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THE UNITED NATIONS SECURITY COUNCIL: A TIME FOR CHANGE

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JCSP 41

Exercise Solo Flight

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CANADIAN FORCES COLLEGE – COLLÈGE DES FORCES CANADIENNES
JCSP 41 – PCEMI 41
2014 – 2015

EXERCISE *SOLO FLIGHT* – EXERCICE *SOLO FLIGHT*

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Word Count: 3191

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There is a hopeless mismatch between the global challenges we face and the global institution that confront them. After the Second World War, people realized that there needed to be a new international institutional infrastructure. In this new era, in the early twenty-first century, we need to set about renewing it.

- Prime Minister Tony Blair, 26 May 2006

The United Nations Security Council (UNSC) was created in 1945 following the Second World War. As the principal organ within the United Nations (UN) responsible for the maintenance of international peace and security, it takes the lead in determining if there is a threat to global security. In incidents where it is determined that a threat exists, the Council calls upon all sides involved in the disagreement to address their grievances in a peaceful manner which does not compromise international security. The UNSC also regularly conducts peacekeeping missions and assists groups involved in a dispute to make peace and it recommends ways in which to achieve settlements. This helps create the necessary conditions required to allow peace to take hold and flourish.

During the initial years of its creation, the UNSC was significantly hampered by the Cold War division of the United States (US) and the former Soviet Union. With the end of the Cold War and improved relations between the US and Russia, many nations mistakenly believed that there would be a renewed sense of cooperation, stability and international peace. Unfortunately, however, the past several years have been marked with increased national and territorial disputes, as well as propensities toward independent and protectionist ideologies.¹ Traditional methods of solving international problems have proven ineffective and are no longer relevant in the world today. While

¹ Erika Simpson, "Canada and the UN Security Council: New Strategies to Advance International and National Security," *Peace Research* (1999), 79-99.

some critiques believe that the UNSC is an important force for peace and international security, others have argued that it is ineffective, corrupt, and biased.² This essay will argue that while the UNSC has made some progress at bringing about international peace and security, it has not lived up to its expectations and should be reformed in order to re-establish its legitimacy and relevancy. Despite the successes of the UNSC, this essay argues that it has not always achieved what its founders had envisioned as demonstrated through its restrictive administrative structure, its failure to suppress global terrorism and its inability to prevent conflicts.

RESTRICTIVE ADMINISTRATIVE STRUCTURE

As a global organization, the UNSC plays a vital role in the legitimization, diplomacy and relevancy of international missions, but its sheer size, scope and construct has proven to be a disadvantage for almost all other purposes.³ Meetings involving fifteen states are often unmanageable and subject to power politics including tactical manoeuvres by nations that are largely nonessential because they otherwise lack sufficient resources to solve large, realistic problems themselves. The conflicting nature of geopolitics, the need for volunteers during troop deployments, and the requirement to gain a supermajority of the Security Council, has meant that in practice there is often little or no action at all taken by the UNSC.

² Dominic Tierney, "Irrelevant Or Malevolent? UN Arms Embargoes in Civil Wars," *Review of International Studies* 31, no. 04 (2005), 645-664.

³ Joseph S. Nye, *The Future of Power* (PublicAffairs, 2011).

This issue combined with the restrictive administrative structure of the Council, including the power of veto (POV), which is only held by the five permanent members (China, France, Russia, UK, and the US), has sometimes prevented the UNSC from fully executing its mandate. The POV has empowered these nations to preclude the implementation of any meaningful draft resolution, irrespective of the amount of support for the draft. As David Malone, a former president of the International Peace Academy stated, “there is recognition amongst the P5 that both their veto power as well as their permanency in the Council gives them a privilege of significant control over a powerful global institution.”⁴ Even if fourteen nations vote in favour of a particular resolution, a single veto will defeat the motion despite this overwhelming show of support. The objection of a permanent member, rather than the desires of the majority, often paralyzes any potential UN armed or diplomatic response to an international crisis. The most recent example of this occurred in 2012 when China and Russia used their veto to prevent the UNSC from evoking Chapter VII sanctions against Syria. The use of their POV prevented the UNSC from taking formal action during the Syrian War where an estimated 60,000 civilians were killed and thousands others were displaced.⁵

The UNSC can only be successful when there is a balance of power between all nations. Unfortunately, the five permanent members and by extension their POV, has disabled balanced political decisions, as resolutions need to be approved of by all

⁴ David Malone, *The UN Security Council: From the Cold War to the 21st Century* Lynne Rienner Publishers, 2004), 255.

⁵ Andrew Fitzgerald, "Top 10 Failures of the United Nations," (2013).

permanent members before they can be enacted.⁶ Decisions on matters of international peace and security are often viewed as bi-products of what great powers wish to have happen rather than what should necessarily happen. Unless the draft resolution has the support of all five permanent members, the UNSC can only observe, report on, and make recommendations regarding international conflicts. As a result, countries without a permanent spot on the Council compete aggressively for one of the 10 designated seats, often making elections a key diplomatic goal.⁷

While the P5 are still considered powerful nations, there is disagreement over their appropriateness to maintain exclusive POV. The whole strategy of the UN, as described by Secretary of State Cordell Hull, relies solely on the understanding that the five permanent members of the UNSC will, "consider themselves morally bound ... to cooperate with each other ... in maintaining the peace."⁸ Countries, however, often act on the betterment of their own interests rather than their ethics and morality. For this reason, many nations, particularly developing countries, view the UNSC as an undemocratic and neo-colonialist organization.⁹ Even though the UN Charter has caveats which fight for universal ideals, the reality is that countries often vote along regional, demographic lines. Given the POV (or the constant threat of its use), decisions which would otherwise

⁶ Sahar Okhovat, *The United Nations Security Council: Its Veto Power and its Reform* Centre for Peace and Conflict Studies, The University of Sydney, 2012).

⁷ David Bosco, "Uncertain Guardians : The UN Security Council's Past and Future," *International Journal* 66, no. 2 (2011), 439-449.

⁸ Mircea Malița, *The Improvement of Effectiveness of United Nations Peace-Keeping Operations* United Nations Institute for training and research (UNITAR), 1985).

⁹ Maria Mikhailitchenko, "Reform of the Security Council and its Implications for Global Peace and Security," *Journal of Military and Strategic Studies* 7, no. 1 (2004).

impact the regional prosperity of a superpower are normally not seen on the Council's agenda.¹⁰

Owing to the substantial shift in geopolitics since the inception of the UN, extensive debate has occurred over whether the five permanent members remain the best nations to hold veto power. If the P5 are no longer representative of the most secure and responsible countries on the Council then their veto power can potentially slow down and in some incidents even prevent important decisions from being made on matters of substantial importance. As Aloukhed Kittikhoun of Lao's People's Democratic Republic stated, "most countries [are] of the view that the veto power is anachronistic, anti-democratic, and contrary to the principle of sovereign equality of states".¹¹ For all these reasons, the UNSC is not overly effective and should therefore be reformed in order to make its structure more reflective of today's realities.

GLOBAL TERRORISM

The Security Council's inability to properly suppress extremists and terrorist groups has also contributed to its deteriorating image and legitimacy. Despite the UNSC successes at contributing to various conflicts, it has been largely unable to address many of the challenges faced by rising extremism. Terrorism does not recognize borders and its impacts are often felt around the world regardless of nationality, ethnicity and/or political

¹⁰ Peter Ferdinand, "The Positions of China and Russia at the UN Security Council in the Light of Recent Crisis," (2013).

¹¹ Mikhailitchenko, *Reform of the Security Council and its Implications for Global Peace and Security*, Vol. 7, 2004), 3.

affiliation. Even though its importance was well understood by policy-makers prior to 9/11, it took these horrific events for the UNSC to finally take action and outlaw terrorism. The attacks of 9/11 initially strengthened the resolve of the international community. It led to the Security Council passing resolutions 1368 and 1373 which condemned the attacks and obliged all states to take action to repel further threats to international peace and security. Unfortunately, however, this only applied to Al Qaeda and the Taliban. Extremist organizations such as Hamas, Hezbollah and Mossad were largely unaffected and countries that actively funded these groups, such as Iran, were not held responsible for their actions.¹²

Like most democratic governments, the UNSC has attempted to take a collaborative approach to terrorism since 9/11 but this has led to numerous disagreements and coordination problems amongst states regarding how the Council should react to events involving terrorism.¹³ The greatest of these problems has been the inability of the UNSC to adopt a common definition for terrorism. The impasse on an international definition for terrorism has caused tremendous dissension and mistrust amongst nations which has weakened the legitimacy and effectiveness of the Council writ large. Joachim Müller, a prolific author and political scientist stated that, “the United Nations ability to develop a comprehensive strategy has been constrained by the inability of Member states to agree on an anti-terrorism convention including a definition of terrorism.”¹⁴ Without a

¹² Fitzgerald, *Top 10 Failures of the United Nations*, 2013).

¹³ Kent Roach, *The 9/11 Effect : Comparative Counter-Terrorism* (Cambridge; New York: Cambridge University Press, 2011).

¹⁴ Joachim Muller, *Reforming the United Nations: The Struggle for Legitimacy and Effectiveness* Brill, 2006), 143.

common understanding and agreement on the definition of terrorism, many Western nations have been forced to take actions outside of the purview of the UN. While this has afforded the US and its allies the ability to address specific concerns they have had with some nations harbouring and funding terrorists, it has had a negative effect of further weakening the legitimacy of the UNSC. It has been easier for the Security Council to legislate and sanction actions against non-state actors, such as terrorists, rather than to control the actions of states within the UNSC, such as the US and the UK, with respect to the wars fought in Afghanistan and Iraq in the name of preventing terrorism.¹⁵ As professors and political scientists Jane Boulden and Thomas Weiss have observed and criticized, “the Security Council chooses to exercise no control or oversight on the use of military force in response to terrorism but is vigilant and arguably intrusive when it comes to dealing with terrorism through national mechanisms and controls.”¹⁶ This stance has weakened the legitimacy of the UNSC on the international stage, demonstrating that it is only able to influence and control factions outside the UN and for these reasons the Security Council should be reformed.

SECURITY COUNCIL’S INABILITY TO PREVENT CONFLICTS

Another reason the UNSC is losing relevancy and legitimacy is due to its inability to prevent wars. Most critics and even some proponents of the Council question its

¹⁵ Andrea Bianchi, "Assessing the Effectiveness of the UN Security Council's Anti-Terrorism Measures: The Quest for Legitimacy and Cohesion," *European Journal of International Law* 17, no. 5 (2006), 881-919.

¹⁶ Jane Boulden and Thomas G. Weiss, *Terrorism and the UN: Before and After September 11* Indiana University Press, 2004), 11.

effectiveness owing to its indecisiveness during several international conflicts. In addition to the Council's inaction, many nations criticize the UNSC for its inability to enforce its own sanctioned resolutions. Immediately after 9/11, President Bush, standing in front of the General Assembly, declared that the UNSC was at, "a difficult and defining moment."¹⁷ He argued that the UNSC risked becoming irrelevant if its resolutions were not followed.¹⁸ The most recent and horrifying example is the situation in Darfur where Arab Janjaweed forces, supported by the Sudanese government, have continually murdered innocent people and conducted acts of genocide against the local populace. To date, an estimated 300,000 civilians have been executed in one of the largest cases of mass murder to ever occur in the area, yet the Security Council has continually failed to take action and stop these atrocities from taking place.¹⁹ This recent example, combined with the tragic failures in Somalia, Rwanda and Bosnia-Herzegovina, has led many nations to question the UNSC ability to enforce resolutions and bring about international peace and security.²⁰

The UNSC handling of the International Arms Trade Treaty has also contributed to its inability to prevent conflicts. In July 2012, a Security Council conference took place in New York City to negotiate and approve an Arms Treaty which was designed to regulate cross-border trade on weapons and establish international standards and regulations. Coincidentally, the five permanent members of the UNSC are also the world's

¹⁷ Roach, *The 9/11 Effect : Comparative Counter-Terrorism* (Cambridge; New York: Cambridge University Press, 2011)., 28.

¹⁸ Ibid, 28.

¹⁹ International Commission of Inquiry on Darfur, *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General* (UN, 2005).

²⁰ Olara A. Otunnu, Michael W. Doyle and Nelson Mandela, *Peacemaking and Peacekeeping for the New Century* (Rowman & Littlefield Publishers, 2000).

biggest arms exporters and have maintained the world's most powerful militaries since World War II.²¹ Critics of the Arms Treaty argue that these nations have continued to export arms to known human rights abusers since there are significant economic and political interests at play.²² The UNSC should have a vested interest in such a treaty if they are to accomplish their primary mandate for a peaceful and secure world, however, the failure of Arms Treaty has only served to foster additional conflicts around the world.

Counter arguments to this stance point to a 2005 Human Security Report which reported a reduction in the number of wars and human rights violations since the end of the Cold War.²³ The report provided evidence that international involvement, mostly championed by the UNSC, as the main reason behind the reduction in armed conflicts since the end of the Cold War. Even still, this report lacks the completeness of the entire problem and does not accurately reflect the realities of the situation. While there has undoubtedly been a decline in international conflicts since the beginning of the 21st century, this does not lessen the simple fact there are still major crisis's and conflicts occurring around the world which could be further reduced if it were not for the ineffectiveness of the UNSC.

Undeniably, UN peacekeeping missions are one area where the Security Council has made progress towards a safer and more peaceful world but unfortunately this too has its limits. In the early 1990's, the UNSC authorized several peacekeeping operations with

²¹ Raymond Acheson, "The Arms Trade Treaty is Needed for Saving Lives, Not Profits," (2012).

²² Douglas Shaw, "Peace and Justice News - Arms Trade," (2012).

²³ Human Security Centre, *Human Security Report 2005: War and Peace in the 21st Century* Oxford University Press, 2005).

the intent to deter rebel groups and extremists. During peacekeeping operations in Bosnia for example, UN forces were unable to deter Serbian forces from committing genocide against the Muslim population. Through a series of disasters, culminating in the UN declared 'safe zone' in Srebrenica, UN forces ordered the units in the zone to disarm and instead decided to put its own forces in place.²⁴ Shortly afterwards the Serbian forces surrounded the area and forced the UN soldiers to retreat which left the town largely unprotected. This directly contributed to thousands of Bosnian deaths due in large part to an ill-equipped and unprepared UN force.²⁵ As a result of this failure, current UN missions are now only conducted in areas where there is a clear commitment not to fight, and UN forces serve mainly in an observatory role. While this is definitely a useful function, the UNSC needs to adopt a more robust and aggressive posture to dissuade future wars. As the UN report on *The Fall of Srebrenica* rightly points out, "the cardinal lesson of Srebrenica is that a deliberate and systematic attempt to terrorize, expel or murder an entire people must be met decisively with all necessary means."²⁶ Once again, owing to the Council's inability to prevent conflict and bring about lasting peace, the UNSC should be reformed to make it more influential and relevant in today's society.

REFORM INITIATIVES

Given the shortcomings of the UNSC, there is an overall consensus amongst most nations that it needs to be reformed in order make it more representative, relevant and

²⁴ Barbara Crossette, "UN Details its Failure to Stop'95 Bosnia Massacre," *New York Times* 16 (1999).

²⁵ Louise Fréchette and Amanda Kristensen, *UN Peacekeeping: 20 Years of Reform* Centre for International Governance Innovation, 2012).

²⁶ UN Secretary-General, *Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica* UN, 1999), 111.

effective. The manner, in which it should be reformed, however, differs significantly. The proposed ideas range from those who believe the UN should be eliminated entirely, to those that argue it should be developed into a full-fledged global government.²⁷ The sentiments around reforming the UN are so strong that it caused Ban Ki-Moon, the Secretary General of the UN to declare that, “the UNSC reform, being debated since two decades, is too long overdue and the necessary expansion must be made considering how much the world has changed.”²⁸ The Secretary General has often initiated and facilitated reform discussions but the actual reform process requires approval from the member states. Past and recent initiatives have been imposed from the inside and clearly show a need for the leadership to take a more proactive approach towards improvement. Additionally, the rules governing the use of force, nuclear weapons, the definition of terrorism, the role of sanctions, and various other key priorities of the Council, reveals the complexity of achieving clearly defined policies and practices that benefits all nations.

During the UN’s nearly seventy years of history the geopolitical situation from which it was founded has changed significantly. The UK and France are no longer major global powers and Russia has experienced considerable political and economic disasters.²⁹ Even with these major shifts in international and political standings, the status of these three countries within the UNSC has remained unchanged. They continue to play

²⁷ Okhovat, *The United Nations Security Council: Its Veto Power and its Reform* Centre for Peace and Conflict Studies, The University of Sydney, 2012).

²⁸ Betwa Sharma, "UNSC Reform is Too Long Overdue: Ban Ki-Moon," *Outlook* 2011.

²⁹ Mikhailitchenko, *Reform of the Security Council and its Implications for Global Peace and Security*, Vol. 7, 2004).

a leading role in international security; a role which they arguably no longer have the ability to enforce.³⁰ Given that the UN Charter does not contain provisions for the removal or addition of its permanent membership, there is currently no clear way forward to determine which countries may be eligible to become permanent members and which ones should be removed. In 2005, the *Uniting for Consensus* group, led by representatives from Canada, Mexico, Italy, Pakistan and nine other countries, formally recommended an enlargement of the Council to add ten additional non-permanent seats.³¹ The proposal, entitled, "Reform of the Security Council", would have seen the newly elected countries serve a two-year term with immediate eligibility for re-election. The recommendation was not endorsed, however, despite the fact that there was broad consensus among many member states, including China.

While many people believe that the UN is in need of reform, history has proven that wholesale reforms do not always work. Holistic changes need to be made slowly and established on current foundations in order to have ever-lasting effects. Proponents of the UNSC argue that the alternative to its existence is unilateralism. They contend that any system which discourages conducting foreign affairs in an open forum with maximum consultation and cooperation is a regression of the progress that has been made since the end of the Second World War. The interesting predicament presented to the international community is the manner in which the Council should be reformed. The dichotomy is that on the one hand, the UNSC should be enlarged to increase its legitimacy so that it

³⁰ Alistair Millar and Eric Rosand, *Allied Against Terrorism: What's Needed to Strengthen Worldwide Commitment* (Century Foundation Press, 2006).

³¹ Maggie Farley, "Mexico, Canada Introduce Third Plan to Expand Security Council," *Los Angeles Times*, July 22 (2005).

can be more representative of developing countries but on the other hand, its small size is what supports its efficiency. The one thing that remains clear, however, is that the UNSC is in desperate need of reform. As was stated by UN Secretary General, Kofi Annan in 2003, “reform of the UNSC [is required] to make it more effective and representative of 21st century geopolitical realities given the severity of its shortcomings in dealing with global crisis’s.”³²

CONCLUSION

The UNSC is the international organ which is ultimately responsible for determining the presence of a threat to international peace. It encourages all disputing parties to settle their disagreements peacefully and it provides mechanisms which can support the terms of the settlement.³³ In order to ensure global peace and security are maintained, the Security Council can impose sanctions, conduct peacekeeping operations or if necessary, authorize the use of force during a conflict.³⁴ For these reasons, the UNSC has emerged as a very important actor in establishing peace and security but despite its successes, the Security Council’s performance post 9/11 has been disappointing. More than ever before, countries need to work together to develop a solution which aims to strengthen the legitimacy and effectiveness of UNSC.

³² Mikhailitchenko, *Reform of the Security Council and its Implications for Global Peace and Security*, Vol. 7, 2004).

³³ KA Annan, "We, the Peoples of United Nations in the 21st Century," *United Nations, New York* (2000).

³⁴ Bianchi, *Assessing the Effectiveness of the UN Security Council’s Anti-Terrorism Measures: The Quest for Legitimacy and Cohesion*, Vol. 17Eur J International Law, 2006).

The UNSC has an extremely important role to play in ensuring international peace and security but it is now time to set about renewing the manner in which this is conducted. As Mohamed Sahnoun, an Algerian diplomat and expert on UN issues argued, “if a sweeping reform is not undertaken and soon, then the UNSC risks continuing to respond to crisis’s in a climate of inept improvisation.”³⁵ The international community must continue to work on wide-ranging plans which streamline the Security Council’s activities, increases its accountability and ensures that it is much more agile at dealing with global crises. Following the 2005 World Summit, the General Assembly pledged to enhance the relevance, effectiveness, efficiency, accountability and credibility of the UNSC.³⁶ It is now time for the General Assembly to follow through on this statement and set to reforming it.

³⁵ Mohamed Sahnoun, *Somalia: The Missed Opportunities* (Washington, D.C.: United States Institute of Peace Press, 1994).

³⁶ UN General Assembly, "2005 World Summit Outcome," *New York: UN (UN Dok (2005))*.

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