

# THE UN SECURITY COUNCIL



From the Cold War  
to the 21<sup>ST</sup> Century

edited by

**David M. Malone**

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A Project of the International Peace Academy



 *A project of the International Peace Academy*

TUN DR. MAHATHIR MOHAMAD

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FROM THE COLD WAR TO THE 21ST CENTURY

EDITED BY  
DAVID M. MALONE



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*For Thomas M. Franck*  
*Judge, scholar, teacher extraordinaire*  
*Friend and mentor to many of those involved in this volume*  
*With much admiration and affection*





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—David M. Malone

# The UN Security Council

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# Introduction

DAVID M. MALONE

Why this volume now? Much has changed for the United Nations Security Council since the end of the Cold War. Its decisions—largely improvised and inconsistent though they may be—have, for good and ill, profoundly affected international relations. Among other things, the Council’s decisions have eroded conceptions of state sovereignty firmly held during the Cold War years, altering the way in which many of us see the relationship between state and citizen the world over.

Two crises in international relations centered on Iraq, in 1990–1991 and in 2002–2003, have led to two totally different views of the UN in general and the Council in particular. Following the first, marked by the mobilization of many countries to eject Iraqi occupation forces from Kuwait under a strong Council mandate, extraordinary and unjustified euphoria took hold among practitioners and some scholars about the potential of the UN to serve as the agent for the “new world order” advertised by President George H. W. Bush in 1990. At the time of the second crisis, obituaries were written for the UN, as well as for the idea of international order that it represents. In both cases, these extreme views of the UN suggested that international practitioner, media, and scholarly opinion was not rooted in a sound understanding of what the Security Council is good at and what it is bad at. Moreover, there was a general failure to understand how the Council continues to coexist with an older form of international relations still based on sovereign states pursuing their various national interests. This volume seeks to give a rounded assessment of the strengths and weaknesses of the Council as an institution. It also seeks to identify what is novel and what may be enduring in its approaches to a widening agenda of international security issues since the end of the Cold War.

Given the centrality of individual state interests at the UN, however unpalatable to some, the question arises as to whether the Council, in terms of the perceived legitimacy of its decisions, can be more than the sum of its

parts. Perhaps the key driver in Council decisions today, both actively and passively, is the agenda of the United States. This has raised questions about the extent to which the Council can resist (beyond the Iraq issue) the “pull” of U.S. policy preferences. As of mid-2003, there is also concern that the Council could find itself confined to mandating UN humanitarian, peacekeeping, and transitional government mop-up operations after U.S.-led military interventions. This tension—between military and political power and the power of legitimacy—runs through this volume.

### **Aim and Scope**

It is hard enough to take a snapshot of the Council, with its long agenda, opaque proceedings, and uncertain impact on international relations, at any given time. Perhaps for this reason, the Council has not been addressed often other than through the lens of international law, a particular crisis, or one individual’s memoirs. Sidney Bailey and Sam Daws’s magisterial volume on the Council’s procedures, which also covers with great acuity a number of substantive issues, is the principal reference tool for students of the Council.<sup>1</sup> Other brief but incisive overviews were offered by Sir Brian Urquhart and the late Sir Anthony Parsons in the early 1990s, but they are now mostly of historical interest.<sup>2</sup> The Council today displays elements of continuity with the Council described so admirably by Andrew Boyd in *Fifteen Men on a Powder Keg* more than thirty years ago, not least with respect to the salience of national interest within it.<sup>3</sup> However, with the geopolitical setting completely altered by the end of the Cold War, the issues addressed by the Council and the way in which they are addressed have evolved radically. Furthermore, the Council occasionally today features female ambassadors, most recently including Madeleine Albright of the United States and Patricia Durant of Jamaica.

By slicing and dicing in many different ways the Council’s decisions and activities, the substantive themes of its work, and the institutional developments in its life, this volume attempts to assess its objectives and performance during the turbulent, frequently hyperactive years it has experienced in the post-Cold War era. The contributors represent a mix of practitioners, many of whom have served on the Council or sought to implement its mandates; knowledgeable academics, a number of whom have published extensively on related topics; and members of the community of nongovernmental organizations (NGOs) interacting frequently with the Council.

As in any endeavor of this type, even an ambitious and long one such as this, choices were required. The reader might wonder why we address certain trends and not others—for example, why we do not offer a chapter on developments in peacekeeping. As topics like this one are addressed in a

number of chapters from a variety of perspectives, we decided that offering a synthesis chapter covering them risked repetition. In other instances, we thought that a particular phenomenon or case, no matter how important or interesting in its own right, shed little more light on the workings and aims of the Council than did some other case offered in the volume. Accordingly, while we do present in Chapter 7 a thoughtful exploration by Elizabeth Cousens of the Council's tentative and unconvincing approach to conflict prevention, we do not devote a chapter to peacebuilding (or "nation-building" as U.S. government officials sometimes refer to it) because a number of our case chapters deal with the inadequacies of the Council's strategies to date for sustaining the peace it sometimes helps to establish. As for Iraq, its importance has been such within the Council that it is addressed in many of the chapters, centrally so in those on the use of force, weapons of mass destruction, and sanctions.

### **Our Approach**

Our approach is not theoretically driven. When the contributors met in January 2003, they debated key issues pertaining to the Council, joined by a number of Council ambassadors. Helpfully urged on by Thomas M. Franck, we did consider a number of possible models for the Council's role in international relations: an Athenian model, essentially consultative; a Congress of Vienna conclave model under which the Council is devoted to norm-development, as many in Washington would have us believe is the Council's most characteristic trait today; and a Roman model allowing for mobilizational governance—under this scheme, the Council serves as a senate constraining the emperor. In the post-Cold War era the Roman model may apply best, with the U.S. president cast as emperor, but contemporary history is proving sufficiently fluid that we were not persuaded that any such theoretical approach would be profitable for this venture. We are content to let our research and conclusions serve as theory fodder for others.

One snare for any writer on the Security Council relates to its identity. As a matter of convenience, authors sometimes refer to the Council when they mean its members, a majority of its members, or only some of its members. Another relates to assessments of UN "success" and "relevance." Differences of appreciation will be clear throughout the volume and in its conclusions, being defined largely in the eye of individual beholders.

The table of contents makes clear our approach to the story. The first section focuses on factors in Council decisionmaking that are new in the post-Cold War era, often drivers of decisionmaking such as the humanitarian impulse or terrorism. We move on to focus for several chapters on one key change: the greater resort to the provisions of Chapter VII of the UN

Charter allowing for the enforcement measures of sanctions and the use of force. We then offer ten chapters covering evolving institutional factors affecting the Council, from the role of NGOs to pressures for Council reform. In order to illustrate a number of these themes, we offer eleven brief case studies that we believe shed particular light on new approaches by the Council. In the final section, we seek to offer an interpretation and an integration of points raised in all these chapters, doing justice to none of the contributors singly, but aiming to offer one possible synthesis of their views. In neither this introduction nor in the final section do we follow the order of the table of contents; rather, we seek to isolate key crosscutting themes.

### *The End of the Cold War at the UN*

How did the changes in the Council in the post-Cold War era come about? The Council initially viewed its role as preventing a third world war. As the Cold War came to define global politics, the Council moved to tackle prevention of regional conflicts (often between client states or proxies of the superpowers) from spilling into a global conflagration. In this, the Council made a helpful contribution on several occasions.

One important signal of the decisive thaw in the Cold War was a noticeable improvement in the climate among the permanent five (P-5) members of the UN Security Council as of 1986. The first evidence of the relaxation in East-West tensions within the Council was the cooperative manner in which these countries discussed options for the position of UN Secretary-General as Javier Pérez de Cuéllar's first term drew to a close in 1986.

In late 1986, Sir John Thomson, the UK permanent representative to the UN, took the initiative to call together the P-5 ambassadors, at his residence away from UN headquarters and delegation offices, for an informal discussion on how they could contribute to an early end of the murderous Iran-Iraq War.<sup>4</sup> The others welcomed this initiative, although China apparently remained reserved over P-5 activism for some time. A system of regular P-5 informal meetings soon took hold. These meetings helped anticipate and defuse conflicts among the five and allowed them to exchange notes on their national positions respecting various crises of the hour, if not formally to coordinate their positions.

As it turned out, the P-5 agreed without much difficulty to a second term for the incumbent, who in January 1987 challenged them publicly to tackle resolution of the Iran-Iraq War.<sup>5</sup> As of mid-1987, Security Council proposals for a cease-fire, monitored by a small UN observer mission, were making serious headway. The post-Cold War era, initially such a hopeful one, had started at the UN.

Soviet president Mikhail Gorbachev's celebrated *Pravda* and *Izvestia* article of September 17, 1987, seeking "wider use of . . . the institution of UN military observers and UN peacekeeping forces in disengaging the troops of warring sides, observing cease-fires and armistice agreements," called for the P-5 to become "guarantors" of international security.<sup>6</sup> However, P-5 cooperation required some time to take root.<sup>7</sup>

Converging perspectives among the P-5 on a number of international crises, particularly on the need to disentangle the superpowers from them, allowed the Council to initiate action toward settlements. Between 1988 and late 1989 it established five peacekeeping operations to assist the settlement of conflicts in Afghanistan (UNGOMAP) and between Iran and Iraq (UNIIMOG), to implement linked agreements on the withdrawal of Cuban troops in Angola (UNAVEM I) and independence for Namibia (UNTAG), and to help the resolution of three conflicts in Central America (ONUCA).

While the end of the Cold War had to some extent already unlocked the Council's potential to contribute to the resolution of serious problems of international peace and security, drawing on newfound cooperation between the superpowers, the Council's approach to conflicts remained relatively cautious until the Iraqi invasion of Kuwait in August 1990.

### *Operation Desert Storm and Its Immediate Aftermath*

This event, and Iraq's formal annexation of Kuwait only days later, led the Council to adopt a mandate authorizing the use of force by a coalition of member states.<sup>8</sup> Council decisions on Iraq, including measures adopted following the March 1991 end of hostilities to bring about the partial disarmament of Iraq, to encourage protection of Iraqi minorities, and to provide humanitarian assistance to the Kurdish population, were important not only in their own right but also because they proved precedential in many respects.<sup>9</sup>

The success of the coalition's military campaign against the Baghdad regime, in retrospect, appears to have induced an era of euphoria in the Council, an era that could not have arisen during the Cold War.<sup>10</sup> Having successfully tackled a conceptually straightforward challenge to international peace and security in the form of Saddam Hussein's attack on Kuwait, the Council now waded into the murkier waters of civil wars and intercommunal strife, with which it had little experience. The Council seemed to believe that because enforcement of its decisions against Iraq had been successfully carried out, the constraints on and limitations of UN peacekeeping had fallen away. This era of euphoria can be described as lasting roughly between March 6, 1991, the date of Resolution 686, on the end of hostilities in the Gulf region, and October 13, 1993, when the

Council adopted Resolution 873 following the failure to deploy successfully the UN Mission in Haiti (UNMIH)—this only a week after the deaths of eighteen U.S. Army Rangers in Somalia had seriously undermined prospects for the sustainability there of UNOSOM II.<sup>11</sup> The unique circumstances of the Gulf crisis, notably the threat that supplies of petroleum, the lifeblood of the major Western economies, could be cut off, did not recur. Consequently, neither did the unity of purpose that characterized international response to Iraq's attack on Kuwait. During this period of barely thirty-one months, the Council accelerated the pace of its work, adopting 185 resolutions, versus 685 in the preceding forty-six years of UN history, and launching fifteen new peacekeeping operations as compared to seventeen in the previous forty-six years.<sup>12</sup>

Building on an emerging view in much of the world that the UN Security Council was at last coming into its own, the first ever Security Council summit was convened January 31, 1992, to discuss new orientations and activities for the Council. The summit's statement, the high-water mark of enthusiasm over a purported new international order, noted (optimistically) that "the Security Council has begun to fulfill more effectively its primary responsibility for the maintenance of international peace and security."<sup>13</sup>

Recently elected Secretary-General Boutros Boutros-Ghali responded with a wide-ranging, thoughtful, and ambitious document, *An Agenda for Peace*. This report advocated, inter alia, consideration in certain circumstances of a "preventive deployment" of UN peacekeepers to forestall hostilities known to be looming; and, when circumstances warranted, the use of force by the UN itself rather than by coalitions of member states.<sup>14</sup> *An Agenda for Peace* noted that peacekeeping had been carried out "hitherto" with the consent of all parties, hinting that this might not be necessary in the future. It seemed to assume a quantum leap in the willingness by member states to support UN action in the peace and security field.

By January 1995, following serious setbacks in Bosnia and the inability to stop the genocide in Rwanda, the UN's most disastrous failure in decades, Boutros-Ghali, in the *Supplement to an Agenda for Peace* (more of a reassessment than an addendum), was sounding a more "realistic" note, drawing lessons from the UN's experience on the ground over previous years: "Neither the Security Council nor the Secretary-General at present has the capacity to deploy, direct, command or control [enforcement] operations except perhaps on a very limited scale. . . . It would be folly to attempt to do so at the present time when the Organization is resource-starved and hard pressed to handle the less demanding peacemaking and peacekeeping responsibilities entrusted to it."<sup>15</sup>

## Major Trends

### *Emergence of the Permanent Five*

The much improved climate among the P-5 in the post–Cold War era can be gauged by the sharp decline in the use of the veto: only 12 substantive vetoes were invoked from January 1990 to June 2003, compared to 193 during the first forty-five years of the UN’s history.<sup>16</sup> Veto threats remained highly relevant, as the Council’s dealings on Kosovo in 1999 and Iraq in early 2003 make clear, but very few issues seriously divided the P-5 after 1987 (the Arab-Israeli conflict remaining one of them). The ability and disposition of the five permanent members—those holding veto power—to cooperate with each other seriously diminished the margin for maneuver of other Council members, as several chapters in this volume make clear (such as Chapter 16, on Council working methods, by Susan Hulton, and several case studies by a variety of contributors). Some of them, including Finland and Canada, had in earlier times developed skills and occupied political space as “helpful fixers”; or, in the case of some developing nations, had learned how to play the permanent members against each other, greatly amplifying the voice and enhancing the apparent influence of the non-aligned movement within the Council.<sup>17</sup>

Soon, however, elected members were grumbling that they were systematically marginalized, a complaint given more weight by a tendency of the Secretariat to consult privately with some or all of the P-5 before advancing recommendations to the Council as a whole. Chapter 17, on relations between permanent and elected members of the Council, by Kishore Mahbubani, an ambassador representing a nonpermanent member of the Council, makes clear why this dynamic is grating and may have proved counterproductive over time. Tacit collusion between the P-5 and the Secretariat was aggravated, from the perspective of other members, by the growing resort to “informal consultations” for decisionmaking purposes rather than the open Council meetings that had served as the principal forum for Council decisionmaking in earlier decades.<sup>18</sup> High-handed behavior by the P-5 reached a zenith in December 2002, when the United States forced the Council presidency to reverse a Council decision on access to a report by UNMOVIC and inspectors of the International Atomic Energy Agency, insisting on differentiated arrangements for permanent and elected members, a highly undignified (and unusually public) process widely denounced, not least by Kofi Annan.<sup>19</sup>

The P-5 do not “manage” the Council, although they do dominate it, not least by monopolizing most of the drafting. Scheduling is coordinated by the presidency, and individual agenda items have increasingly been managed by limited-membership steering groups, often “Groups of

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—I. WILLIAM ZARTMAN, SAIS, Johns Hopkins University

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