and it also laid the ground work for General Assembly Resolution 377, Uniting for Peace.⁹

Under Resolution 377, the General Assembly would be allowed to intervene should the Security Council be unable to act due to a veto stalemate, stating;

“...if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security...”¹⁰

⁹ Krasno; Cronin and Hurd pp 174-177

¹⁰ Krasno; Cronin and Hurd, p174

The resolution allowed the General Assembly to debate an issue of peace and security only if they had the Security Council votes to do so and if the majority of UN members also give a consensus by votes. Procedural matters, such as this would not be subject to the veto in the Security Council therefore prohibiting one of the Permanent Five members to block passage due to political interests.¹¹

These precautionary measures taken by the General Assembly reflected the still unsettled feelings the smaller powers had about the Security Council from the conference in San Francisco. Resolution 377's first real challenge came when North Korea invaded South Korea on June 25th 1950.

Just nine months after the Communist victory in China, North Korea launched an attack on South Korea. Korea thus became the first real battleground of the Cold War and the first challenge to the auspices of the Security Council. Charged with the duty of maintaining international peace and security, the Security Council's ideological differences became evident during the Korean War. The United States and its major allies responded swiftly and decisively to halt what they perceived to be the unlawful expansion of Communism and a violation of the United Nations Charter.¹² North Korea was a Communist state that

¹¹ Krasno; Cronin and Hurd p. 175

¹² McWilliams and Piotrowski p. 59

received substantial Soviet political, economic, and military support and was considered by the West, to be under Soviet control.¹³ When the war broke out, the Soviet Union was in the middle of protesting its attendance at Security Council meetings. The boycott of the Council by the Soviet Union was in response to the United Nations not recognizing the new found People's Republic of China, and still allowing the Chiang Kai-shek regime in Taiwan to hold its seat within the United Nations and in the Security Council. The western allies within the Security Council took advantage of the absence of the Soviet Union and gave the United States authority to take action against the North Korean invasion. Once the Soviet Union learned the plans of the Security Council to take decisive action against North Korea, they returned to the Council and blocked any further involvement in the region by using their veto power. The veto reflected accurately, the divided world in which from this point forward it would often be used. The great powers would deliberately pursue methods of diplomacy based on national power rather than to cultivate high principles of international cooperation and tolerance.¹⁴

Although the Soviet Union halted any further action by the Security Council with regards to Korea when they returned to their seat on the Security Council August 1, 1950, The United States,

¹³ McWilliams and Piotrowski p. 63

¹⁴ Mahbubani p 255

France and Great Britain along with their allies had already effectively passed Security Council resolutions 82- 85. The resolutions condemned the armed aggression by North Korea, called for the withdrawal of the troops and gave permission to UN member nations to “assist the Republic of Korea in defending itself against armed attack and thus restore international peace and security in the area.”¹⁵ This call for member nations to contribute forces to an area of conflict would later be known as “police action” to repel aggression.¹⁶ Resolution 83 authorized military involvement by the United States and other UN member nations. The Soviet Union protested this and called it an act of aggression. They contended that the war was started by South Korea and the deployment of UN forces in Korea was in violation of the UN Charter because neither the Soviet Union or China were present at the Security Council meeting to cast a vote.

Debates in the Security Council over Korea prompted an analysis of the UN Charter. It was found that the General Assembly could discuss matters of international peace and security if the Security Council was not currently debating the matter.¹⁷ This particular situation prompted the strategic planning by the United States to create and implement the Uniting for Peace Resolution 377. Members of the General Assembly felt this was a necessary

¹⁵ UN Website <http://www.un.org/documents/sc/res/1950/scres50.htm>

¹⁶ McWilliams and Piotrowski p. 64

¹⁷ Krasno: Cronin and Hurd p. 178

measure given that the crisis in Korea was definitely a matter of peace and security and the main organ charged with its maintenance was in an ideological feud. During debates in the General Assembly about the issue in September 1950, Ambassador of Brazil De Freitas Valle stated, “the right of the veto has been abused.” US Secretary of State Dean Acheson accused the Soviet Union of being a main obstacle to peace due to their policies. Meanwhile Ambassador Andrei Vyshinsky of the Soviet Union accused the United States of having ulterior motives for their involvement in Korea stating. “the United States delegation... adopted a number of illegal and unjust decisions on the Korean question to camouflage the armed intervention in Korea.”¹⁸

Sixteen UN member Nations ultimately contributed to the UN forces in Korea. The bulk of the UN troops, weapons and materials were from the United States. The United States also financed a huge portion of the operations and the UN forces were placed under US command. The military diplomatic planning for the war was also done mainly in Washington.¹⁹ The swift involvement by the UN and particularly the United States was believed to be a political maneuver led by the United States to halt the spread of Communism throughout Asia. Peace talks began when both sides,

¹⁸ Krasno; Cronin and Hurd p. 180

¹⁹ McWilliams and Piotrowski p. 65

South Korea supported by the US and North Korea supported by China, were stuck in a deadlock in spring 1950. Over the next two years, two main questions divided those trying to reach a settlement. The first was the cease-fire line and the second was an exchange of prisoners. The talks were being held in Moscow and Washington led by Joseph Stalin and Harry S. Truman respectively. Due to their differences over matters that stemmed deeper than the war in Korea, the two were unable to come to an agreement and the issue was not settled until both leaders were no longer in office. A final agreement was signed on July 23, 1953 which made the final battle line the truce line. This came to be known as a demilitarized zone, stretching two and half miles wide almost at the original 38th parallel line.

The struggle within the Security Council over the war in Korea during the early years of its existence served as a harbinger for years to come. Its effectiveness in the new bi-polar world would come into question over the next 40 years. The Security Council faced many peacekeeping operational challenges during this trying time. During this time period, many cases that would have been heard by the Security Council were not considered because they could not come to an agreement. Many times, the issue was referred to the General Assembly under resolution 377.

The United Nations Security Council Resolution 1013 was officially invoked on 1956 over the crisis in Egypt's Suez Canal.

Suez Canal Crisis

In July 1956, Gamal Abdel Nasser, president of Egypt seized control of the Suez Canal. The Canal had been controlled and protected by the United Kingdom since the Convention of Constantinople in 1888 declared the area a neutral zone. Under the later Anglo-Egyptian Treaty of 1936, the United Kingdom insisted upon retaining control of the canal. This was refuted by Egypt for several years and British troops finally withdrew from the region in 1956. Shortly after the withdrawal, Nasser placed control of the canal under the Suez Canal Authority. Nasser forbade the use of the canal by Israel once it was nationalized. Israel considered this an act of war and began talks with the United Kingdom and France about planning a counterattack that would retake the Suez Canal.²⁰ In October 1956, Britain, France and Israel signed the Protocol of Sevres, a secret agreement that called for the joint military and political efforts of the three nations to retake the Suez Canal from Egypt. Following the treaty, Israel attacked in Egypt's Sinai desert and eventually reached the Suez Canal and the southern tip of the Sinai. Shortly after, British and French naval, air and land forces joined the battle against Egypt.²¹

Attempts made by the UN Security Council to intervene and stop the war were met by French and British opposition. Since

²⁰ Krasno: Cronin and Hurd p.183

²¹ McWilliams and Pitrowoski p. 156

two of the nations involved in the war were members of the Security Council, they used their veto power to halt any involvement by the Council in the crisis. In response to the stalemate, the Security Council was able to pass resolution 119 which stated,

“The Security Council,

Considering that a grave situation has been created by action undertaken against Egypt.

Taking in to account that the lack unanimity of its permanent members at the 749th and 750th meetings of the Security Council has prevented it from exercising its primary responsibility for the maintenance of international peace and security,

*Decides to call an emergency special session of the General Assembly resolution 377 A (V) of November 1950, in order to make appropriate recommendations.”*²²

The emergency session of the General Assembly was held November 7-10, 1956. The General Assembly demanded the immediate withdrawal of Israeli, British and French troops. The first deployments of armed UN peacekeepers (United Nations Emergency Force; UNEF) were sent to the region to monitor a buffer zone between the Egyptian and Israeli troops.²³ The United Nations Truce Supervision Agreement for Palestine was successful in ending the conflict with the involvement of official UN troops. This was the first time the resolution had been used and members of the General Assembly

²² UN website <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/109/53/IMG/NR010953.pdf?OpenElement>

²³ Krasno: Cronin and Hurd, p. 183

now felt they had some control when threats to international peace and security arose and the Security Council was unable to reach unanimity.

There are several cases throughout the short history of the United Nations where the General Assembly had to take some role and implementing and passing resolutions that were vital to maintaining a war free international environment. One case presented not only to the United Nations but to the League of Nations is the case of the sovereignty of South West Africa or Namibia, as it came to be known.

Namibia

The region now known as Namibia was a German colony until its conquest by South Africa in 1915 during World War 1. At the end of the war, the League of Nations entrusted the territory to South Africa to help transition the area to a sovereign nation. Instead, South Africa continued the harsh discriminatory practices of the Germans and encouraged white people to settle on the majority of the farmlands. South Africa's ultimate plan for the territory was annexation.²⁴ When the United Nations was formed, the Trusteeship Council was created as one of the organs of the new organization to oversee the transition of territories to independence. South Africa refused to place Namibia into the

²⁴ Thornberry: Malone p.408

Trusteeship Council and instead began the process of overtaking the region by placing white South West Africans in the parliament of South Africa. The General Assembly brought the issue to the International Court of Justice in 1949 in attempts to gain legal backing and declare South Africa's actions illegal. The ICJ, however, backed the original international mandate that declared South West Africa a territory under the Union of South Africa.

²⁵The Independence movement did not take a strong hold in Namibia until the 1960s when several independence organizations were formed and the General Assembly became increasingly involved. ²⁶

The South West African People's Organization (SWAPO) and the South West African National Union (SWANU) were formed by peoples living within Namibia. These two organizations helped keep the movement for independence alive, gaining worldwide recognition. SWAPO and SWANU developed key relationships with the Organization of African Unity (OAU). OAU was established to help unify the African continent and to help liberation movements in regions still affected by colonialism. Many states that were part of OAU were also members of the United Nations. These member nations were able to gather support for the Namibian independence movement within the General

²⁵ Krasno; Krasno, Hayes, Daniel p. 32

²⁶ Krasno; Krasno, Hayes, Daniel p. 28

Assembly. The General Assembly granted SWAPO observer status in 1973 and later recognized the organization as the sole representative of Namibia in 1976. In 1978, SWAPO was given permanent observer status and eventually a permanent seat in the General Assembly, elevating the organization to a level of countries such as Switzerland. The General Assembly passed a resolution that revoked the mandate that gave South Africa control over the area and made Namibia the direct responsibility of the United Nations. This action by the General Assembly was endorsed by the Security Council in resolutions 264 and 269.

Resolution 264 states,

“The Security Council

Taking into account General Assembly resolution 2145....which the General Assembly of the United Nations terminated the Mandate of South West Africa and assumed direct responsibility for the Territory until its independence,

Reaffirming the inalienable right of the people of Namibia to freedom and independence in accordance with the provisions of General Assembly resolution 1514.

2. *Considers* that the continued presence of South Africa in Namibia is illegal and contrary to the principles of the Charter and the previous decisions of the United Nations and is detrimental to the interests of the population of the Territory and those of the international community;

3. *Calls upon* the Government of South Africa to withdraw immediately its administration from the Territory;

8. *Decides* that in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, the Security Council will meet immediately to determine upon necessary steps or measures in accordance with the relevant provisions of the Charter of the United Nations.”

This resolution endorsement was very significant to the Namibian struggle for independence. They finally received the recognition necessary to make their ordeal a permanent fixture in international debate. Although the Security Council did agree that the presence of South Africa in Namibia was illegal, their hands were still tied by ideological differences and the veto. When South Africa failed to comply with General Assembly and Security Council resolutions, the Security Council did not make any mention of using Chapter VII in future resolutions which would give the Council permission to use force in the matter. The Security Council reconvened on the issue in 1976. Three draft resolutions were brought forward by members of the nonaligned movement that would have imposed mandatory sanctions against South Africa for failure to comply with resolution 385. Britain, France and the United States cast a triple veto against each resolution.²⁷

The initial General Assembly resolutions, calling for the withdrawal of South Africa from Namibia only held moral authority without the backing of the Security Council. Unlike the

²⁷ Thornberry, Malone p. 410

Korean War, the Security Council did not take a defined path with South Africa. The Western permanent members of the Security Council realized the issue in Namibia wasn't one they could "shelve", however they were very concerned with the recent involvement of China and the Soviet Union in South Africa. Both governments were becoming more involved in the economic, infrastructural and strategic affairs of the region.²⁸ When West Germany and Canada joined the Security Council in 1977, the five western nations searched for an independence and peace process that would satisfy all members of the Council. They became known as the Western Contact Group of Namibia.

Over the next year, the Western members of the Council drafted a program they believed would be acceptable to everyone. Their proposal stated its central feature in addition to resolution 385 would be the holding of free and fair elections for Namibia as a single entity under the supervision and control of the United Nations with the assistance of South Africa. This culminated in resolution 435 which was passed in September 1978. Resolution 435 established the United Nations Transition Assistance Group (UNTAG) for a period of twelve months. UNTAG's main objective was to assist the Secretary General's Special Representative to carry out the mandate that ensures the early

²⁸ Thornberry; Malone p. 410

independence of Namibia through free elections under the supervision and control of the United Nations.²⁹

In response to this proposal, many UN members found it difficult to understand why South Africa needed to have joint responsibility and keep its administration in place during this process. In their defense they said it was a “working arrangement”, and was not to constitute the recognition of the South African presence in an administration of Namibia.³⁰

Despite the Western member’s of the Security Councils attempt at trying to come up with an agreeable proposition on Namibia, many countries felt that there were more political reasons responsible for the delay of executing resolutions that were already set in place. During this time, Cuban troops were present in neighboring Angola. The Western allies feared that communism would spread to Namibia should South Africa be taken out of the equation before a stable, democratic government could be established in Namibia. The South Africa National party had warned their electorate of the growing “encirclement” of southern Africa by “international communism.”³¹ The West was also afraid of SWAPO’s lean towards communism. While the debate over the sphere of influence in the region continued, there was mounting

²⁹ UN Website <http://www.un.org/documents/sc/res/1978/scres78.htm>

³⁰ Thornberry; Malone p. 411

³¹ Thornberry, Malone p. 413

international pressure against South Africa in response to the discriminatory law of apartheid.

South Africa was defiant towards the Security Council and its resolutions. The government believed it had options other than adhering to resolutions passed by the United Nations. South Africa believed that it could (1) militarily defeat SWAPO and its allies in Angola, (2) foster a white dominated government structure within Namibia that would be accepted by the international community and (3) believed that if elections were held immediately, SWAPO would win and impose socialist policies.³² While the Jimmy Carter administration was in office during the late 1970s, attempts were made to draft a bill of rights for Namibia but once he was voted out of office, this process was put on hold due to Ronald Reagan's focus on the spread of communism his belief that South Africa was an ally in containment.³³

As stated previously, much of the fear about instability in the South African region was due to Cuban troops present in Angola. These troops were backed by the Soviet Union and in 1988; they launched an attack against the South African Defense Force that resulted in heavy casualties. The presence of conflict within Angola delayed the implementation of resolution 435 which called for peaceful elections within Namibia. South Africa

³² Krasno; Krasno, Hayes, Daniel p. 34

³³ Krasno: Krasno, Hayes, Daniel p. 35

continued to use the presence of the Cuban troops within Angola as a means to continue their occupation of Namibia. The United States along with Angola, Cuba, South Africa and the Soviet Union began to hold discussions in 1988 where the parties agreed on the necessary steps to prepare the way for the independence of Namibia. The Security Council passed resolution 626 which created the United Nations Angola Verification Mission (UNAVEM). This mission was created to verify the implementation of the Angolan-Cuban Accords, which required the Cuban military to phase out their presence over a period of thirty-one months. South Africa was also required to remove their troops from Namibia. April 1, 1989 became the set date for the implementation of resolution 435.³⁴

Martti Ahtisaari, Special Representative of UNTAG, arrived in Namibia March 31st to begin the process of preparing Namibia for independence. This same day, conflict broke out between SWAPO fighters and South African police in the northern part of Namibia. It was reported that armed SWAPO had crossed the border from Angola, igniting the crisis. The UN had not yet deployed its troops or observers therefore the actual source of the incident remained debated. The Foreign Minister of South Africa threatened to pull out of the independence movement had he not been allowed to release the South African Defense Forces. By the

³⁴ Thornberry; Malone p. 414

time the conflict was over, more than 300 SWAPO members were killed. The death toll of the SADF was roughly 30. SWAPO (because they were feared to be communist enthusiasts) had not been invited to be a part of the negotiations that led to the removal of the Cuban troops that opened the door for Namibian independence; therefore there was not a formal procedure in place that would allow them to disarm peacefully. Resolution 435 called for SWAPO to serve as an observer over the Namibian independence process once there was a cease-fire. The crisis on April 1st could have been avoided if SWAPO had been included in the talks at Brazzaville where the agreement on how the Namibian independence process would be implemented was established. On April 8th, a cease-fire agreement was reached that called for members of SWAPO to return to Angola and South African forces were required to return to their bases. The fighting ended just a few days later allowing UNTAG to continue preparing Namibia for independence.³⁵

Elections were held in Namibia from November 7-11, 1989. SWAPO ended up winning 57% of the vote giving them more than half of the elected seats in the new Constituent Assembly. Their many years of depending upon the General Assembly and the United Nations for support in their fight against unjust occupation had finally come to fruition. It also gave rise to a

³⁵ Krasno; Krasno, Hayes, Daniel p. 41.

sense that there is some form of unification within the international community when sovereign territories are faced with unlawful occupation. The situation in Namibia was easily diffused by 1989 because it became evident that the Soviet Union was steadily losing power. Due to the differences among the P5 during this time period, the issue in Namibia took longer to resolve. Had the P5 put their ideological differences aside, they could have pushed for elections sooner within Namibia and had the power to send UN troops to the region to maintain peace if they feared interference from Cuban troops in Angola. The end of the Cold War brought new challenges to the Security Council. With the Soviet Union no longer a threat, the United States took the lead in military and economic dominance.

The End of the Cold War and the Security Council

“In a letter dated 24 December 1991, Boris Yeltsin, the President of the Russian Federation, informed the Secretary-General that the membership of the Soviet Union in the Security Council and all other United Nations organs was being continued by the Russian Federation with the support of the 11 member countries of the Commonwealth of Independent States.”³⁶

After decades of limited activity by the Security Council, the end of the Cold War and the collapse of the Soviet Union circa 1990-1992. witnessed an amazing increase in the number of conflicts throughout the world. Numerous crises gave rise to demands for military action and particularly for intervention in states without, at times, the consent of their governments. During the Cold War, the Council passed fifteen resolutions per year where six were vetoed. Since 1989, the Council has averaged sixty-four resolutions per year with less than one veto per year on average.³⁷ It was thought that the end of the Cold War would in fact be a new beginning for the Security Council. At an opening meeting in January 1992, the British Prime Minister, serving as the president of the Security Council that month believing this was a turning point within the world stated, “the Council should reaffirm its attachment to the principle of collective security, that is preventative action,

³⁶ www.un.org/sc

³⁷ Frederking p. 31

peacemaking and peacekeeping.” He further stated that “Council members should pledge to uphold international peace and security through reinforced measures of arms control for which not only the Council but also the whole organization had to play an increasingly important role.”³⁸ This statement set precedent on the matters seized by the Security Council over the next two decades.

³⁸ Dedring, in *The United Nations Security Council in the 1990s* p. 18

Iraqi Invasion of Kuwait

In the summer of 1990, Iraqi dictator Saddam Hussein launched an invasion of neighboring Kuwait and quickly conquered the small, almost defenseless oil rich nation. The ruler of Kuwait and his family fled to Saudi Arabia as the international community watched in horror and disbelief. Four days after the invasion, the UN Security Council composed of the P-5, Canada, Colombia, Cote d'Ivoire, Cuba, Ethiopia, Finland, Malaysia, Romania, Yemen and Zaire, voted (Cuba and Yemen abstaining) to impose a worldwide trade embargo against Iraq under Chapter VII of the UN Charter.³⁹ This was the most comprehensive non-military sanctions ever imposed by the United Nations. Within four months, the Security Council passed 12 resolutions on the issue of Iraq-Kuwait. Resolution 660, adopted on August 2nd, the day of invasion, condemned the Iraqi invasion of Kuwait, and demanded the immediate withdrawal of Iraq. Resolution 678, passed on November 29th 1990, demanded the compliance with resolution 660. If Iraq did not comply by January 15, 1991, resolution 678 authorized member states co-operating with the government of Kuwait...to use all necessary means to uphold and implement resolution 660 and all subsequent relevant resolutions and to restore international peace and security to the area.⁴⁰

³⁹ Dedring; Taylor and Groom p. 82

⁴⁰ UN Website <http://www.un.org/Docs/scres/1990/scres90.htm>

Resolution 678 was adopted 12 votes to 2 (Cuba and Yemen), 1 abstention (China).

President George W. Bush of the United States began building a powerful international military coalition with the intentions of not only restoring sovereignty to Kuwait but taking Saddam Hussein out of power completely. Bush envisioned the United Nations, led by the United States, as the guardians of international peace and security. With the Soviet Union no longer a contender in leading the international community, the United States now saw itself as the leader of the free world within the international spectrum.

When January 15th arrived and Iraq had not withdrawn from Kuwait, a thirty-one member coalition descended upon the Gulf region. Led by more than 530,000 US, 35,000 Egyptian, 25,000 British, 22,000 Saudi, 19,000 Syrian and 5,500 French forces, totaling nearly 700,000 troops.⁴¹ This act of collective security by UN member nations provided a breakthrough in global governance that finally validated the UN Charter and its effectiveness with regards to the UN Security Council. On March 3, 1991, Iraqi foreign minister Tariq Aziz, present at the United Nations, stated that Saddam Hussein accepted the UN terms for a cease-fire and agreed to withdraw his troops from Kuwait. Iraq had suffered many casualties in the war and couldn't afford any more attacks from the onslaught of air strikes from the coalition.

⁴¹ McWilliams and Piotrowski p. 560

The Gulf War and the response of the international community, serves as interesting case study for the effectiveness of collective security. When Iraq invaded Kuwait, the UN Security Council adopted resolutions that called for member states to remove Hussein's troops from Kuwait by all means necessary but not all members were able to fully participate in this procedure once January 15th approached. It was evident that the collective use of armed force, as mandated under Article 42 of the UN Charter, was not achievable. Members drew the conclusion that all were not equipped to carry out such an operation. The United States and other major powers argued that the UN lacked the military and logistical capacity to carry out the operation in Iraq. Only 5 members states were able to send troops and only a handful of other countries financed the war. Surprisingly, the militarily power, the United States, did not have to carry the entire cost of the war. For the first time, a superpower sought contributions from other nations to pay for a military operation it had already undertaken. Several Gulf nations and wealthy nonparticipants (Germany and Japan) ended up paying nearly the entire bill.⁴² The burden of responsibility for this massive shortcoming of collective participation to enforce collective security had to be supported by the leading political, financial and military leaders of the United

⁴² McWilliams and Piotrowski p. 562

Nations.⁴³ This in fact made the Security Council less involved in the actual outcome of the Gulf War. Japan and Germany were not members of the Security Council yet they provided the most financial backing for the operation in Kuwait.

⁴³ Dedring; Taylor and Groom p. 84

El Salvador

The United Nations Security Council along with the Secretary General played a more equal role in bringing peace to the war torn nation of El Salvador in the 1990s. Although the conflict in El Salvador had been going on for quite some time, the Cold War had delayed the Security Council's involvement in the region. The first collective effort to bring about peace to the war torn country was made by the Contadora Group; Colombia, Mexico, Panama and Venezuela. This group was later joined by the Support Group which included Argentina, Brazil, Peru and Uruguay. Colombia, Mexico, and Venezuela would later play a key role in the peace negotiating process as they served as part of the "Group of Friends" to the Secretary General. The Contadora Group would become known as creating a political climate for a consensus of peaceful resolutions to the conflict in Central America. Although the United Nations had formally seized of the situation in El Salvador in 1981, they did not become fully involved until after the Esquipulas II agreement was created in 1987.

In 1987, the president of Costa Rica, Oscar Arias along with the other five current Central American Presidents, signed the "Procedure for the Establishment of a Firm and Lasting Peace in Central America otherwise called the Esquipulas II agreement in

Guatemala. This treaty was a major breakthrough in the region and showed the commitment and resolve of those nations in bringing about peace even without the official help and support of the United Nations. Through this treaty, dialogue on the issues was promoted and by July 1989 had received “firm support” from the Security Council.⁴⁴ Resolution 637 adopted by the Security Council commended the Central American presidents as they expressed their desire for peace and gave the Secretary-General their full support to continue his mission in helping the region achieve their goals. Security Council involvement remained limited on the issue.

The Esquipulas initiative created political momentum but it failed to include the issue of the rebel groups such as the Farabundo Marti National Liberation Front (FMLN) of El Salvador. The agreement was created by governments to strengthen the political system without opening it up for negotiations. One objective of the agreement was to dispel of insurgent forces which would include the FMLN. The United Nations was able to help on this gap in the peace process. Secretary-General Representative Alvaro de Soto called for a meeting in September 1989 with the FMLN and newly elected President of El Salvador, Alfredo Cristiani. These initial talks failed and violence erupted shortly after. The violence culminated

⁴⁴ Antonini; Malone p. 424

when Jesuit priests, a housekeeper and her daughter were brutally murdered in November of that year, it was evident that a different approach needed to be taken in El Salvador. In the weeks following de Soto feverishly held talks with the FMLN and the Salvadoran government trying to find a solution. On April 4th, 1990, the two sides met in Geneva and along with the Secretary-General Cuellar, signed an agreement that would guide peace talks over the next two years.⁴⁵ During this time period, the Secretary-General's Group of Friends along with the United States would help create the environment for a peaceful resolution outside of the Security Council.

The concept of the Group of Friends was officially established during the peace talks in Central America. The idea of drumming up support for the Secretary-General was first observed under Dag Hammarskjold during the Suez Canal crisis. The Group is usually made up of three to six member states and serves as support to the Secretary-General in finding peaceful solutions to crises. Secretary General Cuellar's Group of Friends consisted of Colombia, Mexico, Spain and Venezuela. The United States was later considered the fifth to the group becoming known as the "Four Plus One." In El Salvador, the Group of Friends was used to offset the political weight of the Security Council. Members of the Security Council at the time were known to either take the side of

⁴⁵ Antonini; Malone p. 426

FMLN or the Salvadoran government. They were not believed to be impartial therefore ineffective at fostering negotiations. Particularly, the United States supported the current government of El Salvador whereas FMLN received support from the Soviet Union and Cuba. The Friends were to maintain impartiality and keep the peace process on the right track and focused on the issue at hand. Impartiality is a key component for the success of mediation, without it parties involved in the conflict may feel as though they are not being treated fairly. They could decide that returning to fighting may serve their interest better. This was a very delicate yet extremely important task for the member states of the Group of Friends involved.

As FMLN and the Salvadoran government came close to an agreement in December 1991, talks began to break down and the Group of Friends alerted Secretary-General Cuellar. The events took place on December 31, 1991, Cuellar's final day in office. They reminded Cuellar that he was responsible for the success of the peace process and encouraged him to take action immediately. The Friends then pressured the two sides to reach an agreement, emphasizing that their window of opportunity was closing with Cuellar and his support leaving office. FMLN and the government

of El Salvador worked to reach a truce and finally signed the peace agreement a little after midnight on January 1, 1992.⁴⁶

After the official signature of the Peace Accord in Mexico on January 16, 1992, the Security Council involvement in El Salvador evolved. The UN Observer Mission in El Salvador (ONUSAL) was created as an international authority ensuring compliance with the agreement between the two parties before the cease fire was set in place but now became active. Its job was to report the progress in El Salvador to the Security Council from 1992 to 1995. Its first component, the human rights division, served to alleviate the affects of war on the civilian population. This was the first time a UN human rights operation served such a vast territory over a prolonged period of time. ONASUL included 380 military observers, 631 police monitors and an electoral division. The observer mission played an important part in keeping the process on track, demobilizing FMLN and creating trust among the people of El Salvador. The creation of the Truth and Ad Hoc Commissions also played a vital role in helping the two parties come to a resolution on many of the atrocities committed by the Salvadoran government before Cristiani took office. The Security Council was persistent in making sure the commission produced results. The Truth Commission's report described extreme human rights violations and named individuals responsible. The findings

⁴⁶ Arria; Krasno, Hayes, Daniel pp 74-76

heightened tensions and the Legislative Assembly had to be called in for an emergency session to grant amnesty before conflict arose.

The most serious violation, as described by the Security Council, during the transition to peace occurred in May 1993. FMLN stock piles of weapons had accidentally exploded in Nicaragua causing concern to all those involved in the peace process. The FMLN was warned that unless they agreed to allow the UN inspect and remove remaining weapons, the entire peace process could be in jeopardy. The FMLN acted positively to the Security Council's recommendation and allowed ONUSAL's special observers to areas identified by FMLN as places of interest. The incident had been diffused successfully and the new Secretary-General Boutros-Ghali stated that this was an indication of the strength in the peace process.

In March 1994, El Salvador finally held its first election since the cease-fire. FMLN was allowed to participate as a legitimate political party for the first time as ONUSAL observed the elections and supported the Supreme Electoral Tribunal in the registration and the delivery of voter cards. Violent incidents broke out at the beginning of the electoral campaign in which, two FMLN leaders and several other politicians were murdered. This raised fear among the people that the country was not yet safe. The Secretary-General and the Security Council acted quickly. They

instructed the human rights division of ONUSAL to work with the Salvadoran government to find those responsible for the disturbances. The findings were to be brought before the Security Council. After the elections, the new administration of President Calderon Sol and the FMLN announced their commitment to the continued peace. ONUSAL had enabled the Security Council to monitor compliance continuously and effectively through the transitional period. The United States, Spain and Venezuela, members of the Security Council and former members of the Group of Friends Plus One made the issue in El Salvador an important one on their agenda.⁴⁷ This active Council involvement was driving force behind the peace process and set the stage for a better future for the people of El Salvador.

The success of the Security Council in diffusing threats to international peace and security escalated after the Cold War, however, the decade following this event was plagued by a number crisis in which the Security Council failed to handle situations correctly. One of the most infamous cases is the genocide of hundreds of thousands of Rwandans in 1994.

⁴⁷ Antonini; Malone p. 434

Rwanda

In October 1990, the Rwandan Patriotic Front (RPF) invaded Rwanda from Uganda. Both the presidents, Rjuvenal Habyarimama of Rwanda and Yoweri Museveno of Uganda were at the United Nations headquarters in New York at the time. Habyarimama believed that the invasion was sponsored by Uganda rather than a rebellion by the Rwandan Tutsi who were present in the Ugandan army and targeted the Hutus. Rather than bring the issue directly to the Security Council, Habyarimama went to France and Belgium for help and advice. France was one of their long time allies and Belgium their former colonial ruler. Unlike the rapid and strong response given by the Security Council when Iraq invaded Kuwait two months prior, the situation in Rwanda wasn't given that much attention. There are many theories as to why the Security Council did not immediately draft a resolution pertaining to the invasion. Many contribute this lackadaisical response by the Council, as a direct indicator of the national interests of the Permanent Five. Due to Rwanda's minimal export commodities that influence the world economy, it was considered low on the totem pole of international affairs. The fact that African nations are not represented in the P5 has also been attributed to the noninterest in the conflict. As stated previously, the Rwandan invasion also happened when the Security Council was engulfed in

the crisis in the Gulf region. As the crisis progressed over the next four years, Somalia and Bosnia were also added to the agenda of the Security Council. Their resources were being spread extremely thin in the post Cold War environment.

The Security Council did not place Rwandan on its agenda until March 1993 with resolution 812 under the condition that the RPF and the Rwandan government continued peace talks. By the time the Security Council became involved, the nation had been in conflict for over two years and organizations such as the Organization of African Unity (OAS) and states such as France and Belgium were already actively involved in trying to bring the two sides to the table for negotiation. Because the Security Council believed there was already a sufficient amount of support in the region, they waited on the sidelines to see how the situation would progress. Once the Security Council believed a cease-fire was being considered, and from the push of one of the P5, France, to put the situation on the agenda, the Council finally conceded. Resolution 812 called for a deployment of UN observers to the Rwanda-Uganda border, possible support to OAU, who were monitoring the cease fire agreed upon the Arusha Peace Accord, and established an international force for humanitarian assistance and civilian protection.⁴⁸ What was eventually established by Resolution 846 was the United Nations Observer Mission Uganda-

⁴⁸ Adelman and Suhrke, pp. 488-89

Rwanda (UNOMUR) for a sixth month time period. UNOMOUR's function was to watch the border on the Uganda side to verify that no military assistance reached Rwanda. Later that year, in October 1993, the Council also passed resolution 872 which established the United Nations Assistance Mission in Rwanda, (UNAMIR).

UNAMIR was also created for six months upon which time the Council would review its progress as well as the situation between RPF and the Rwanda government. Both missions' success was contingent upon a peaceful environment within Rwanda. Unaware that violence was on the verge of escalating, the Council did not recognize that their limited role in giving the two missions enough financial and personnel support, they were destined to fail.

During the Rwandan crisis, the Security Council received reports from the Secretariat, headed by then Secretary-General Boutros-Ghali. The Secretariat failed to provide strategic options for the Council due to a dynamic referred to as "anticipatory-veto." The close and informal relationship between the Security Council and the Secretariat created an unspoken rule in which the Secretariat was to discern what the Council was likely to accept and to prepare policy options based on the assumption. The reports were generally of poor quality with little analysis of the core issues and events and eager to report good news because the presence of UNAMIR and UNMOUR in Rwanda were based on the belief that

the situation was improving. Once violence began to erupt, instead of engaging the UN with greater determination, the Council threatened to pull out UNAMIR unless the two parties adhered to the Arusha Peace Accord and maintain the cease-fire.

On April 6, 1994, President Habyarimana's plane was shot down. Following this tragic event, violence escalated. Ten Belgian peacekeepers were killed and the Security Council started to discuss the withdrawal of UNAMIR. Some elected members on the Security Council at the time, such as Nigeria called for an increase in troop support but the United States, still recovering from an unfavorable outcome in their involvement in Somalia, decided against further commitment. By the end of April, when it was evident that genocide was occurring, the Council still could not reach an agreement on how to approach the crisis. As thousands of Rwandans were being killed, the Council debated a military approach. According to Colin Keating, the elected representative of New Zealand on the Security Council during the genocide in Rwanda;

“One of the key reasons why the troops and resources never came together and the military plan was never finalized was because the Security Council was unable to show the leadership expected of it. Normally the Security Council is the focus of collective leadership. It decides to act. That decision constitutes a call to the member states to exercise collective security responsibilities. In May and June 1994, because of the threatened US veto, the Council was not

able to agree to deploy. That signal and lack of leadership were anything but a call to act, and as a result member states also held back.”⁴⁹

Elected members of the Security Council during the Rwandan crisis such as New Zealand, Czechoslovakia, Spain, Djibouti and Nigeria, were willing to send aid to the region but unfortunately did not have the diplomatic, military, and financial resources necessary to move forward. With the proper support, these nations could have acted as a safety net in situations where the P5 did not want to take on situations where it was a low priority for them but important to those people and nations affected. Another key factor in the slow reaction by the Security Council to engage was due to the fact that in the General Assembly had recently elected Rwanda to the Council in January 1994, just four months proper to the escalation of violence. If anyone should have alerted the Council to the deteriorating situation in Rwanda, it should have been their elected official. In this same month, an alert was sent from Kigali to New York from UNAMIR Force Commander General Romeo Dallaire warning about an imminent threat of genocide. The Secretariat received the notice but never shared it with the Council. According to Colin Keating, it was later revealed that the Rwandan government, led by the Hutu, wanted

⁴⁹ Keating pp 509-10

the Arusha Peace Accord to fail. With the information from their insider on the Security Council, they knew that if the peace did not last, the United Nations would pull out its forces, paving the way for them to take control and eliminate members of the RPF and the civilian Tutsi people.

New Zealand and the other E10, willing to send troops and support to Rwanda were faced with many road blocks from members of the P5. Although it was clear that genocide was in fact most definitely occurring according to many Non-Governmental Agencies (NGOs) that were on the ground in Rwanda at the time, they still had difficulty in labeling the massacres taking place as genocide. The E10 believed by revealing that genocide was taking place would rally international support to keep UNAMIR in place and increase its forces within Rwanda. This strategy was met with opposition especially from the United States who had opted not to become involved in the Genocide Convention for many years. The US government feared the use of the word “genocide” could have increased domestic and international as well as legal pressure for intervention to stop the havoc.⁵⁰ China was also opposed to the introduction of any human rights language in the Security Council due to political backlash it could receive for practices within their own country. Ibrahim A. Gambari, the Nigerian Security Council representative, believed, “Without a doubt it was the Security

⁵⁰ Gambari p. 519

Council, especially its most powerful members, as well as the international community as a whole, that failed the people of Rwanda in their gravest hour of need.”⁵¹

⁵¹ Gambari, p. 513

Bosnia and Herzegovina

The end of the Cold War marked the dissolution of many of the Soviet Union's satellite states. With their newfound independence, the new states were eager to finally have sovereignty and with that self determination. The territory known as Yugoslavia had remained neutral under leader Josip Tito during the Cold War. Under Tito, there were eight ethnic regions; six republics; Bosnia and Herzegovina (hereafter Bosnia), Croatia, Macedonia, Montenegro, Serbia, Slovenia and two autonomous provinces within Serbia: Kosovo and Vojvodina. Josip Tito had established a federation where no one people would dominate the other, even the numerically and historically dominant Serbs. After Tito's death in 1980, the new Communist party leader Slobodan Milosevic sought a greater Serbia dominating the other nationalities. In June 1989, Milosevic led a Serb demonstration consisting of 1 million people in Kosovo commemorating the 600th anniversary of the Battle of Kosovo field. In this battle the Muslim Turks had defeated the Christian Orthodox Serbs. Milosevic used this day to fuel the division among the people of Yugoslavia. He believed it was time for the Serbs to regain control of the region. Starting in June 1991, with Slovenia, each of the regions began to secede from Yugoslavia. On one hand, they feared the new policies of Milosevic but they were also inspired by the independence

movements within the former Soviet Union and demanded more autonomy. Although many of the Yugoslavs were of Slavic origin, their differences stemmed from religious influences. The Slovenes and Croats in the west had fallen under Roman Catholicism whereas the Slavs in the east which included the Serbians and Macedonians, belonged to the Eastern Orthodox Church. The Albanians and Bosnians were heavily influenced by the Turks and therefore had a large Muslim population.⁵² As the regions seceded, bloody conflicts broke out. As a result the United Nations started to send peacekeeping troops to the region. As the European Community began to recognize each as an independent state, Germany the first to recognize Slovenia and Croatia in 1992, it became more evident that the developments were now gathering the attention of the international community.

The population in Bosnia was 92% Slavic origin with 44% of them Muslim, 31% Orthodox Serbs and 17% Catholic Croats. The Bosnian Serbs were not pleased with being a minority within their new state and boycotted the referendum on independence held in February of 1992. By the end of March, war erupted between the Croat forces supported by the Muslim militia and the Serb paramilitaries. After the European Community officially recognized Bosnia on April 6, 1992, the war intensified with the

⁵² McWilliams and Piotrowski p500

Serb forces securing control over more than 60% of the new republic.⁵³

The Security Council did not become involved in the Bosnian war until late summer 1992. With peacekeepers already present in neighboring Croatia, the Council was reluctant to put more resources into the region. Resolution 776, extended the already established UN Protection Force (UNPROFOR) within Croatia to Bosnia. The main objective of this mission was to relieve human suffering, assist the UN High Commissioner for Refugees (UNHCR), contain the conflict to the territories of the former Yugoslavia, and facilitate the efforts to reach a peaceful settlement. The members of the Council were at first determined not to be drawn in to the war but as time progressed and the situation worsened, the United Kingdom and France thought enforcement was necessary. UNPROFOR remained a peacekeeping mission, ill equipped for the dangerous environment. Eventually safe areas within in Bosnia were established by Security Council Resolution 836 in June 1993. These areas included the towns of Sarajevo, Tuzla, Zepa, Gorazde, Bihac and Srebrenica. Under Chapter VII of the UN Charter, UNPROFOR was given the permission to deter attacks against the safe areas. The resolution also allowed member states, “acting nationally or through regional organizations may take under the authority of the

⁵³ Berdal p. 453

Security Council, all necessary measures, through the use of air power to support UNPROFOR in carrying out its mandate. These safe areas were also meant to further support a “lift and strike” policy being pushed by the United States.

The lift and strike policy called for a partial lifting of the arms embargo that was applied against the Bosnian government combined with target air strikes on Bosnian Serb strongholds. The lifting of the embargo would also make arms available to the Bosnian Muslim population who were at a disadvantage. The Bosnian Serbs were heavily supported by Slobodan Milosevic who was interested in protecting the Serbian Orthodox minority with in Bosnia. Milosevic provided weapons to the Serbian militia who eventually seized Sarajevo. This effort to halt the Bosnian Serbs by creating safe areas ran in to difficulties as member states failed to come through on their promise of troops. Increasing tensions among the Council members led to a failed attempt to align things on the ground and successfully provide the support needed. The United States, usually in alignment with their western counterparts, disagreed with sending troops in to the region. During his campaign, Bill Clinton promised tough military action against the Bosnian Serbs but when finally faced with sending troops, it became a challenge due to the political and domestic backlash due to the recent killings of American soldiers in Somalia fall 1993.

This stance taken by the US government caused tension on the Security Council. Being in “politically” and out “military” made it difficult for progress to be made. The UK had come to provide the largest number of peacekeeping troops on the ground with France not far behind. Russia played middle of the road during the crisis. Due to the recent fall of the Soviet Union, Russia wanted to maintain its spot in the Security Council and saw it necessary to take diplomatic actions that were more conducive to keep them in “good standing” at the decision table. Russia desired to keep its great power status among the permanent five and become a constructive partner of the West. China chose to approach the Bosnian war in a completely different manner. Abstaining on the majority of the resolutions taken on the crisis, China felt the Security Council and the United Nations as a whole was becoming too involved in the domestic affairs of states. Chinese policy conformed to a pattern of cautious, coherent dissent on particular issues, such as the use of force, humanitarian intervention and the setting up of tribunals. China’s course of actions were to show its disapproval of what is considered the erosion, supported by Western countries, of key Charter principles, namely, the nonintervention in the internal affairs of member states.⁵⁴

While the member states of the United Nations and the Security Council quarreled over how to deal with the Bosnian

⁵⁴ Berdal pp 457-459

crisis, Serbs established concentration camps and undertook “ethnic cleansing.” The Muslim population was targeted and in addition to the mass murders taking place, a series of rapes, tortures and deportations of civilians accompanied the brutality. In the early summer of 1992, the United States had gathered evidence of the atrocities occurring but yet and still, the Security Council was hesitant in taking enforcement action. American spy satellites revealed in the northern town of Brcko, Serbs had herded 3,000 Muslims into a warehouse, tortured and then murdered them. In July 1995, the Serbs massacre of the Muslims continued, this time proven with photographs taken by American spy planes of mass graves. In Srebrenica, 6,000 to 8,000 Muslim boys and men were slaughtered. At this time, it became more difficult for the United Nations and NATO to stand by and do nothing but the war had already raged on for three years.

The situation in Bosnia didn't come to an end until a number of significant events occurred that lead to a cease-fire. The first was the success of the Croat military in altering the strategic predicament of the Bosnian Serbs. Second was the withdrawal of UNPROFOR troops from vulnerable spots where they had been subject to the Bosnian Serb forces. British and French Rapid Reaction Forces were deployed, supplying mortar and military support near Sarajevo and following the London conference in July

1995, arrangements for the use of NATO air power in support of UN forces were made. The NATO led air campaign became known as Operation Deliberate Force. This was a huge change in the former approach by the member states in Bosnia. During the previous three years, the UN forces looked to maintain its neutrality and impartiality to both of the warring parties. By October 1995, all three parties involved in fighting, the Bosnian Serbs, Bosnian Muslims and Croat forces grew weary and agreed to a cease-fire. The Dayton Agreement held in Dayton, Ohio, November 1995, divided Bosnia between a Serbian controlled Serbian Republic and the Bosnian Federation which consisted of the Croats and Muslims. In the view of many, this outcome, paved the way for the conflict in Kosovo four years later.

Kosovo

The Dayton Accords of 1995 divided Bosnia in to two republics. The Bosnian Muslims hoped that the partition would not be an option because in doing so it sent a signal of appeasement towards Serbian aggression and ultra nationalism. The split was thought to have rewarded the Serbian tactics. During the accords, Kosovo was also addressed. The autonomy was not restored to the Kosovars and they were left under the relentless rule of Milosevic. Kosovo was 90% Albanian but ruled by the Serbs, a minority in the overall population. The Kosovo civilians were treated unfairly by the Serb police. This treatment gave rise to the Kosovo Liberation Army (KLA). KLA gunmen killed Serbian policemen, giving rise to a violent counterattack by the Milosevic regime. The KLA launched a major offensive, seizing 40% of Kosovo. They were eventually pushed back brutally by the Yugoslav army and Serb paramilitary forces that in turn, shelled, looted and burned entire Kosovo villages, displacing hundreds of thousands of people.⁵⁵

The Security Council demanded that the former Federal Republic of Yugoslavia (FRY) “cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression.” In resolution 1160, the Security Council also condemned the actions of KLA in what they

⁵⁵ Heinbecker p. 539

referred to as “terrorist activity” which included, finance, arms and training. On resolution 1160, all 15 members voted in agreement. This resolution focused more on the human rights violations, fact finding, barred states from selling arms To FRY and called for a peaceful political process to help end the fighting. In September 1998, resolution 1199 was passed. This resolution established the Kosovo Diplomatic Observer Mission, called upon the authorities of the FRY and the KLA leadership to engage in dialogue and to take steps to improve the humanitarian situation. The resolution also requested that the representatives of foreign states and international institutions be given free movement within the territory so that they may monitor the compliance of foretasted resolutions On this resolution Russia chose to abstain.

The Contact Group for the Balkans consisted of the United States, United Kingdom, France, Germany, Italy and Russia. The group includes four of the five permanent members of the Security Council and the countries that provide the largest amount of peacekeeping troops in the Balkans. It is essentially an informal group that convened to discuss to coordinate international policy initiatives in Southeastern Europe. On October 1, 1998, the Contact Group met in London concerning Kosovo. In this meeting the Russian Foreign Minister Igor Ivanov made it clear that Russia would veto any UN Security Council resolution seeking to

authorize the use of force within Kosovo. The other Contact Group members drew the conclusion that the Kosovo situation would have to be handled outside of the Security Council.

The North Atlantic Treaty Organization (NATO) military planners had been kept abreast of the situation in Kosovo for quite some time and had already begun drafting up military option plans. On October 13, 1998, the NATO Council authorized activation orders to prepare for strikes against the Federal Republic of Yugoslavia. In attempts to persuade Milosevic to cooperate and try to bring about a peaceful solution to the crisis, NATO hoped the leverage of military action would influence his decisions. The Organization for Security and Cooperation in Europe (OSCE) established the Kosovo Verification Mission (KVM) to monitor compliance and refugee situation on the ground. NATO also would establish an aerial surveillance. A few days later, the Security Council endorsed the agreements reached in resolution 1203. Russian and China chose to abstain from this resolution.

Between the implementation of KVM and the endorsement of the involvement of NATO by the UN Security Council, the situation in Kosovo deteriorated. Two hundred thousand people remained displaced and forty-five Albanians were murdered in Racak. The United States and Russian foreign ministers demanded that FRY comply with the Security Council resolutions and that

KLA cease fighting. Through the first weeks of February 1999, the Contact Group sought to negotiate an agreement that would confirm Yugoslav Serb sovereignty, provided greater autonomy for Kosovo and introduced an international military presence for security. While the Contact Group attempted to broker a favorable peace agreement, the Security Council sought to extend the UN Preventive Deployment in Macedonia (UNPREDEP). UNPREDEP was established by resolution 983 passed by the Security Council in 1995. Its main purpose was to protect the sovereignty, international integrity and independence of Macedonia. This mission was originally UNPROFOR was set to expire on November 30, 1995. Resolution 1186 would have extended UNPREDEP but its renewal was vetoed by China due to Macedonia's recent diplomatic recognition of Taiwan.

This uncertainty of political motives within the Security Council, left a great level of uncertainty of how effective they could be within Kosovo. With China and Russia vetoing resolutions for more political reasons rather than humanitarian, NATO soon stepped in to oversee the mission in Kosovo. In March 1999, FRY military operations affecting Kosovo civilians intensified and the KVM's ability to function had ended. The mission was withdrawn. Following this and the official report of KVM verifying an increase in humanitarian catastrophe, NATO

commenced air strikes on March 24th which continued for seventy-seven days. In front of the Council the day following the first air strikes, The United Kingdom's permanent representative characterized NATO's actions as legal. The Canadian representative Robert Fowler stated, " We simply cannot stand by while innocents are murdered, and an entire population is displaced...because the people concerned do not belong to the "right" ethnic group."⁵⁶

Russia attempted to stop NATO's action in Kosovo just two days after the start of the air strikes. This resolution was defeated 12 to 3, within the Security Council. Russian, China and Namibia voted in favor of the resolution. The Security Council thereby effectively condoned the actions of NATO within Kosovo. NATO felt they had a moral responsibility to stop the ethnic cleansing and that they also had a legal basis supported by the several resolutions already passed on Kosovo by the Security Council under Chapter VII. Russia had been warned by Canadian ambassador Vitaly Churkin not to block military involvement in response to the humanitarian crisis prior to NATO's involvement. NATO circumnavigated the Security Council and began the airstrikes. The attempt to later stop NATO by Russia had failed.⁵⁷

⁵⁶ Heinbecker p. 542

⁵⁷ Heinbecker p. 543

NATO expansion in to the former Warsaw Pact countries threatened Russian security interests and harmed its status and prestige. The use of force in Kosovo served as a turning point. Most Russians concluded that this acct illustrated American imperial ambitions. Russia also believed that American marginalization of international institutions and the presence of American military bases in its periphery threatened its security.⁵⁸

Russia eventually tried another tactic of bringing the NATO strikes to an end by calling for a meeting of the Group of Eight or G8 in April 1999. The G8 was originally formed in 1975 by France. It is a group of industrialized nations. Russia was not admitted until 1997. The G8 group was smaller than the Security Council but larger than the Contact Group. The G8 offered advantages as a forum for negotiations. It was far from the media spotlight and had less outside influence. Russia may have begun to feel a division among the P5 and preferred to meet with the representatives of the United States, Canada, Germany, Japan, Italy, the United Kingdom and France on a more informal setting. In the G8 there was no voting, no veto and no formal negotiating hierarchy. The G8 met on and off for two months working on a solution that would be satisfactory to all parties involved. After extensively reworking a Russian draft, an agreement was reached on the text. The foreign ministers of the G8 agreed on the

⁵⁸ Frderking p. 33

transmission of the Kosovo mission back to the United Nations and jointly NATO, signature of a military-technical agreement by the Serbs and NATO, Serb withdrawal, verification of their withdrawal, suspension of the NATO air campaign and the entry into Kosovo of a coalition of ground forces. When the resolution was approved and signed off by the G8 ministers, it was made clear that the permanent representatives of the G8 countries on the Security Council were not to alter one word. The final decision on how to approach the situation within Kosovo was decided outside of the Security Council and among those countries with strong economies and military presence. Once the resolution reached the Council, China insisted on minor amendment but the resolution 1244 was approved and passed.⁵⁹ The solution finally had the entire support of the United Nations including Russia and China. The parties feuding within Kosovo did not challenge its legitimacy. The ethnic cleansing was stopped, the economy restarted, refugees returned home and a future for a better life with Kosovo was established.

⁵⁹ Heinbecker p. 546

Security Council Reform

The involvement of the G8 in the Kosovo war brings some questions to the forefront about the effectiveness of the Council as it currently exists. In recent years, Germany and Japan have come to the forefront during several international crises. Their ability to finance the Gulf War in 1992 made it evident that the permanent five members were either not capable or willing to fund the war. Out of the five members, only three, United States, United Kingdom and France provided troops. Neither China nor Russia provided military or a significant amount of financial backing. Since 1992, Japan and Germany increasingly stressed their “willingness” to become permanent members of the Security Council. The George H.W. Administration favored a permanent membership for Germany and Japan. Subsequently, President Bill Clinton adopted this same stance pointing to their “record of constructive global influence and their capacity to sustain heavy global responsibilities.” The United States regarded both states as economically potent Western democracies that it expects substantially to share the burden the United States has to carry in the post-Cold War world. The only way the United States would agree to expanding the P5 was with the inclusion of Germany and Japan. The US would agree to the expansion also to include

developing countries but opposed the idea of granting a developing country the right of the veto.⁶⁰

The United Kingdom and France were a bit more reluctant to accept the idea of additional members within the Security Council. They were especially reluctant about giving Germany a seat in the P5. They feared relative loss of global power and an increase in Germany's regional influence in Europe as exacerbated by the unification of the state following the decades after World War II. However, after Germany as well as Japan proved to be indispensable allies due to their financial stout, they became stronger supporters. China however, wanted the Council to be more representative of developing countries and felt the addition of Germany and Japan would lead to an imbalance of power. Russia only made mention of India being a strong contender as a member of the P5.

The UN Millennium Declaration published in September of 2000, contained conflicting views about the expansion of the Security Council and particularly the permanent five. All governments appeared to support the enlargement of the Council in the category of nonpermanent members. There was not a consensus on size but there was a call to reform the representativeness and the effectiveness of the Council. When it came to the expansion of the permanent five, many objected in

⁶⁰ Fassbender pp. 345-46

increasing the number. Also part of the debate was the support of the addition of two more Western democracies to the Security Council, Japan and Germany, as oppose to the addition of states from Latin American, Asian and African countries whom were underrepresented. The Security Council already comprised of three Western democracies, it didn't seem fair to add more of the same. It is evident that membership within the Security Council's permanent five would only favor the addition of those members who would be able to financially or militarily support any tasks taken upon by the United Nations.

In its bid for P5 status, Germany favored the inclusion of up to three developing countries to the permanent membership of the Security Council; one Asian, one African and one Latin American. This concept has been described as the "two plus three" proposal and was created to attain a certain balance between developed and developing countries within the permanent membership.

Developing countries had mixed responses about the addition of Germany and Japan to permanent five. Smaller countries were generally less disturbed by possible changes within the group of leading military and economic powers, which they can not count themselves as but yet and still this group can have a major impact on threats to international peace and security within their regions. Pakistan declared that "centres of privileges within the UN

system” are “anachronistic, anti-democratic, and contrary to the spirit of sovereign equality as enshrined in the UN Charter.”⁶¹

The General Assembly established an Open Ended Working Group (OEWG) on December 3, 1993. In the resolution preamble, the Assembly recognized the need to review the membership of the Security Council and related matters in view of the substantial increase in the membership of the United Nations, especially of developing countries, as well as the changes in international relations. It also pointed to the need to enhance the efficiency of the Council by creating OEWG to consider all aspects of the question of increase in the membership of the Security Council for equitable representation.⁶² The working group adopted a program organizing the questions to be considered in two so called clusters; first, questions of membership of the Council, including regional distribution, categories of membership, numbers and modalities of selection. Second; other matters related to the Council such as working methods and procedures were to be reviewed.

Participation in the working group was open to all member states. The working group was created as an initial forum to discuss the possibility of the expansion of the Council but it did not speak of the permanent membership specifically. The idea of creating a third category of members of the Security Council which would

⁶¹ Fassensbender p. 347

⁶² www.un.org

enjoy a “better” status than the nonpermanent members but not the privileges of the permanent members found substantial support during meetings of OEWP. Mid-sized states that believe their chances of becoming a permanent member may be inconceivable see the third category as a possibility of being represented in the Council more equally. There have been debates over what the third category would be and how they would be chosen. The Organization of African Unity, now the African Union, suggested that members of the Security Council should be elected according to the principle of equitable geographical representation. They declared that Africa should be entitled to two permanent seats, to be occupied on a rotating basis. In their proposal, they expressed their support for the Asian and Latin American countries to have two seats respectively as well. These seats, “permanent regional rotating seats shall rotate among members of the respective regional group, according to criteria established by the region with membership in the Council still governed by the rules of the Charter. The country which occupies the seat would have to enjoy the right of the veto and would be required to consult with other states in that region before exercising it. The states shall be designated by the region for a period of approximately four to six years, with the possibility of immediate reelection and be elected by the General Assembly. This proposal seems to be based on the

idea of lifting the ban on immediate reelection of non permanent members as stated in the Charter. This would give the rotating members an opportunity to establish a presence within the Council as the P5 have done over the last 66 years.

Another important issue on the table for reform is that of the right of the veto. When the United Nations was first created, the smaller countries debated this seemingly divisive and discriminatory practice. As it so happens, the veto was abused during the Cold War. In more recent times, it hasn't been used as often but it is still seen as a privilege experienced by a select few. There have been proposals to totally do away with the veto as well as proposals to modify its usage within the Charter. Like countries of the nonaligned movement, the African states thought the veto was an antidemocratic practice and wished it would be eliminated. One proposal that calls for the veto to be limited in scope suggests that the veto should only be used decisions made invoke the authority of Chapter VII. Another proposal would restrict a single member's power to prevent the Council from adopting a resolution. It has also been suggested that the single veto by a member can be overturned either by the members of the General Assembly or by a majority decision in the Security Council.⁶³

There are only a handful of members within the United Nations that support the right of the veto. Among them are the current

⁶³ Fassbender p. 351

members of the permanent five as well as those states aspiring to one day become a part of the exclusive club. Australia believed that the veto should not be extended to additional members of a permanent group but has acknowledged its value as a last resort to safeguard the national interests of the strongest players in the system of collective security. This will ensure that they have a stronger stake in acting within the system than outside of it. Singapore believed that without it the great powers would not consent to put their power at the disposal of a sheer majority of the implementation of decisions which they may not agree with. Without the support of the great powers the UN is prevented from undertaking commitments that it lacks the power to fulfill.⁶⁴ Change in the Council will not be easy and it will take the support of the P-5. The Open Ended Working Group on Council reform has been working for almost 20 years with no apparent progress. Competing national interests has served as a gridlock to any real reform. Aspiring states are usually blocked by neighboring states that feel their power position would be compromised by new additions to the Council. The P-5 have been able to block any changes that would challenge or diminish their authority. The P-5 will only be able to do this as long as the elected members of the Council, as well as the members of the United Nations feel that their power and presence are still legitimate. The source of strength

⁶⁴ Fassbender p. 352

for the Council, particularly the P-5 comes from the willingness of the member nations to abide by the resolutions passed. The Council exists as an institution within the greater United Nations, created by the ratification of the Charter. To preserve legitimacy, the Council must continue to meet the expectations of the UN community. If the needs and concerns of the member nations are not met, the Council will lose its legitimacy and member states will be less likely to comply with resolutions passed by the Security Council.

The Current Division within the Security Council

“The presence of permanent members in an institution is in itself a decisive advantage. It implies an almost perfect mastery of issues, procedures, and practices and even of what is not said. When that permanent membership is accompanied by a particularly favorable relationship of power, there is a tendency to take advantage of that position to advance one’s views and interests, sometimes to the detriment of mission of general interest that led to the establishment of the institution in the first place. Despite appearances, there is a pattern of behavior that is shared by the members of the Council, who, willingly or not, are often tempted to believe that agreement between five is the same as agreement between 15. The Security Council would benefit from returning to its initial composition. It is composed of 15 members, but little by little, it is becoming a body of five plus 10 members. That dichotomy can only affect the transparency and the legitimacy to which we all aspire.”⁶⁵

Ambassador Martin Chungong Ayafor of Cameroon, 2002

In 1963 the General Assembly passed resolution 1991. This resolution dealt with the increase in the membership of the United Nations and questioned how equitable the Security Council membership was at the time. When the United Nations was first founded, the Security Council only had a membership of 11. In accordance with Article 108 of the charter which allows for amendments, the number of the Security Council was increased from 11 to 15 members. Two of the four additional non permanent members were only to serve one year terms. The remaining eight

⁶⁵ Mahbubani p. 253

non permanent members would serve two year terms. The ten non permanent members were to be elected according to the following pattern: Five from African/Asian States; One from Eastern European States; Two from Latin American States; and Two from European and other States.⁶⁶

The division between the permanent five members and the elected ten members was not evident until the end of the Cold War. During the Cold War, the permanent five members were divided therefore the Council as a whole were paralyzed. The United States and Soviet Union used their veto power as a propaganda tool during this time and many resolutions were not passed. Once the Cold War ended, the permanent five members acted more in accordance with each other but not always with the elected ten. In Practice, the P-5 have been given power without responsibility and the E-10 have been given responsibility without power. In recent years, there has been a growing sentiment among the UN members that the states elected to the Security Council have been left out of the decision making process on certain issues, most prominently with respect to Iraq⁶⁷ Elected members are not given enough time in the Security Council to have pull or influence, especially states elected for one year terms.

⁶⁶ General Assembly Resolution 1991

⁶⁷ Mahubabani p.256

The E-10 are at an extreme disadvantage in deliberations and decision making within the Security Council. In terms of national power, the P-5 are stronger than most elected members. In peace and security issues, the P-5 are the only five legitimate nuclear powers. Within the P-5 there is also a hierarchy. The United States is known as the P-1 reflecting the unique unipolar moment in the current international community. Following the United States in the power struggle within the Council are Russian and China. Although countries such as Germany and Japan have stronger economies, when elected to the Security Council, there is no change in the domination of the P-5. France and the United Kingdom are the most active members of the Security Council. Their level of involvement to lead and implement foreign policy far from their borders can be a reflection of how France and the United Kingdom have historically influenced world politics. Some believe that their time has passed as leaders of the “free world” and their heightened level of activity acts as some validation for them to remain current members of the permanent five. This comes at a time when many question the justification of the continuance of the victors of World War II to still hold seats as permanent members, nearly seven decades later.

The veto power has always been at the top of debate over equality within the Council. The P-5 have exercised the veto less

and less over in recent years. The limited use of the veto by the P-5 has raised the question of whether or not this right is still needed. Although the formal use of the veto in the open meeting are now rare, the more powerful members, such as the United States are still using it in an implied manner in closed consultations. Meaning, issues that would be veto don't even reach the table, therefore giving the appearance that the members of the Council are more in agreement when in face it is quite the opposite. Despite the Charter provision stating that the veto should not be used for procedural issues, in November 2002 the U.S. delegation blocked the procedural proposal for dialogue between the Security Council and the president of the International Court of Justice, even though a majority of the Council was in favor of doing so. The P-5 have given themselves the advantage of using the veto in closed door consultations. The increase in the number of formal and informal meetings since the end of the Cold War shows a spike in activity. The increase in the number of informal meetings shows a tendency for the Council to have private debates on relevant issues before actually going public. The charts located in the appendix show the number of formal meetings in comparison to informal consultations over the last twenty-two years. The P-5 have also refused any effort to remove the word "provisional" from the Charter when dealing with procedural

matters. Efforts from representatives from member states have met with a lot of resistance. When Kishore Mahbubani served on the Council as a representative for Singapore, he notes that the other E-10 were puzzled by the fact that the P-5 did not welcome their ideas of reform and expressed their surprise that the “tourists” were trying to change the arrangements of the Council. He further stated that the P-5 made it clear that they believe the E-10 should make no claim of co-ownership in the Council. ⁶⁸

There is no question that the members of the P-5 have seniority within the Security Council. With seniority comes experience and power. When new members are elected to the Security Council for their two or one year term, they find it very difficult to bring up items on agendas that the previous members and the P-5 have already discussed and decided how it would be handled. There is a belief that trade-offs have occurred over the years on issues that appear long standing with no clear end in sight. For example, the issues in Cyprus and Georgia have received attention from the Council for some time. Countless numbers of resolutions have been passed but the situation has remained ongoing.

Precedents are set by the P-5 of the Council and the E-10 are at a severe disadvantage when trying decipher the “norm.” There are no records of the closed door meetings that have gone on

⁶⁸ Mahbubani pp258-59

over the years. Only the P-5 who have a continuous membership in the Council have the actual memory and know the history of the Council. The Council often works on set precedents that are derived from the memory of procedures over the years. In this respect it has become somewhat of a fraternity where there are some things done in secrecy without the knowledge of the whole and it is difficult to gain information unless you are a part of the club.

There are a few departments under the Secretariat that are privy to the history of the Council and its inner workings. The Department of Peacekeeping Operations monitors Council deliberations on their mandated operations. The Department of Political Affairs also follows issues specific to their mandate. These departments could provide the valuable information needed by the E-10 so that they may better serve their term but such a task would be time consuming and costly. The advantage of some of the departments having access to inside information comes at some cost, unfortunately to the disadvantage of the E-10. At times, the P-5 members insist on seeing a draft Secretariat report before it is shared with the elected members of the Council. Once again, the P-5 taking advantage of their seniority status making it evident that the playing field is not at all level within the Council.⁶⁹

⁶⁹ Mahbubani p. 261

The Security Council and International Relations Theory

When evaluating the Security Council from a realist perspective, it is evident that the permanent five members often times take a realist approach in how they handle their involvement in affairs. Realism is based on the notion that states are the principal or most important actors. To realists, states are the key unit of analysis. The veto power given to the five states in Security Council supports this premise. Realists also emphasize that the state is a unitary actor where the government of the state speaks with one voice for the state as whole. This state acts rationally, making decisions in the best interest of the state with its own national security at the top of its list.⁷⁰

During the Cold War, the permanent five members of the Security Council were divided due to ideological and political differences. Many of the issues that were vetoed or not seized by the Security Council were because some members of the P-5 felt they would have affected the national security of their state. For example, the expansion of communism and more recently after the end of the Cold War, the NATO intervention within Kosovo impeding on the borders of Russia. Even the 2003 Iraqi invasion is seen as a fundamentally realist reaction to a state that feared its national security was threatened, namely the United States and the

⁷⁰ Viotti and Kauppi pp. 6-7

United Kingdom. The state, in this case, according to supporters of the 2003 Iraqi invasion, saw the state as acting rational, outside the scope of the United Nations. The U.S. led invasion of Iraq can be considered a hegemonic in which survival is achieved through relative alliance and military capability. In this type of war, force is seen as a necessary tool to preserve the system.⁷¹

The theory of pluralism/liberalism, focuses on the participation of non-state actors such as NATO. Pluralists believe that non-state actors are important entities in world politics. Pluralists believe that the state is not a unitary actor. It is composed of competing individuals, interest groups and bureaucracies.⁷² The G8 can be considered an example of a pluralistic entity. Without the meeting of the G8, it may have taken the Security Council longer to reach a favorable outcome in Kosovo.

Constructivism has several approaches as a theory. In rule-orientated constructivism, the structures of the governing world politics are primarily social rather than material and the communicatively rational agents use speech acts to construct the social rules governing world politics. The social construction of world politics and identities serves as the main focus. Actors in international politics make decisions based upon what the world appears to be and how they conceive their roles in it. It is clear that

⁷¹ Frederking p. 16

⁷² Viotti and Kauppi p 199

within the Security Council, the permanent five members perceive themselves to be the super powers charged with the maintenance of international peace and security. The founders of the United Nations believed that unanimity was a key piece in order to execute their mandate. The smaller states did not agree that the veto power encouraged equality within the United Nations but they ultimately ratified the UN Charter. Concepts such as sovereignty and equality are social constructions that help shape the identities and interests of international actors.⁷³ Hence social constructivists argue that the realist assumption of egotistic identities and treating state interests as givens is questionable, especially when it comes to the greater support within the United Nations for the veto power. Over time, rule-governed cooperation can lead actors to change their beliefs about who they are and how they relate to the rest of international system, hence, the bid for Germany and Japan to become a part of the permanent five when just seven decades prior, they had been at war with states whom are now their allies.

⁷³ Viotti and Kauppi p. 217

The Security Council in the New Millennium

In the Annual Report to the General Assembly, the Security Council described the year ending July 2002 as one of the busiest times in its history. The attacks on the United States, September 11, 2001, prompted the immediate passing of resolution 1368 on September 12 which condemned the terrorist acts in the United States and labeled it as a threat to international peace and security. The resolution called on all member states to work urgently to bring forth the perpetrators, organizers and sponsors of the terrorist acts and stressed that those responsible for aiding, supporting or harboring the perpetrators would also be held accountable. Resolution 1373 passed just two weeks later, created the Counter-Terrorism Committee, whose mandate was to bolster the ability of the United Nations member states to prevent terrorist acts within their borders and across their regions. The resolution also called for the freezing of any funds that may be available to those involved in terrorist acts. Afghanistan which had been low on the priority list, immediately became a key focal points in the fight against terrorism when it was learned that the current government, the Taliban had ties to those involved in the terror attacks. In 2002, President George W. Bush issued the new National Security Strategy which outlined what the United States perceived as

challenges to the international community in the new millennium. It stated, “America is now threatened less by conquering states than we are by failing ones. We are menaced less by fleets and armies than by catastrophic technologies in the hands of the embittered few.”⁷⁴

The National Security Strategy document also went in to the role of the Security Council and the importance to remain engaged in critical regional disputes to avoid explosive escalation and to minimize human suffering. The United States also acknowledged that no doctrine could anticipate all of the circumstances that might warrant U.S. action. Believing that more can be done when acting with others than when acting alone, the United States also stressed the importance of consent and cooperation of the parties otherwise the international community would have little role to play. Rogue states and their threat to international peace and security was an important part of the doctrine because within this, the United States laid the groundwork for their future policy in Iraq in 2003. It states that such states brutalize their own people, have no regards for international law, seek to acquire weapons of mass destruction, sponsor terrorism and reject basic human values. The United States felt that they must be prepared to stop these rogue states before they are able to threaten the United States, their allies and friends. The document also

⁷⁴ Hume p. 611

makes reference to international law, stating that nations need not suffer an attack before they can lawfully take action to defend themselves against forces that present an imminent danger of attack.⁷⁵

The United States attempted to use coercive diplomacy with the Taliban regime in Afghanistan when it learned that the terrorist attacks were headed by Osama bin Laden and the al Qaeda network. The U.S. demanded that the Taliban turn over bin Laden for trial and threatened military attack if it did not, and backed up its threat by the movement of heavy bombers and other forces to within striking distance of Afghanistan. When the Taliban failed to comply, the United States took action and overthrew the Taliban.⁷⁶ Resolution 1378 passed by the Security Council in November 2001, showed the Council's support in rooting out terrorism within Afghanistan. The Council made no direct reference to the U.S. led invasion of Afghanistan directly but only made general references to all member nations to support the areas the safety and control of Afghan territories no longer under the control of the Taliban. The invasion of Afghanistan was never directly authorized by the Security Council; however resolution 1386 created the International Security Assistance Force to provide a secure environment for the political and economic reconstruction of

⁷⁵ Hume p 612

⁷⁶ Art and Cronin p. 309

Afghanistan. This silence of the Security Council concerning the war in Afghanistan can be attributed to the fact that as a permanent member of the Security Council, the United States had the power to halt any resolutions that would have condemned them taking military action. Due to the solidarity among member states of the United Nations with regards to the terrorist attacks of September 11, 2001, it was unlikely that anyone would challenge the United State's action but the response to the U.S. led invasion of Iraq less than two years later was much different.

After the Iraqi invasion of Kuwait in 1991, the Security Council adopted resolution 687 which called for the destruction of Iraq's weapons of mass destruction. The United States also requested that Iraq's nuclear program be placed under the control of the International Atomic Energy Agency (IAEA). . Along with the requirements of resolutions 707 and 715, Iraq was required to declare the location, amounts and types of all its prohibited weapons; agree to destroy, remove or render them harmless under international supervision; agree to on site inspections and allow international inspectors immediate, unconditional and unrestricted access to areas, facilities, equipment, records and Iraqi officials; and undertake not to use develop, construct or acquire these prohibited items. The UN Special Commission (UNSCOM) was established by the Council to deal with biological, chemical and

missile weapons. The IAEA was to verify Iraq's declarations; destroy or supervise the destruction of the prohibited items; and establish and run an ongoing monitoring and verification system aimed at ensuring that Iraq does not reconstitute the prohibited programs.⁷⁷

Iraq failed to fully comply with the resolutions and for years made the search and inspection difficult for IAEA and UNSCOM. Iraq produced a series of declarations that proved to be incomplete and insincere. Iraq hid the existence of Weapons of Mass Destruction Programs and many sites and documentation with information on the sites. Iraq destroyed prohibited items, moved equipment and materials subject to monitoring and tampered with monitoring devices. Iraq also put up numerous obstacles, never granting full access to IAEA and UNSCOM as required by the Security Council. In response the Council condemned Iraq's failure to fully comply with the resolutions.

In its defense, Iraq complained that the resolutions infringed upon its right as a sovereign state and threatened its national security. The Council had a difficult choice but eventually decided to attempt to restructure the current inspections program. Although the Council considered and were sensitive Iraq's complaints, Iraq still failed to comply fully with the resolutions. The difficulties faced by IAEA and UNSCOM culminated from

⁷⁷ Da Silva p. 206

1997-98. There was a growing mistrust between Iraq and the United Nations. Iraq decided to discontinue its cooperation with the IAEA and UNSCOM July 1998. Force, not authorized by the Security Council, was used by the United States and the United Kingdom in Iraq December 1998. The main objective of Operation Desert Fox which only lasted four days was to destroy targets linked with WMD capabilities and to force Iraq to yield to the Council's demands. As a result of the strikes, Iraq refused the return of any inspectors and cut off all cooperation with the UN.

In attempts to reengage Iraq in the inspections program, The Security Council created a new body, the UN Monitoring, Verification, and Inspection Commission (UNMOVIC) under resolution 1284. The recruitment, status, training, and behavior of its personnel were to be consistent with the UN standards and rules of impartiality and professionalism. The Council also debated whether or not to lift some of the sanctions against Iraq in order to gain some leverage and have them allow the new organization in to resume inspections. Resolution 687 demanded the complete disarmament as a condition for lifting the oil embargo against Iraq. This proved to be difficult; therefore 1284 took this challenge in to consideration and offered an intermediary stage with the suspension only when key remaining disarmament tasks were dealt with. The United States and the United Kingdom demanded the

completion of these tasks whereas China, France and Russia were a bit more lenient in demanding progress in the completion of the requirements. The division within the P-5 was also attributed the operational and financial measures used to complete the tasks within Iraq. Due to the lack of clarity, France, China and Russia failed to give their support to resolution 1284 and abstained when it came time to vote on its passage.

Iraq, convinced that the sanctions would not be lifted, rejected resolution 1284. The government also believed that the ultimate goal of the United States was to oust Saddam Hussein out of power. Iraq chose to have sanctions set against them without inspections. Iraq also interpreted the division within the Security Council as a sign of lack of determination in the Council to implement its new decision. Russia and France attempted to make clarifications on the modality of the suspension of sanctions whereas the United States demanded the inspectors return before modalities would be considered. Iraq did not allow inspectors return until November 2002, almost two years after the creation of UNMOVIC. During this time period, the United States made several attempts to force Iraqi compliance. This included the continued strikes by the U.S. and the UK in the no fly zones and the introduction of “smart sanctions.” Smart sanctions were to deal with the negative impact the sanctions were having on the Iraqi

civilians. The U.S. also sought to gain better control of Iraq's borders to deter the smuggling of banned items. This was met with resistance by Iraq's neighboring countries who wanted no part due to their own economic interests and vulnerability.

Iraq saw the division within the Security Council, specifically among the permanent five members, as an opportunity to defy the resolutions set forth by the Security Council. If the great powers couldn't agree on a solution to the situation within Iraq, Saddam Hussein felt, Iraq's compliance was not necessary and he was able to circumvent the authority of the Council. The climate changed however after the United States put regime change within Iraq at the top of its foreign policy agenda in the beginning of 2002. After the attacks of September 11, 2001 and the U.S. led invasion of Afghanistan to take the Taliban out of power, a different perception of how to deal with threats to international peace and security began to take shape in the United States. As stated earlier, the Security Council made no mention in any resolution regarding the invasion of Afghanistan therefore setting the precedent that it would go along with what the United States believed to be legitimate foreign intervention tactics in the interest of national security. The Security Council did not agree with regime change as an option in getting Iraq to comply with its resolutions; however the threatening stance made by the United

States did prompt the Iraqi government to resume talks with the United Nations in March 2002.

Talks between Iraq and the United States went on for months in 2002; however, the inspectors of IAEA and UNMOVIC were still not permitted within the territory. Frustrated with the lack of Iraq's cooperation, President George W. Bush of the United States in a speech given at the United Nations on September 12, 2002, warned Iraq that if they did not want to be peacefully disarmed, other means would be used in order to uphold the objectives of the Security Council to secure international peace and security. Soon thereafter, Iraq admitted the immediate and unconditional return of the inspectors.⁷⁸

Over the next, five months following the resumption of the inspections, the permanent five members of the Security Council were still in disagreement on how the process should be handled. Resolution 1441 passed in November 2002, shifted the goals and methods emphasized by 1284. Resolution 1441 required Iraq to provide UNMOVIC and the IAEA immediate, unimpeded, unconditional and unrestricted access to any and all, including underground areas, facilities, buildings, equipment, records and means of transport which they wish to inspect. The resolution also laid out the requirements under which the IAEA and UNMOVIC were to operate within Iraq and it gave them a wide range of

⁷⁸ Da Silva p. 215

liberties to conduct their inspections with all resources necessary to successfully complete their task. The Security Council called for the immediate compliance with this resolution and reserved the right to intervene immediately should reports on noncompliance surface from the inspectors. Most ambiguous among the sections of the resolution, paragraph 13 called for serious consequences for Iraq if it continued violations of its obligations. Without the specific outline of what the serious consequence may be, The United States and United Kingdom were able to use this to their advantage. Resolution 1441 was passed unanimously by the Council.⁷⁹

The archived videos of the Security Council meetings leading up to the U.S. led invasion of Iraq shows a stark division among the permanent five. The United Kingdom's representative to the Council stating his dissatisfaction with the progress in Iraq. He further stated that it was quite clear that the situation would not be resolved peacefully. In an open meeting held by the Security Council, the UN Ambassador from South Africa asked for patience from the United States and the United Kingdom, reminding them that it took two years for inspectors to be satisfied when similar inspections were conducted within South Africa. The South African ambassador further stressed that war in Iraq would have a negative impact on the world economy by causing an increase in

⁷⁹ Da Silva p. 215

the price of oil. The inspectors had only been working inside Iraq for 60 days by January 27, 2003. The members of the non-aligned movement requested that the inspectors be allowed to do their work and that war should not be an option at this time.⁸⁰

On February 14, 2003, UN inspectors Dr. Hans Blix and Dr. Mohammed El Baradei went before the Security Council to share their findings and update the members on the progress in Iraq. Dr. Blix stated that access was provided promptly and inspections had taken place throughout Iraq at industrial sites, ammunition deposits, universities, presidential sites, mobile laboratories, private houses, missile production facilities, military camps and agricultural sites. He stated that access to the sites have so far been without problem. Iraq had also accepted an offer by South Africa for further talks on how South Africa gained the trust of the world by disarmament, a process that took two years.⁸¹

Dr. El Baradei of the IAEA stated that since his last report on January 27, 2003, they have conducted thirty-eight inspections at nineteen locations, for a total of 177 inspections at a total of 125 locations. He stated that Iraq has continued to provide immediate access to all locations. El Baradei stressed that the inspections were ongoing and that time must be given to re-familiarize themselves with known locations to ensure that has nothing has

⁸⁰ <http://www.un.org/webcast/sc2003.html>

⁸¹ <http://www.un.org/webcast/sc2003.html>

taken place since the last inspections in 1998. They were also in the process of collecting water and land samples to ensure that they have not been exposed to radiation or have any traces of biological weapons. Interviews were being conducted of key Iraqi officials and without the interference of the government as stressed in resolution 1441. El Baradei also obtained documentation of attempts made by Iraq to obtain materials during the absence of the inspectors between 1998 and 2002. His report did not contain any indication that the Iraqi government were not complying with their requests.⁸²

At the same meeting U.S. Secretary of Defense Colin Powell argued that Iraq had failed to comply and that resolution 1441 was not about inspections but about disarmament. Powell felt that Iraq wasn't being fully open and that there were too many weapons that aren't accounted for. He stated that he believes force is a last resort but Iraq has not shown that it is willing to be open with the international community. He feared that if the weapons fell in to the hands of terrorists, tens of thousands of people could lose their lives.⁸³

China believed that the inspection process was working and more time should be given to carry out resolution 1441. China hoped the issue could be resolved within the political framework of

⁸² <http://www.un.org/webcast/sc2003.html>

⁸³ <http://www.un.org/webcast/sc2003.html>

the United Nations. China believed that the Security Council should resolve this within the Charter of the United Nations and ensure international peace and security. China was an advocate of a peaceful solution and wanted to take all possible measures to avert war. China made a point in striving to live up to the trust the people around the world have placed in the Security Council.

In response to the inspections and the call for force by the United States and Britain, Russia wanted to see continued support of the inspection. The Russian Security Council representative wanted to rely on the professional opinion of the inspectors to help them come to a conclusion about Iraq's compliance. Russia stressed that they could not ignore the movement in the right direction by Iraq since the last meeting on February 5, 2003. It was evident that Iraq had made progress by forming commissions and cooperating with Blix and El Baradei. Russia believed that force should only be used when all other options had been exhausted and that there was no immediate indication that this was the case. The United Kingdom was in agreement with the United States, stating that Iraq was not being fully honest about their WMD program. They reminded the meeting attendees that Iraq had launched missile attacks on five of its neighbors, invaded Iran and Kuwait and the Hussein regime was responsible for the killing of innocent people inside Iraq, Iran and Kuwait. Hussein's son-in-law

was said to have a biological weapons program with 1000 tons of chemical weapons which were currently unaccounted for. The UK believed that the twelve years since the passing of resolution of 687, has been a humiliating and embarrassing period for the Security Council. The representative stated that Iraq has defied requests for disarmament and kicked inspectors out of the country in 1998. They stressed that force should be used if noncompliance continues because if other countries around the globe see that Iraq was able to defy the United Nations, they will do so as well.

France thought the disarmament should happen through the inspections. They didn't believe the United Nations was hitting a dead end inside Iraq and believed that all options for the inspectors had not been fully explored. France emphasized that the use of force would be bad for the region. The inspections were providing results and war would be the sanction of failure. Premature military intervention would bring the unity of the Security Council in to question. France also noted that based on their intelligence, there were no links between Baghdad and al Qaeda. An invasion in Iraq would only nurture division and nurture terrorism. France was firm on their stance that nothing in this Council would be done in haste.⁸⁴

In a Security Council meeting held on February 18, 2003, an Iraqi representative was invited to speak and bring his concerns

⁸⁴ <http://www.un.org/webcast/sc2003.html>

to the president of the Council. In his opening statement he mentioned the continued attempts by the United States and Britain to launch an aggressive war against his country which has been subject to an unjust and incomprehensive embargo for over 12 years. He stated that their aim was to change the national government in Iraq and to impose American hegemony upon the region and its resources as a first step towards world domination through the use of force. This, the representative stressed was a dangerous precedent in international relations that threatened the credibility of the United Nations and exposes international and regional peace to great dangers. He also complained of Operation Desert Fox led by the United States in 1998 which destroyed Iraqi infrastructures and killed thousands of Iraqis. This act of aggression, reminded the representative, was not endorsed by the Security Council and was a dark day in the history of the United Nations. Further he stated, Iraq has had a history of complying with the resolutions but did not agree with the political agenda of the United States. He asked the Security Council to perform as the UN Charter asks, in a peaceful matter and not to let the United States and Britain attack his country. In conclusion, he asked for the lifting of the embargos which had already cost Iraq the lives of 2 million people.⁸⁵

⁸⁵ <http://www.un.org/webcast/sc2003.html>

Unfortunately the requests for more patience with the inspection process were not heeded by the United States and Britain. The United States did not gain the support of the Security Council but decided to act without the consent of the international community. On March 17, 2003 the U.S. and UK withdrew drafts that would have given Iraq one last chance to disarm and decided to take military action solely on the basis of Resolutions 1441, 687 and 678.⁸⁶

The U.S. and the UK failed to abide by the fundamental rules of collective security and in doing so they alienated themselves from the international community. Central to a collective security concept is a binding obligation to defend a particular status quo against forceful change. Traditionally, sound governance motivates reliance on peaceful change by punishing efforts at violent change. Collective security can succeed only if it operates in a context where peaceful alternatives exist for the advancement of competing values. If this is not in place, the idea of collective security will remain more illusory than real.⁸⁷

The actions taken by the United States against Iraq were not seen as legitimate in the eyes of their colleagues. In “The Sources of American Legitimacy”, an essay written for *Foreign Affairs Magazine* following the months after the Iraq invasion, the

⁸⁶ Da Silva p. 217

⁸⁷ Miller p. 172

question of how the United States was to recover from such a blunder was questioned. The article stated,

“Legitimacy arises from the conviction that state action proceeds within the ambit of law, in two senses: first, that action issues from rightful authority, that is, from the political institution authorized to take it; and second, that it does not violate a legal or moral norm. Ultimately, however, legitimacy is rooted in opinion, and thus actions that are unlawful in either of these senses may, in principle, still be deemed legitimate. That is why it is an elusive quality.”⁸⁸

The United States for the first time had widespread public discontent for their approach in handling Iraq. In the past, the U.S. had been able to garner some support for its policies but at this time, members of the Security Council opposed to the war in Iraq now feared U.S. dominance and defiance of the Council. Realist international relations theorists expect that others will eventually ally against the United States in order to curb its power. They argue that a unipolar system is inherently unstable for two reasons: (1) the dominant state will take on so many tasks that it will eventually weaken; and (2) the dominant state is unrestrained and thus threatening to others. Although, members of the Security Council have grown weary of the United States they have not increased military spending in order to compete with U.S. dominance. Other tactics have been taken such as the lack of support for the U.S. led military invasion of Iraq. Even when the

⁸⁸ Tucker and Hendrickson, *Foreign Affairs Magazine*

Saddam Hussein regime was overthrown, the United States found it difficult to finance the war and the recovery without its usually key allies. Tools such as the veto are also being used to keep U.S. dominance in check inside of the Council. The United States wants global rules to deal with transnational threats but in the case of Iraq has exempted itself from what has become the accepted norm in the international community. The United States has done this by: (1) asserting that certain rules do not apply to its own policies, (2) using force without Security Council authorization; (3) claiming exclusive rights to preemption beyond all previously understood notions of self defense; (4) claiming that humanitarian intervention is justifiable when carried out by democratic states; (5) advocating sanctions as punitive measures rather than bargaining tools; and (6) advocating harsh policies of isolation and regime change for “rogue states” rather than engagement. With these policies the United States potentially pursues so much hierarchy that it could discourage others from complying with the global rules that provide both American and global security.⁸⁹

⁸⁹ Frederking p. 20

Conclusion

The Security Council's job of maintaining international peace and security was subject to a complicated history in international relations. Unforeseen circumstances developed shortly after the creation of the United Nations, which inhibited the permanent members and their ability to respond to international crises objectively as mandated in the UN Charter. During the Cold War, the Korean War and the Namibian struggle for independence were directly affected by the struggles between the Soviet Union and the United States. It appeared as though the two superpowers may, at times, have been more interested in promoting their ideological beliefs and protecting their economic interests rather than acting in the best interest of the people in crisis.

The Suez Canal crisis touched on a time prior to the creation of the United Nations, stemming back to when Egypt was under the protection of the United Kingdom. French and British interests were made evident as they looked to take back the Suez Canal militarily with the help of Israel. Attempts to stop the military action within Egypt by the members states of the United Nations were thwarted by the permanent members of the Security Council involved in the crisis. This case study shows how one of the members of the Security Council can blatantly defy any

counteraction by the UN if they feel as though their actions are within the interests of their own national security.

During the final years of the Cold War, it appeared as though the Security Council was finally working as mandated in the Charter. They showed a unified front when faced with threats to international peace and security in Iraq and took the humanitarian approach with their intervention in El Salvador. One of the biggest failures in the history of the Security Council was the Rwandan case. Due to an unfavorable outcome of the United States' involvement in Somalia, they were hesitant to take on another conflict which seemed internal especially where they could be taking a military and financial blow. There were still questions of ulterior political motives within each of these cases. More recently, many question the acts of the United States and its allies. Was the swift response to the Iraqi invasion due a blatant violation of the UN Charter or was it because the nation invaded, Kuwait, played a vital role in the UN member nations' economy? The crisis in Rwanda did not directly affect the national security of any of the members of the P-5 therefore making it low on their agenda. Had there been an African representative on the Security Council, there would have been more incentive to become actively involved in Rwanda but the lack of representation played a key rule in the disinterest of the Council.

The crisis in Kosovo and Bosnia challenged the capacity at which the Security Council could be effectively involved in a conflict. China felt that the issues in these territories should not be seized by the Security Council because the people in the areas should practice self determination. The United States did not want to become militarily involved due to financial restraints. As time passed, it was ultimately internal changes in the war that ultimately resulted in its ending. The involvement of the Security Council in Bosnia and NATO in Kosovo was not the ultimate deciding factor. Without the support of Russia, the situation in Kosovo continued. Only when Russia called for meetings outside of the Security Council could terms be agreed upon. This de facto consultation of the G8 shows how the powerful member nations can find a way of imposing their policies outside of the Security Council making it more difficult for the E-10 to have input.

Although the use of the veto power subsided over time, the P-5 were still able to control the activities of the Security Council in closed informal consultations where at times members of the E-10 were excluded. Attempts to reform these actions have been met with opposition by the P-5, the General Assembly must take a firmer approach to the divisive actions of the P-5. In 2003, it appeared the power of the United States went unchecked by the Security Council and the United Nations as a whole with the

invasion of Iraq. Despite widespread disapproval, the United States used force to impose its will and the will of its few allies on Iraq. Many of these issues are debatable but the fact still remains that the UN Security Council has served as an extremely important forum in the international community. With each resolution passed, issues are brought to the forefront and are given a voice. Such as in Namibia whose people and freedom organizations relied heavily on the moral and political support of the General Assembly but as well as the declarations made by the Security Council that detested the inequality of South Africa's policies. The Security Council will need to evolve and conform to the demands of the international community if it is to remain a legitimate source of the maintenance of international peace and security. It can only remain legitimate if the members of the P-5 do not go unchecked. A system of checks and balances needs to be installed to deter any future uses of force similar to the Iraqi case in 2003.

A more representative permanent five membership needs to be achieved and established by the greater United Nations body. In order to establish a better balance of power, the permanent five members should be rotated every five years with at least one of the original permanent five holding a seat but not for more than five years at a time. This will encourage cooperation between the great powers and lesser powers, creating a more inclusive community

within the Council. The General Assembly, being the most representative body of the United Nations, should be responsible for voting on the permanent five members just as they do with the elected ten members. This will be difficult to implement without the total cooperation of the Security Council as it presently is. This necessary step for reform will put an end to what at times appears to be instances of dictatorship and power struggles within the Security Council

The P-5 have become too comfortable in their role and at times do not feel that their authority can be threatened. Member nations may disagree but their discontent will unlikely change the policy of the P-5 unless it comes from an equal military or economic power such as Japan or Germany. The only clear solution to dealing with the dominance of the P-5 is to have this group change periodically. The victors of World War II are still at the helm of the international community. This can only last as long as the international community believes they are still needed. As it stands, the P-5's military and economic strength have kept them as the dominant powers. This dynamic can only be changed with the consensus of the member states of the United Nations.

Appendix

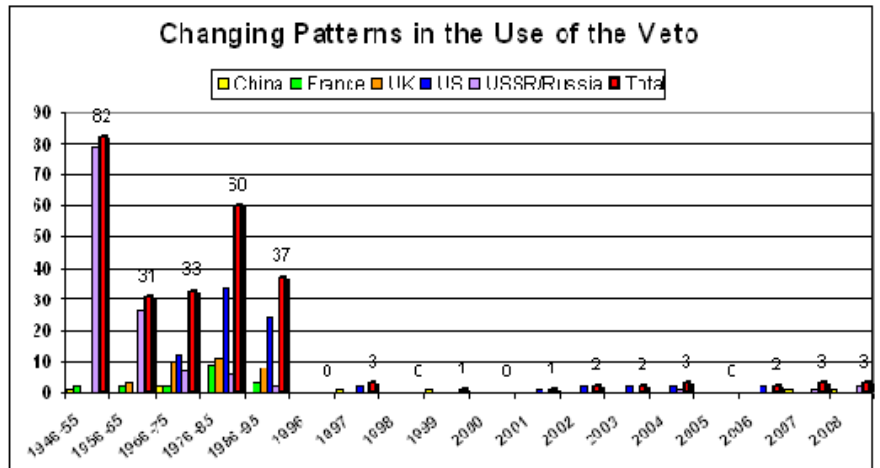
Changing Patterns in the Use of the Veto in the Security Council

Table shows number of times veto was cast, by country¹

Period	China ^a	France	Britain	US	USSR/ ^b	Total
					Russia	
Total	6	18	32	82	124	261
2008	1				1	2
2007	1	-	-	-	1	?
2006				2		2
2005	-	-	-	-	-	-
2004	-	-	-	2	1	3
2003	-	-	-	2	-	2
2002	-	-	-	2	-	2
2001	-	-	-	2	-	2
2000	-	-	-	-	-	0
1999	1	-	-	-	-	1
1998						0
1997	1	-	-	2	-	3
1996	-	-	-	-	-	0
1986-95	-	3	8	24	2	37
1976-85	-	9	11	34	6	60
1966-75	2	2	10	2	7	33
1956-65	-	2	3	-	26	31
1946-55	(1 ^c)	?	-	-	0	0

^aBetween 1946 and 1971, the Chinese seat on the Security Council was occupied by the Republic of China (Taiwan), which used the veto only once (to block Mongolia's application for membership in 1955). The first veto exercised by the present occupant, the People's Republic of China, was therefore not until 25 August 1972.

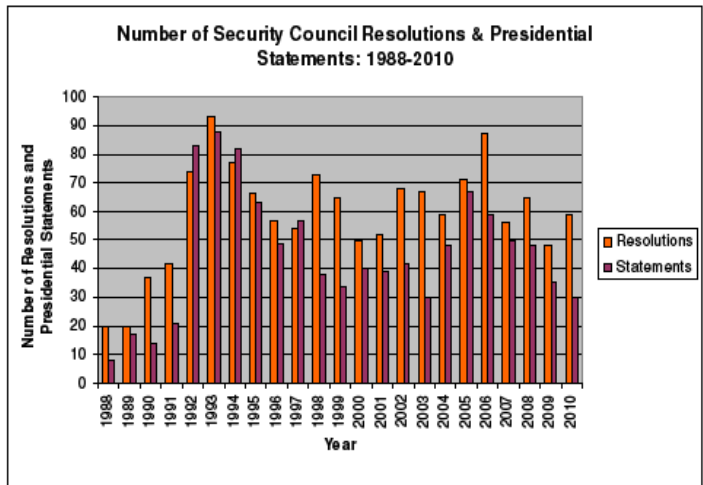
¹ Only a minority of vetoes have been cast in cases where vital international security issues were at stake. 59 vetoes have been cast to block admission of member states. Additionally, 43 vetoes have been used to block nominees for Secretary General, although these vetoes were cast during closed sessions of the Council and are not included in the table above. Limitation of veto use to Chapter VII (threats to international peace and security), as many members propose, would be a long step towards total veto abolition.



Data compiled by Global Policy Forum with Information from the United Nations

**Number of Security Council Resolutions & Presidential Statements:
1988 – 2010**

Number of Security Council Resolutions & Presidential Statements: 1988-2010		
Year	Resolutions	Statements
1988	20	8
1989	20	17
1990	37	14
1991	42	21
1992	74	83
1993	93	88
1994	77	82
1995	66	63
1996	57	49
1997	54	57
1998	73	38
1999	65	34
2000	50	40
2001	52	39
2002	68	42
2003	67	30
2004	59	48
2005	71	67
2006	87	59
2007	56	50
2008	65	48
2009	48	35
2010	59	30



Note: Numerical counts say nothing about the importance of Council actions (one important resolution can be weightier than ten minor ones), but the ebb and flow of total actions tend to reflect indirectly the pace of activity of the Council and how it is responding to the large number of global crises.

Source: United Nations Repertoire of the Practice of the Security Council

**Number of Security Council Formal Meetings and Informal Consultations:
1988-2010**

Number of Security Council Meetings and Consultations: 1988-2010		
Year	Formal Meetings	Informal Consultations
1988	55	62
1989	69	80
1990	70	80
1991	53	115
1992	133	188
1993	171	253
1994	165	273
1995	135	251
1996	117	214
1997	131	229
1998	167	226
1999	131	237
2000	167	210
2001	219	183
2002	273	259
2003	208	167
2004	216	180
2005	235	161
2006	272	210
2007	214	169
2008	245	169
2009	195	150
2010	210	255

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