

The Conundrum about the United Nations Security Council: A Guardian of Peace or Cause for Concern?

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Abstract

This paper seeks to find out whether the United Nations Security Council (UN SC) has been performing its primary task of safeguarding international peace and security effectively since the Cold War has become a matter of history. It argues that, contrary to expectations, the SC has failed to confront all credible threats to regional or international peace in a consistent and convincing manner which has dramatically diminished the reliability of this powerful UN body. This paper argues that the problem lies in the problematical structure of, and decision-making in, the SC and in its instrumentalisation at the hands of a handful of states seeking hegemony, inter alia, through this body. The Darfur and East Timor cases, taken up by the SC after the Cold War through a series of resolutions under Chapter VII of the UN Charter, are taken as test cases indicating the extent of politicisation in this organ.

Key Words

UN Security Council, permanent membership, right of veto, threat to international peace and security, negative conception of peace

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Structural and Conceptual Problems in the United Nations Security Council

No longer thwarted by East-West polarity in the aftermath of the Cold War, the Security Council (SC) of the United Nations (UN) has since the early 1990s become more active and assertive. An apparent explosion of resolutions and presidential statements has enhanced the relevance of the SC in current international relations. Furthermore, the Council has authorised more peacekeeping missions than those undertaken during the entire course of the Cold War era.² Although at first sight, this may seem as a promising prospect for world peace; this UN body has been under fire on all fronts for its failings, deficiencies and lack of consistency. The range of criticisms thrown at the SC since the early years of the 1990s includes **its negative conception of peace, lack of diversity** in its composition; **lack of transparency** in its working methods; and, **lack of consistency** and **credibility** in its track record.

A major problem about the SC is that, in spite of the fact that Article 1 of this founding treaty speaks about the desirability of international cooperation for the solution of economic, social, cultural and humanitarian problems, the UN Charter is premised on a negative conception of peace. However the operative chapters of the UN Charter

concentrate expressly on the avoidance and ending of classical inter-state conflicts and wars. Attempts aimed at the sustainable elimination of many economic, social or humanitarian causes of violence and war –as would be expected from a broader understanding of peace- are treated with comparative brevity. (Gareis & Warwick 2005: 59)

This suggests that the SC sees the threats to international peace and security overwhelmingly from a **military** perspective, while almost always bypassing the structural problems leading to, or at least facilitating, war.

As noted above, the SC has, since the end of the Cold War, come to adopt a more assertive role in regard to issues which it considers as threatening or as breaches of international peace and security. In addition to classical cases of armed aggression, the Council sees a variety of other situations as grounds for authorizing the use of force: “to restore democracy, to enforce sanctions, to protect humanitarian assistance, to protect civilians, and to defend international personnel in a theatre of war.” (Malone 1998: 22) This era has also featured a greatly increased use of sanctions. That the SC enjoys the monopoly of defining the instances constituting a ‘threat to international peace and security’ is, by

² Indeed there were eighteen UN peacekeeping missions during the entire course of the Cold War, while currently the UN has been engaged in sixteen peacekeeping operations. These missions have also become more complex: “The end of the Cold War precipitated a dramatic shift in UN and multilateral peacekeeping. In a new spirit of cooperation, the SC established larger and more complex UN peacekeeping missions, often to help implement comprehensive peace agreements between protagonists in intra-State conflicts and civil wars. Furthermore, peacekeeping came to involve more and more non-military elements that ensured the proper functioning of civic functions, such as elections.” (<http://en.wikipedia.org/wiki/Peacekeeping>)

its very nature, an affront to the will of international society whose members happen not to be meaningfully represented in the SC. Besides, if this monopoly is abused for national interests or other imperial goals by the permanent members (P-5) that enjoy veto power over undesirable motions, the legitimacy of the SC would be in doubt.

Not surprisingly, the increased pace of SC activism and greater assertiveness on its part, have evoked rising concerns about the **lack of diversity** in its composition. This is particularly directed at the status of permanent membership which five states have enjoyed since 1945: The United States of America (USA), the United Kingdom (UK), France, Russia and China. The granting of the status of permanent membership to some states in the SC with the associated veto power "was justified by the plausible argument that hard reality made it unthinkable for UN enforcement action to be attempted in the teeth of the opposition of a great power." (Boyd 1971: 59) This club of the privileged (P-5) was and is however an affront to the diversity of international society. Indeed it is a cruel fact that "the current permanent membership is four-fifths from white-dominated countries. The same four-fifths are developed economies. More diversity is needed for regional and economic representation. The southern hemisphere is underrepresented and needs membership." (Hatridge 2008) The figures, thus, point towards an apparent bias in favour of a privileged position for Western states in the composition of permanent seats in the SC. It also needs pointing that, when the UN was established in 1945, permanent members made up ten percent of the entire membership of the UN. Today, as of July 2009, the ratio of permanent members in the SC has fallen to less than three percent of all UN members in the light of the UN's expansion through the accession of 192 states over the course of sixty years. The group of P-5 than has become an exclusive club that wields enormous power.

A major deficiency of decision-making in the SC then and now is **the lack of transparency** in its meetings. For instance, only one of the meetings of the SC is in the form of public meeting, whereas "all others are informal gatherings of members of the SC, and are neither bound by the same rules of procedure nor required to be recorded in any way." (Reid 1999) In reference to the informal meetings among Council members, the French representative disclosed in 1994 that, although "they have no official existence, and are assigned no number...it is in these meetings that all the Council's work is carried out." (Reid 1999) The whole process of decision-making in the SC is very much the outcome of informal consultations which "can last for several hours and may run into several sessions." (Reid 1999) By contrast, the formal meetings of the SC "do not last very long". Generally the overall format of the formal SC meetings is as follows: "After a few introductory remarks and the reading of prepared statements, a vote is taken and the resolution is adopted." (Reid 1999)

Not unexpectedly, tensions between the SC and the General Assembly have surfaced particularly since the 1990s over the desire of states not represented in the SC to be involved in debates that take place in this body by virtue of informal gatherings. However the P-5 insists "upon the benefits of privacy for negotiation and compromise". (Reid 1999) Apart from lack of transparency, the problem is the absence of official records of meetings among SC members. This suggests that

not only are 'outsiders' unaware of how decisions were reached, they are also uninformed about the status of some situations that do not result in either a presidential statement or a resolution. What this means in practical terms is an extension of the institutional influence of the permanent members of the Council: with the constant replacement of non-permanent members, it is the non-elected members of the Council who both provide continuity and serve as reference. (Reid 1999)

As noted by a former permanent representative of Portugal in the UN, official records of meetings are necessary prerequisites for consistency and accountability of resolutions adopted by the SC. (General Comments on Council Transparency, 1997) It is thus clear that the working method of the SC needs to be thoroughly reviewed so as to increase the impact of external actors and improve its transparency.

The SC has also been beset by **lack of consistency and credibility** of its track record. The western-orientation of its composition in the form of permanent membership has had significant repercussions for the choice of targets of SC sanctions and military enforcement measures in the post-Cold War era. Armenia occupied nearly twenty per cent of the Azeri territory, first and foremost Nagorno-Karabakh, during the war in 1988-93 and still keeps them. This gravest of breaches in the form of illegal territorial acquisition against a 'Muslim' country by a 'Christian' one, did not in any way incur the wrath of the SC through the adoption of, at least, sanctions. American military strikes against selected targets in Iraq (1993), Sudan (1998) and Afghanistan (1998) went unpunished, as were the direct occupations by the same and its partners of Afghanistan (2001) and Iraq (2003). Israel, as the strategic ally of the USA, has been engaged in all sorts of illegal military actions and state terrorism against the Palestinians, the latest episode of which was the all-out attack on Gaza in December 2008/January 2009, which, for long, met with only a deafening silence on the part of the SC and then with a non-committal resolution that came too late. Israeli military strikes against Syria in 2003 and 2007 as well as its brutal assault on Lebanon in 2006 did not similarly prompt the SC into action. Untold brutalities committed by Russian forces against tens of thousands of civilians in the Russian-Chechen wars (1994-1996; 1999-2006), which were tantamount to **war crimes** and **crimes against humanity**, did not result in the SC defining them as **breaches of international peace and security** and take action accordingly.³ The Council likewise remained tight-lipped in the case of the US-supported invasion of Somalia by Ethiopian troops in 2006. By contrast, states, particularly in the Muslim world, which refused to play into the tune of Western hegemonic designs, have been subjected to devastating economic, diplomatic and/or military sanctions imposed by the SC, once they are found to be in violation of international norms on the maintenance of international peace and security. Iraq's occupation of Kuwait in August 1990 immediately met with a never-ending cycle of sanctions whose cli-

3 Of course, by virtue of veto power, it is technically impossible to pass a resolution opposed by a permanent member. The point made here is to draw on the double standards of the SC.

max was the authorization of military action against Iraq in November 1990.⁴ Only two years later, another unruly state, this time Libya under Gaddafi, was subjected to military sanctions and ban on flights imposed by the SC in 1992, (SC Resolution No. 748, 1992, 52-54) when the latter was blamed by the USA for the alleged involvement of Libyan agents in the December 1988 bombing of Pan Am flight 103. The third case concerns Iran: Comprehensive SC sanctions have been in place against Iran since 2006 for its refusal to halt uranium enrichment activities as part of its nuclear program (S/RES/1696, 2006). Thus, it is another case of 'bashing' an unruly Muslim state.

A series of resolutions which the SC has also passed vis-à-vis Sudan in recent years, has likewise paved the way for the deployment of UN-authorized foreign troops in southern and western Sudan since 2005.⁵ The posture which the UN SC has adopted over the southern Sudanese and the Darfur conflicts in Sudan, I think, deserves separate analysis as a case study that manifests the hallmarks of structural and conceptual deficiencies which I have associated with the SC above. Likewise, the process leading to the independence of East Timor, formerly part of Indonesia, may be taken as another case which is indicative of the malaise which the SC is suffering. This second case shows how a situation, i.e. 'Indonesian occupation of East Timor in 1975', which was not considered as a "threat to international peace and security", came to be defined by a coalition of states led by the USA as a "threat" soon after the Cold War ended.

Darfur Case/Sudan

Sudan has been at the forefront of a myriad of SC resolutions adopted in recent years on account of allegations about massive human rights violations committed by the Sudanese security forces against rebel fighters and their supporters in southern Sudan and Darfur.⁶ On the initiative of the USA and the European members of the SC, this organ passed a resolution on 30 July 2004, if looked at uncritically, with the seemingly well-meaning intent to solve the humanitarian crisis in the Darfur region of Sudan. Resolution 1556 condemned "all acts of violence and violations of human rights and international humanitarian law by all parties to the crisis, in particular by the Janjaveed." (Resolution 1556,

4 The cycle of resolutions began with Resolution 661 of 6 August 1990: Resolutions and Decisions of the SC, 1990, *SC Official Records*, S/INF/46, pp.19-20. SC Resolution No. 678 of 29 November 1990, authorising war against Iraq, was arguably the most critical one: Resolutions and Decisions..., *ibid.*, pp. 27-28.

5 Resolution 1556 of 30 July 2004; Resolution 1564 of 18 September 2004; Resolution 1574 of 19 November 2004; Resolution 1590 of 24 March 2005; Resolution 1591 of 29 March 2005; Resolution 1593 of 31 March 2005; Resolution 1679 of 16 May 2006; Resolution 1706 of 31 August 2006.

6 On civil wars in Sudan, see Robert O. Collins, *Civil Wars and Revolution in the Sudan: Essays on the Sudan, Southern Sudan, and Darfur, 1962-2004*, (Holywood, USA; TSEHAI, 2005); Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars* (Bloomington and Indianapolis: Indiana University Press, 2003); Abdel Salam Sidahmet et al, *Sudan The Contemporary Middle East*, (Oxon, Routledge, 2005); Julie Flint and Alex de Waal, *Darfur: A New History of a Long War*, (Zed Books, London and New York, 2008). A very critical book that challenges the Western orthodoxy about the conflict in Darfur is Mahmood Mamdani's *Saviors and Survivors: Darfur, Politics, and the War on Terror*, (New York, Pantheon Books, 2009).

2004) The process leading to the adoption of this resolution has to be put into the proper context of overall relations between Sudan and the USA. From the time Sudan opted for an Islamic regime in 1989, Western governments and the media began to portray the new government as a menacing and suppressive regime. It wasn't long before the USA began to blame Sudan for its presumed involvement in a number of terror attacks against US and Israeli targets. The US air raid in 1998, ordered by President Clinton, completely destroyed a medicine plant near Khartoum on the assumption that it was producing chemical weapons, which later was proven wrong. The SC did not however condemn the US action, although it was a blatant violation of the UN Charter rules on the non-use of force in international relations. The Bush (junior) administration, following in the footsteps of Clinton's, branded Sudan as a 'terrorist state'.⁷ This is the context in which to understand the conflicts in Sudan and the way these conflicts have been taken up by the SC.

That there was a humanitarian crisis in Darfur when the SC passed Resolution 1556 in July 2004 cannot possibly be denied. Sections of the indigenous population of Darfur had for some time been feeling discriminated and even abandoned because of economic deprivation. The majority of the inhabitants of the region are blacks, most of whom are Muslims, whereas the dominant majority in Sudan are Muslim Arabs. The Arab Janjaveed militias, equally indigenous to the region, were for some time aborting attempts by the disaffected communities to obtain a fairer share of land and water resources. These were some of the grievances which convinced part of the population in Darfur to take up arms against the government in February 2003. The rebels were, in turn, subjected to the heavy-handed response of the security forces and the Janjaveed militias. There have been widespread rumours about the massacre of civilians and the forcible removal of people from their homes. Nearly 30 thousand people from Darfur had lost their lives and a million of them had been displaced at the time when resolution 1556 was adopted in 2004. About 200 thousand of them had meanwhile become refugees in the neighbouring Chad. However those who took up arms against the government were not at all blameless. As said in Resolution 1556, they also killed and terrorised members of the security forces and civilian population among the Arabs.

It was said in Resolution 1556 that "the situation in Sudan constitutes a threat to international peace and security and to stability in the region." The resolution thus based itself on Chapter VII of the UN Charter authorizing effective action. As enunciated in paragraph 2, such description of the conflict paved the way to "the deployment of international monitors, including the protection force envisioned by the African Union, to the Darfur region of Sudan." Paragraph 3 welcomed "the contribution already made by the European Union and the United States to support the African Union led operation." Paragraph 6 demanded Sudan "to disarm the Janjaveed militias and apprehend and bring to justice Janjaveed leaders and their associates who have incited and carried out human rights and interna-

⁷ Iran, Iraq and Syria were likewise stigmatised as 'terrorist states'.

tional humanitarian law violations and other atrocities.” However, notwithstanding the gravity of human suffering, the terms of this resolution seem rather ‘heavy’ for a conflict whose ‘international’ implications were limited. Paragraph 1 urged Sudan to resume “political talks with dissident groups from the Darfur region, specifically the Justice and Equality Movement (JEM) and the Sudan Liberation Movement and Sudan Liberation Army (SLM/A) on Darfur”. This seems to be a rather intrusive injunction in the light of the fact that the dynamics of negotiations between governments and rebel groups, which many governments would rightly or wrongly define as ‘terrorists’, come from the configuration of political forces *within* the country. In this case, the SC acted as if it was the ‘spokesman’ of the rebel groups and coerced the Sudanese government into treating them as a partner with equal claims over the future of Darfur. The final part of paragraph 6 was even more ‘threatening’ when looked at from the lens of the Sudanese government: the SC “expresses its *intention* [the word is italicised in the original text] to consider further actions, including measures as provided for in Article 41 of the Charter of the UN on the Government of Sudan, in the event of non-compliance.” This article gives competence to the SC to impose economic and diplomatic embargo against states that commit aggression and/or threaten international peace and security. There is every reason to believe that one of the main, if not the key, motives behind the US commitment to Resolution 1556 was to place Sudan under the scrutiny of the SC with the threat of sanctions and/or military enforcement action should it refuse to give in to the demands of the southern separatists in the south and rebel groups in Darfur for looser governmental control. What is more, even if Sudan acted on the terms of Resolution 1556 by conferring substantial concessions on the rebel groups, it is doubtful whether the USA would ever allow Sudan to get off the hook so long as the ‘Islamic regime’ refused to allocate a significant share of its oil and other energy resources to US companies on concessionary terms.

Perhaps not surprisingly, Resolution 1564 (Resolution 1564, 2004), passed only two months after Resolution 1556, threw new accusations at Sudan: the SC wanted to determine whether genocide was committed in Darfur and identify the perpetrators. Paragraph 13 spoke about considering additional measures “such as actions to affect Sudan’s petroleum sector.” The string of SC resolutions on Darfur, some of which drew on the problem in the south as well⁸, coupled with the deliberate US policies designed to strangle Sudan economically and isolate it politically, created an ideal atmosphere for exerting heavy pressure on Sudan to resolve the southern Sudanese problem along the lines proposed by the rebels. The protracted conflict in the south, raging unabated since 1984, and the accompanying famine have left nearly two million people dead from both sides and displaced many southerners. Sudan was thus coerced into accepting a deal with the Sudan People’s Liberation Movement/Army (SPLM/A) that had been fighting for independence. The **Comprehensive Peace Agreement** between the Government of Sudan

8 See, for instance, Resolutions 1556, 1564, 1574 and 1590. (The references for the latter two: Resolution 1574, 19 November 2004, S/RES/1574; Resolution 1590, 24 March 2005, S/RES/1590).

and the SPLM/A which was signed in Nairobi, Kenya on 9 January 2005 registered the parties' consent to the series of protocols and agreements which they had signed since 2002.⁹ Accordingly, the people of southern Sudan have been given the option to secede from the north on the basis of a referendum to be held within six years. They are meanwhile given extensive autonomy; the Government of Southern Sudan is to share power with the central government in Khartoum; the wealth of the country will be partitioned between them to the extent that the south will receive half of the petroleum revenues obtained from the south. The 'internationalisation' of the southern Sudanese problem was almost complete when the **United Nations Mission in Sudan** (UNMIS) was deployed in southern Sudan as a peacekeeping force on the basis of SC Resolution 1590 of March 24, 2005. The force was intended to observe the implementation of the Comprehensive Peace Agreement.

The crisis in Darfur followed a similar course as the one in southern Sudan in so far as the UN involvement is concerned. Heavy pressure on Sudan for its alleged 'genocide' in Darfur resulted with the adoption, between the government of Sudan and the largest rebel group in Darfur, of **Darfur Peace Agreement** on 5 May 2006 whose main goal was to end the three years-long conflict. By this time, the conflict had left 200,000 people dead and nearly two million people homeless. Under the terms of the agreement, the pro-government Janjaweed militia would be disarmed and rebel forces incorporated into the army. Those who were forced to leave their homes in Darfur would be ensured a safe return and be given compensation. The agreement created a regional government in Darfur in which the rebels would also take part. Finally, this arrangement envisaged wealth and power sharing between the parties.¹⁰ However the process did not end here. The USA had already begun pressing for a UN military presence in Darfur. The US Senate even passed a law specifically relating to Sudan on July 21, 2005, entitled "A Bill to Promote Peace and Accountability in Sudan, and for other purposes".¹¹ The law, labelling the atrocities in Darfur as "genocide", was intended to bring about a change in Darfur through various instruments which the USA would seek to put into use through the SC: imposing economic and diplomatic sanctions; extending the military embargo against Sudan; stronger international military presence in Darfur; active support for rebels. This law was a sequel to the "Darfur Accountability Act of 2005" which had been adopted on March 2, 2005. That bill had laid the framework of issues and themes which were taken up more extensively by the bill adopted in July 2005.¹² This pressure eventually bore fruit with the adoption of the SC Resolution 1706¹³ on 31 August 2006. Under the terms of this

9 The text of this document can be found in, <http://www.reliefweb.int/rw/rwb.nsf/db900SID/EVIU-6AZBDB>. The protocols and agreements which the parties have signed since 2002 can be found in http://www.reliefweb.int/RWSearch/Search?num_DES_FormID=1&num_DES_Browser=1&txt_DES_ShortSourceName=Govt.%20Sudan/SPLM/A&num_DES_Operator=1&srchType=5

10 <http://allafrica.com/peaceafrica/resources/view/00010926.pdf#search=%22%22Darfur%20Peace%20Agreement%22%22>

11 <http://www.genocideintervention.net/advocate/docs/S1462.pdf#search=%22Darfur%20Peace%20Agreement%2C%202005%22>

12 <http://www.theorator.com/bills109/s495.html>

13 This resolution represents the climax of a barrage of resolutions that presaged the passing of Resolution 1706: Resolution 1556 of 30 July 2004; Resolution 1564 of 18 September 2004; Resolution 1574 of 19 November 2004; Resolution 1591 of 29 March 2005; Resolution 1593 of 31 March 2005; Resolution 1679 of 16 May 2006.

resolution, the Sudanese government was invited to consent to the deployment in Darfur of UN peacekeeping troops (United Nations Mission in the Sudan: UNMIS) as in southern Sudan. African Union troops in the region would thus be replaced by the UN military mission. Although nominally a 'peacekeeping force' and provider of humanitarian assistance, if deployed, UNMIS would in effect serve additionally as a peacemaking force and interfere into the political process. Under the terms of Resolution 1706, this resolution's implementation would be conditional upon the consent of the Sudanese government as insisted by SC members such as Russia, China, Qatar and Tanzania. Although the Sudanese government devised its own plans for the solution of the Darfur crisis peacefully and repeatedly objected to the deployment of UNMIS in Darfur, which it saw as a ploy to separate Darfur from the rest of Sudan, the USA and the UK, contrary to international law, coerced Sudan into accepting this resolution.¹⁴ A mix of UN-African Union troops have since been deployed in Darfur under the nervous gaze of the government in Khartoum.¹⁵ The SC's concern for Darfur and other conflicts in Sudan have not subsided since, as the wave of new resolutions testifies.¹⁶

Ironically, the storm of resolutions that has increased the scale of sanctions and threats against Sudan sharply contrasted with the low key approach which the SC adopted with regard to other crisis in Africa. Indeed, in situations in which the USA or the UK or France did not consider their vital interests being at stake, even the most egregious crimes on a massive scale committed in African countries escaped SC's attention in the sense of recourse to Chapter VII of the UN Charter. A website examining African conflicts states that, in recent years, "there have been over 9.5 million refugees and hundreds and thousands of people have been slaughtered in Africa from a number of conflicts and civil wars".¹⁷ Indeed the SC has mostly set idly by and watched in cold blood when massive and systematic crimes have been committed in wars and other conflicts in parts of Africa in the aftermath of the Cold War: the SC failed to take effective *action* when genocidal killings (mostly) of the Tutsi minority at the hands of the Hutu militias in Rwanda in 1994 in which nearly a million Rwandans perished. A similarly brutal ethnic conflict occurred in Burundi in the 1990s between Hutus and Tutsis whereby nearly 200,000 people lost their lives. The conflict in the Democratic Republic of Congo (formerly Zaire) involved at least

14 Although these states have alleged that the situation in Darfur was tantamount to 'genocide' and was therefore a "crime against humanity", even the SC resolutions, such as the following, noted that massive human rights were by no means specific to the government: "[The SC] Deplores strongly that the Government of Sudan and rebel forces and all other armed groups in Darfur have failed to comply fully with their commitments and the demands of the Council referred to in resolutions 1556 (2004), 1564 (2004), and 1574 (2004)". (SC Resolution 1591, 29 March 2005)

15 The controversy over the conflict in Darfur took on a new turn when the Sudanese President Omar El-Bashir was issued with a warrant of arrest by the International Criminal Court on 4 March 2009 for war crimes and crimes against humanity. (Press Release of the International Criminal Court: 04.03.2009, http://www.icc-cpi.int/menus/icc/press%20and%20media/press%20releases/icc%20issues%20a%20warrant%20of%20arrest%20for%20omar%20al%20bashir_%20president%20of%20sudan?lan=en-GB)

16 For instance, Resolution 1769 of 2007 called for the establishment of a hybrid force consisting of the military contingents from the UN and African Union. (31 July 2007, S/RES/1769 (2007) The SC adopted three new resolutions in 2009 which, inter alia, extended the mandate of the peacekeeping troops in Sudan: Resolution 1870 of 30 April 2009; Resolution 1881 of 30 July 2009; Resolution 1891 of 13 October 2009.

17 <http://www.theorator.com/bills109/s495.html>

seven ethnic groups vying for economic resources and political power. At least 3 million people have died since the onset of the conflict in 1998. In Sierra Leone, over 50,000 people have been killed since the civil war began in 1991. The war between Ethiopia and Eritrea during the course of May 1998-June 2000 cost the lives of 100,000 people. Human rights NGOs wrote damning reports about human rights abuses in these conflicts as well as conflicts in countries such as Liberia, Uganda, Central African Republic, Angola and plenty of others in which most of the victims have been civilians. In the African conflicts which were at least as bloody as the conflicts in Darfur, and in cases of massive human rights violations as serious as the one in Darfur, the SC mostly confined its role to the sending of peacekeeping troops once an agreement, sometimes with the assistance *inter alia* of Western governments, among the warring parties themselves was reached. This is in dire contrast with the *imposition* by the SC of a particular modality of settlement at Sudan. Besides, unlike its handling of the Sudanese case, the SC has opted for a relatively 'soft' model of peacekeeping in the Eritrea-Ethiopia war between 2000-2008, Abkhazian conflict in Georgia (since 1993), civil war in Liberia (since 2003), second Congo war (since 1999), and Burundi civil war (between 2004-2007).

The Sudanese case indicates how, since the end of the Cold War, the UN SC has been instrumentalised by powerful Western states, led by the USA, as part of their struggle for hegemony and share of energy resources in the non-Western world. Therefore, the UN SC resolutions, as they stand today and relate to the 'effective actions' authorised by this body, fall short of meeting the test of impartiality and fairness which is the *sine qua non* of acceptable decisions issued by authoritative bodies. This explains why the SC has lost most of its credibility in the first decade of the 21st century.

East Timorese Case/Indonesia

Once the Cold War ended, Indonesia was no longer a valued partner of the USA against 'the expansion of communism', so to speak. From the US perspective, growing Islamic awareness in this most populous of Muslim nations was worrying for its interests in East Asia. One of the immediate results of this new strategic thinking was the decision of the US administration to adopt a pro-separation posture vis-à-vis the East Timorese problem. This small island with a tiny population (nearly one million people) had been annexed by Indonesia in 1975 after the departure of Portugal as the hitherto colonial ruler. From the mid-1990s, the USA became an ardent advocate of the struggle of the East Timorese people for self-determination. The allegations in the Western media of massive human rights violations committed by Indonesian security forces, combined with economic and political pressure exerted by the USA and its European partners on Indonesia especially after the demise of the pro-American Suharto regime, forced the new leadership to negotiate with the liberation movement for a final settlement about the status of East Timor.

Not surprisingly, the USA sponsored a stream of SC resolution from 1999 onwards which paved the way for the separation of East Timor from Indonesia. European states with seats in the SC, as in most other cases, advocated the US posture relating to the East

Timorese question. To begin with, the SC Resolution No.1236 of 1999 welcomed “the concluding of the Agreement between Indonesia and Portugal on 5 May 1999 on the question of East Timor.” This resolution was followed, *inter alia*, by Resolution 1264 (1999) that authorized the deployment of a multinational force in East Timor. This was another indication that the USA and its European partners were fully committed to the independence of East Timor. In Resolution 1272 (1999), the SC expressed its satisfaction with the overall desire of the East Timorese people for independence as expressed in a ballot on 30 August 1999. Resolution 1410, adopted three years later (2002) when the East Timorese independence was complete, praised “the courage and vision of the people of East Timor in bringing East Timor to the point of independence by peaceful and democratic means”.

No doubt, the UN SC played a key role in the chain of events that brought about the independence of East Timor in 2002. This is not to suggest that a separate state for the East Timorese people was a bad idea or that the process was legally untenable. Rather, it argues that the priorities of the SC and its selection of issues for effective action are largely conditioned by the foreign policy objectives of certain international actors –first and foremost the USA. That the SC has failed to take effective actions in order to bring about the independence of the Palestinian people or the people of Kashmir, under military occupation like the East Timorese people once were, whose right of self-determination has long been recognized by the UN, is a clear testimony to the partiality and selectiveness of the SC.

Conclusion

It is thus clear that, in the aftermath of the Cold War, the SC has been consistently abused by major powers, with seats as permanent members, to serve their imperial ambitions or national interests. European states like Britain and France have mostly concurred and acted in tandem with their transatlantic ally in the SC.¹⁸ Russia and China have, for their part, mostly avoided confrontation with the USA and its European allies, a position that fundamentally differs from the posture adopted by the Soviet Union during the Cold War.¹⁹ Today the Council remains under the indisputable sway of the Western P-3. The historical, political, military, cultural, institutional and philosophical ties between the USA and Europe are so deeply entrenched that it is both conceptually and factually difficult to discern them. Chimni observes that there is an increasing network of international organizations through which the Western bloc of states shapes the world to the disadvantage of the Third World, and the UN (SC) is no exception:

18 The French resistance to the American attempts at getting SC authorization for military action against Iraq on the eve of the occupation of Iraq (2003) is a rare case of discord.

19 Of China, the new rising power, one scholar remarks: “It is remarkable how little China dissented actively from Council decisions during the period 1990-7 although it often sought to distance itself from them through its explanations of vote. The much improved climate among the P-5 can be gauged by the sharp decline in the use of the veto: only 6 substantive vetoes were invoked from May 1990 to December 1997, compared to 193 during the first 45 years of the UN’s history.” (David Malone, *Decision-Making in the SC: The Case of Haiti, 1990-1997*, Oxford, Clarendon Press, 1998, p. 12) China and Russia have chosen to adopt a docile posture in the SC in that they have ‘shown their teeth’ -veto power- only in exceptional circumstances involving their most vital interests.

The UN is also the medium through which the Western power bloc exercises a global monopoly over the legitimate use of force. The post-Cold War period has seen the emergence of a globalized Western state conglomerate. (Chimni 2004: 16)

This explains why the SC has, since the beginning of the 1990s, almost never taken any decisions or authorized actions that conflict with Western interests. (Chimni 2004: 16) It seems that Muslim countries and movements have, more than any other bloc of states, carried the brunt of the unipolar system under US hegemony which, although in relative decline, still prevails today. The reason possibly lies in the rich energy resources of the Muslim world such as petroleum and natural gas in what is commonly called the 'Fertile Crescent', the existence of vital waterways such as the Suez Canal and the straits of Hormoz and Malacca which are situated in Muslim countries, and the existence of Israel which is seen by Western powers, especially the USA, as a 'Western island' at the heart of the 'Muslim ocean'. This also explains why, neither the USA nor members of the European Union have ever supported the idea of a permanent seat for the Muslim world in the SC, although they occasionally paid lip service to the possibility of granting permanent membership to states as diverse as Germany, Japan, India, and Brazil.

Seen through the glance of the non-Western world, and, in particular, the Muslim world, its hypocrisy and double-standards, which have reached epic proportions in the aftermath of September 11, have irretrievably discredited the SC. The need for a reshuffling of its composition and a revision of the nature of its decision-making has never been as topical as it is today.

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