Student Feature – Spotlight on The United Nations Security Council

https://www.e-ir.info/2019/08/21/student-feature-spotlight-on-the-united-nations-security-council/

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The Security Council is the most powerful organ of the UN and charged with ensuring international peace and security. It possesses delegated authority to decide over acts violating the prohibition of the use of force. Member states agreed to carry out its decisions when joining the UN. Many practitioners and observers acknowledge that the Council needs to be reformed. Its effectiveness in maintaining peace is questioned, because the Council is often deadlocked by a permanent members' veto power. Yet, its almost 2,500 adopted resolutions demonstrate that Council members frequently take action to address threats to the peace.

The Institutional Design of The Security Council

The UN Security Council has been created to adopt legally binding decisions on behalf of all UN member states and shares the core features of any international organization. Firstly, it has a defined membership: China, France, Russia, the United Kingdom and the United States serve as permanent members (so-called P5) alongside ten elected members (E10). The latter represent the UN regional groups: three seats for Africa, two each for Western Europe, Latin America and Asia and one for Eastern Europe. By custom, one Arab seat rotates between African and Asian groups. The General Assembly, by a two-thirds majority, elects five non-permanent members each year for two-year terms. An immediate re-election is impossible. Secondly, the Council follows defined formal rules and adopts substantive decisions, including resolutions, by a majority of nine votes, while the P5 possess veto privilege. In other words, no decisions can be taken against a permanent member's interests. Thirdly, the Council has a defined scope of activity namely to determine the existence of any threat to international peace and decide on measures to maintain or restore peace and security. Because of its right to set binding international law, impose economic or targeted sanctions, authorize UN peacekeeping missions, or intervene militarily in interstate and intra-state conflicts, the Council disposes of far-reaching resources.

The Elusive Promise of Security Council Reform

The need to account for shifting global power and more equally represent the vastly grown UN membership is widely acknowledged. The reform debate is as old as the UN itself. But why is Council reform so elusive? Any reform of the Council's composition, seat categories or veto privilege requires a two-thirds majority and ratification by two-thirds of the UN membership including the P5. A core obstacle, however, is that not every UN Member State will equally profit from Council expansion, while some might indeed be worse off. Firstly, the Group of Four (G4), which champions Brazil, Germany, India, and Japan as candidates for permanent membership, the African Group, and the L69 ('L69' refers to document number of a draft resolution) prefer to add both new permanent *and* non-permanent members. However, the Uniting for Consensus group, the G4's regional rivals (such as Italy, Argentina, or Pakistan), prefers adding *only* non-permanent seats to prevent G4 states permanency. Second, any Council expansion requires allocating new seats among regions, which creates a distribution problem: why region A, if not region B? Third, the African Group and the L69 favor expanding the veto to new permanent members, which may further diminish prospects of conflict resolution. The G4 neither suggest extending nor restricting the veto privilege. Although France and the UK have cautiously supported expansion, the P5 prefer the status quo because they would need more

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elected member votes for adopting resolutions. Above all, none of the reform proposals address how an enlarged Council would be more effective and seem to imply that broader representation will eventually lead to 'better' outcomes.

Even though negotiations on Council expansion are in a stalemate, many states continue running for non-permanent seats. Seats usually rotate within their regional group, while bigger states, including Germany and Japan, serve more often as elected members. Sharing the desire to make the Council more effective, the E10 have also strived towards acting more cohesively as a group. Many small-sized states have few prospects of obtaining Council membership and demand to focus on reforming Council working methods. The "Accountability, Coherence and Transparency" group, for example, lobbies for greater inclusion of non-members, regular briefings or an equitable system for drafting resolutions and chairing Council committees. The General Assembly, supported by civil society actors, pressed for a more transparent election process of the Secretary-General in 2016. Further innovation will be achieved when the Council nominates, and the Assembly elects, the first ever female Secretary-General.

Sanctions, Peacekeeping, Military Enforcement

Security Council decisions typically consist of a collective appraisal of a conflict as a threat to peace and some action, for instance, demanding local parties to cease fighting. The Council usually addresses threats to peace and security in a staged fashion, starting with a press statement or a presidential statement, demanding conflict parties to cease actions, and threatening to impose further measures. Such statements may forge consensus among Council members for subsequent Council resolutions because repeating previous statements in response to escalating conflict is inappropriate while signaling that Council requests could be ignored without consequences. If peaceful measures are insufficient, the Security Council has mainly three tools at its disposal: sanctions, peacekeeping and authorizing military enforcement.

Council members tend to keep sanctions regimes under tight control and delegate follow-up decisions, such as adding or removing individuals from sanctions lists, to specifically created sanctions committees, which mirror Council membership and decide by consensus. The Council has imposed 30 sanctions regimes, some over extended periods, 14 of which are ongoing and mostly focus on conflict resolution (such as Libya), but also non-proliferation (North Korea), or counter-terrorism (ISIL/Al-Qaida). In late 2018, about 700 individuals and almost 390 entities were subject to targeted sanctions such as assets freeze, travel ban and arms embargo.

In contrast to sanctions regimes, the Council authorizes peacekeeping missions and delegates their implementation to the UN Secretariat. The Council takes up an oversight role and exercises control through defining a more or less detailed mandate, troop ceilings, time limits or reporting requirements. In Somalia, Bosnia and Rwanda, the Council had failed to protect civilians from crimes against humanity, war crimes and genocide, which has led the Council to equip peacekeepers with increasingly robust mandates. Currently, there are 90,000 peacekeepers in 14 peacekeeping operations, three-quarters of which serve in the 'big five' missions in the Central African Republic, the Democratic Republic of the Congo, Mali, Sudan/Darfur and South Sudan.

In cases of military intervention, the Council delegates enforcement of its decisions to states, coalitions of states or regional organizations, mostly without exercising control. Prominent examples include interventions in Korea (1950), Iraq (1991), NATO in Libya (2011), or ECOWAS in Cote d'Ivoire and Liberia (2003). This Council practice is controversial and interveners might use Council mandates broadly. Consider, for instance, US-led coalition, which argued for an 'ongoing' authorization to remove Saddam Hussain of Iraq from power in 2003, or NATO members arguably stretching the Council mandate to protect civilians for toppling Libyan dictator Gadhafi in 2011.

Security Council and IR Theory

What factors shape Security Council action? The fundamental question of the Council' role and effect is subject to much debate in IR. Methodologically, many scholars use the Council as a hard case for theory-testing with its

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intergovernmental structure, the great power dominance, a purely administrative secretariat and its setting in 'high politics'. The logic is that if a theory holds true even in the demanding circumstances of the Security Council it may as well be applicable in other organizations or settings.

Structuralist explanations have long dominated the debate. David Bosco ("Five to rule them all"), conceptualizes the Council as a 'loose concert' of great powers, which has contributed to preventing military confrontations among them. Erik Voeten conceives of the Council as an 'elite pact', a great power coalition, which helps states coordinate what limits to the use of force should be defended. Alexander Thompson argues that the Council's key function is 'strategic information transmission'. Precisely because of its small size, diversity and veto power, channeling coercive foreign policies through the Council sends information to foreign leaders and foreign publics and can increase the support for intervention.

Recent institutionalist scholarship explains how the fact that Council members delegate to sanctions committees creates incentives for developing rules, for instance, on which behavior could be sanctioned, and following those rules when deciding about who specifically should be blacklisted, even though the same states take all decisions. Moreover, Council doctrines derived from earlier decisions as precedents seem to affect Council decisions, for instance, on terrorism or intervention into intra-state conflicts. The focus on decision doctrines illuminates why Council members often find collective agreement despite starkly differing preferences.

Many scholars pay attention to change processes at the security-human rights nexus. For example, one notable strand deals with the role, status and impact of the Responsibility to Protect on Security Council action. Another example is the debate around resolution 1325, which addresses gender in conflict. Laura Shepherd analyses how the discursive construction of the resolution affected its implementation, and how the resulting inconsistencies contributed to its failures. Looking at humanitarian intervention, Carrie Walling illuminates how interests and values of Council members relate to each other. She demonstrates that intervention becomes possible when Council members share a collective understanding of the conflict and likely when they regard sovereignty norms complementary to human rights norms.

Other scholars highlight the importance of individual agency for explaining Council action. Johnstone, for instance, regards the Council as an 'interpretative community' whose decisions are influenced by a 'justificatory discourse'. States may shape Council decisions through the 'power of the better argument'. Practice theory focusses on the social-relational aspects and asks how power is enacted in particular negotiations. Adler-Nissen and Pouliot explain the Council intervention in Libya in 2011 by the logic of claiming competence, social negotiation and transforming those into non-coercive influence. Ralph and Gifkins argue that the 'penholding' practice (i.e. drafting a resolution on an agenda item), has become an influential pattern and show that E10 members exploited its effects for negotiating humanitarian access in Syria.

Useful Links

The official website of the Security Council: https://www.un.org/securitycouncil/

The website of the non-profit organization Security Council Report: https://www.securitycouncilreport.org/

Further Reading

http://cris.unu.edu/united-nations-security-council-history-current-composition-and-reform-proposals

Hosli, Dörfler (2019): Why is change so slow? Assessing prospects for United Nations Security Council reform (open access): https://www.tandfonline.com/doi/full/10.1080/17487870.2017.1305903

Online Course Material

Leiden University, The Changing Global Order

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https://de.coursera.org/learn/changing-global-order

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Thomas Dörfler is a Postdoctoral Research Fellow at the University of Potsdam, Germany. He is the author of Security Council Sanctions Governance (Routledge). He has published in Review of International Studies, Regulation & Governance and the Journal of International Relations and Development, among others.