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Abstract
The Chinese idiom ‘paper tiger’ refers to something that is outwardly powerful, yet in reality ineffective. Many observers view the United Nations Security Council as the quintessential paper tiger – possessing limitless power – yet limited in the exercise of its power. Despite the application of these labels, no study has sought to establish a measure by which the Council’s effectiveness might be evaluated. This study seeks to bridge this gap in the current literature.

The aim of this study is two-fold. Firstly, to build a measure by which the United Nations Security Council’s effectiveness can be evaluated. Secondly, to build a model, which can be used to explain the effectiveness/or ineffectiveness of the Council, in any given context. A range of empirical phenomena will be used to test these measures and theories. The empirical phenomena incorporated into this study, include the detailed cases of El Salvador and Sierra Leone, as well as the case study sketches of Iraq-Kuwait, Haiti, Mozambique, Somalia, Rwanda, Croatia, Timor-Leste, the Democratic Republic of the Congo, Darfur and DPRK (North Korea).

The findings of this study indicate that the Council’s effectiveness is bound to the six elements of Council agency introduced in this study – those being legitimacy, Permanent Five (P-5) alignment, political will, resources, leadership and the Council-based solution (articulated through its resolutions).

The findings derived from this research would be helpful in policy-making aimed at improving the effectiveness of the Council, as custodian of international peace and security.
Statement of Authenticity

The work presented in this thesis is, to the best of my knowledge and belief, original except as acknowledged in the text. I hereby declare that I have not submitted this material, either in full or in part, for a degree at this or any other institution.

Peter Nadin
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This PhD thesis has been most difficult undertaking of my life. It has been immensely challenging – both intellectually and emotionally. Throughout this task I have often grappled with a self-doubt - related to the fulfilment of the lofty expectations of quality higher degree research. In order to overcome the various challenges of the PhD journey, I have lent on the enormous support of my supervisors - Drew Cottle, Emilian Kavalski and David Walton. They have engaged with my work, corrected countless drafts and cared for me throughout – their guidance has been invaluable. They are each formative figures in my life and I greatly appreciate their tutorage.

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I must also extend a word of thanks to the people I have met along this journey. To those interviewees who gave so generously of their time and provided such useful insight, I say thank you. Finally, I would like to thank my family and friends for their love and unyielding encouragement. I would especially like to thank my mother and father for impressing upon me the importance of education. I hope I use this gift of education to make a difference in the world, for the betterment of the oppressed and forgotten.
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List of United Nations Acronyms and Abbreviations

UN United Nations

Asia and Middle East

UNIFIL United Nations Interim Force in Lebanon
UNTAET United Nations Transitional Administration in East Timor
UNAMET United Nations Assistance Mission in East Timor
UNIKOM United Nations Iraq-Kuwait Observer Mission

Latin America and Europe

UNFICYP United Nations Peacekeeping Force in Cyprus
ONUSAL United Nations Observer Mission in El Salvador ¹
UNMIH United Nations Mission in Haiti
UNPROFOR United Nations Protection Force
UNCRO United Nations Confidence Restoration Operation (Croatia)
UNTAES United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium

Africa I and II

ONUMOZ United Nations Operation in Mozambique
UNOSOM I/II/III United Nations Operation in Somalia (I/II/III)
UNITAF United Task Force (Somalia)
UNAMIR United Nations Assistance Mission in Rwanda
MONUC United Nations Organisation in the Democratic Republic of the Congo ²
MONUSCO United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo ³

¹ Observadores de las Naciones Unidas en El Salvador – in Spanish
² Mission de l'Organisation de Nations Unies en République Démocratique du Congo – in French
UNAMSIL United Nations Mission in Sierra Leone
UNOMSIL United Nations Observer Mission in Sierra Leone
UNIOSIL United Nations Integrated Office in Sierra Leone
UNIPSIL United Nations Integrated Peacebuilding Mission in Sierra Leone
AMIS African Union Mission in Sudan
UNMIS United Nations Mission in Sudan
UNAMID United Nations African Union Hybrid Mission in Darfur
MINURCAT United Nations Mission in the Central African Republic and Chad
UNISFA United Nations Interim Security for in Abyei

UN Departments and Regional Offices
UNHCR Office of United Nations High Commissioner for Refugees
UNDP United Nations Development Programme
DPA Department of Political Affairs
DPKO Department of Peacekeeping Operations
DFS Department of Field Support
UNOWA United Nations Office for West Africa
UNOCA United Nations Office for Central Africa
UNRCCA United Nations Regional Centre for Preventive Diplomacy for Central Asia
SRSG Special Representative of the Secretary-General

* The United Nations Security Council will be referred to as the ‘Council.’ This study will not use the acronym UNSC.

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3 Mission de l'Organisation des Nations unies pour la stabilisation en République démocratique du Congo – in French
4 Mission des Nations Unies en République centrafricaine et au Tchad – in French
List of Other Acronyms and Abbreviations

AFRC Armed Forces Revolutionary Council
CAR Central African Republic
CBRN Chemical Biological Radiological and Nuclear Weapons
CNDP National Congress for the Defence of the People
DDR Disarmament Demobilisation and Reintegration
DDRRR Disarmament, Demobilization, Repatriation, Reintegration and Resettlement
DLF Darfur Liberation Front
DMZ Demilitarised Zone
DPA Darfur Peace Agreement
DPRK The Democratic People’s Republic of Korea
DRC The Democratic Republic of the Congo
ECOMOG Economic Community of West Africa States Monitoring Group
ECOWAS Economic Community of West African States
EU European Union
EUFOR Artemis European Union Force Artemis (for the Ituri region of the DRC)
EUFOR RD Congo European Union Force in the Democratic Republic of the Congo
EUFOR T Chad/RCA European Union Force in Chad and the Central African Republic
FARDC Armed Forces of the Democratic Republic of the Congo
FMLN Frente Farabundo Martí National Liberation Front
GoS Government of Sudan
GoSL Government of Sierra Leone
GRULAC Group of Latin America and Caribbean Countries
ICBM Inter-Continental Ballistic Missile

5 Congrès national pour la défense du peuple – in French
6 Forces Armées de la République Démocratique du Congo – in French
7 Frente Farabundo Martí para la Liberación Nacional – in Spanish
**IFOR** Implementation Force (Bosnia)

**INTERFET** International Force for East Timor

**ISAF** International Security Assistance Force (Afghanistan)

**JEM** Justice and Equality Movement

**MNF** Multi-national Force

**NATO** North Atlantic Treaty Organisation

**RSK** Republic of Serbian Krajina

**RtoP** Responsibility to Protect

**RUF** Revolutionary United Front

**SLM/A** Sudan Liberation Movement/Army

**SNM** Somali National Movement

**SSDF** Somali Salvation Democratic Front

**SSR** Security Sector Reform

**UK** United Kingdom

**US** United States

**USC** United Somali Congress

**USSR** United Socialist Soviet Republic

**WEOG** Western Europe and Other Group
Chapter 1
Introduction

The anchor of faith, the growing wheat of hope, and the heart of charity adorn the walls of the United Nations Security Council Chamber in New York City. In the centre of the chamber hangs a mural, which depicts a phoenix rising from the ashes of the Second World War. Surrounding the image of the phoenix are scenes of hope for a new world devoid of conflict and human suffering. It is clear that both Arnstein Arneberg and Per Krohg sought to encapsulate, through the interiors, the expectations held for the Council. ¹ Lofty expectations are, however, seldom met. For the Council this adage could not hold more truth. The Council was expected to operate as the custodian of international order in the post-war era. However, contorted by structural power politics, the Council has often been unable to suppress the various threats to international peace and security, which have beset the world. This has led many critics to label the Council ineffective. At the heart of this criticism is the notion that the Council has “failed to act swiftly and effectively to contain international crises.” ²

For many commentators the term, paper tiger, ³ would appear an apt label to apply to the Council. The failures of the Council in Rwanda, Somalia and Bosnia lend support to the application of such a label. This study emerges as a reaction to the aforementioned criticism. It does not to stand in unyielding defence of the Council, but instead seeks to develop, first, a definition of effectiveness, and second, an explanation of how the Council works (and doesn’t work) to affect substantive outcomes. In essence, the purpose of this thesis is to establish a workable concept of effectiveness for the study of the Council. At present, within the field of UN studies, no such concept exists – here lies the gap in the current literature. There exists a gap in the literature, because effectiveness is a profoundly incoherent idea – both difficult to define and difficult to measure. It is for this reason that so few academics have ventured beyond a cursory and generic reference to the term. This study attempts to bridge this gap by the development of a concept of effectiveness that will be used to explain empirical phenomena in relation to case study material.

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¹ The Government of Norway donated the chamber to the UN. Arnstein Arneberg was the architect and Per Krohg was the artist of the mural.
³ Paper Tiger, n.: A person, country, etc., that appears powerful or threatening but is actually weak or ineffective.
The study will be limited in the scope of its inquiry, and will primarily focus on the Council’s activity in the post-Cold War period (1988-present). The primary case studies contained in chapters 5 and 6, concern El Salvador and Sierra Leone, while a series of additional cases will be used as empirical support for the central claims of the study (in chapter 7). These other cases include: Iraq-Kuwait, Mozambique, Somalia, Haiti, Rwanda, Croatia, the Democratic Republic of the Congo, Timor Leste, Darfur and North Korea. From this list of cases, it is clear that this study does not seek to examine one single aspect of the effectiveness of the Council, but to provide a comprehensive overview of the effectiveness of the Council, per se.

As an important international institution, the Council, through its decisions, mandated operations and enforcement actions directly influences the present and future state of international peace and security. This study seeks to develop a greater understanding of this important institution, the effectiveness of which has wide reaching ramifications. Therefore, the value of this study is contained both in its contribution to the body of knowledge and its usefulness in informing policy debates.

The intention of this introductory chapter is to provide a map of what is to follow in the body of the study. In order to provide this map, this chapter will outline the narrative arc of the study by asking, and then answering the following questions:

- What are the aims of this study?
- What are the core research questions?
- What is the central argument of the study?
- How is the study structured?
- What methodology has this study adopted?

These questions will be answered in the sections bellow, beginning with the aims of the study.

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4 1988 saw the start of a thaw in the Council’s P-5 relations. The change was marked by the deployment of the UN’s Iran-Iraq mission, UNIIMOG, in August 1988.

5 This evidently opens up the study to criticisms concerning the broadness of its scope. Research of a narrow scope, focusing on a single aspect of the Council is incredibly useful. Nonetheless sometimes it is also useful to step back and survey the institution from afar.
Aims
The aims of this study are threefold. First, this study aims to make a substantial and original contribution to the study of international organisations. Existing studies of the Council have not attempted to systematically evaluate its effectiveness. This study endeavours to provide such an evaluative approach, in order to overcome this perceived oversight. Secondly, this study aims to establish a measure by which the effectiveness of the Council can be judged. As the Council exists to fulfil a purpose, it is only right and proper that its effectiveness is judged. This study establishes a measure of effectiveness based on the Council’s role as custodian of international peace and security. Third, this study aims to develop an understanding of the effectiveness of the Council through the development of an explanatory theory of Council agency, validated through case study analysis.

Core Research Questions
The core research questions are derived from the aims of the study, as presented above.

- What is effectiveness?
  This question will be addressed in chapter 3 of the study. It involves the construction of a measure by which the effectiveness of the Council can be determined.

- What factors determine the effectiveness/ineffectiveness of the United Nations Security Council?
  This question will be addressed in chapter 4 through 7 of this study. The concept of Council agency established in chapter 4 and tested in the empirical chapters, will be used in the second part of the study as a core tool of analysis.

Argument
This study presents its arguments from the basis that the Council is a problem-solving institution. The effectiveness of the Council, therefore, is dependent on its ability to solve problems. Edward C. Luck captures the spirit of effectiveness perfectly when he states that “making a difference to the maintenance of international peace and security” constitutes the ultimate test of Council performance. 6 This spirit of effectiveness inhabits the definition adopted by this study. This study has two hypotheses: that effectiveness is defined as ‘the degree to which the Council accomplishes the goals of international peace and security’ and

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that the effectiveness of the Council is premised on its agency (i.e. its capacity to act in the world), which is determined by six elements (legitimacy, P-5 alignment, solution, political will, resources and leadership).

Solving problems is an incredibly complex undertaking, described by psychologists as the most complex of all human intellectual functions. A problem can be defined as a gap between an (a) undesirable situation and (b) a set of values. For the Council, the gap between state A and state B can be bridged by a Council based solution (graphically represented in figure 1.1).

Figure 1.1: the transition from undesired (a) to desired state (b)

The initial undesired state represents the problem itself and the broader context in which the problem is contained. The Council is regularly confronted with problems of differing natures. These problems can be placed in three broad categories: international conflict, intra-state conflict and Chemical Biological Radiological Nuclear (CBRN) weapons proliferation. As abovementioned, each problem the Council contemplates is contained within a broader context (“the circumstances or facts that surround a particular situation.”) The context, as it shall be known, is shaped firstly, by the involvement of a myriad of actors and secondly, by a particular set of overriding economic, social, political, cultural and historical facts. Context also straddles several geographical strata – operating at the levels of the local, national, regional and the international.

In order to achieve substantive outcomes the Council, as a problem-solving institution, seeks to affect the type of transition illustrated in figure 1.1, as it relates to each problem. However,

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first the Council must be seen to be legitimate in the eyes of its ‘audience.’ As the Council possesses no independent capacity for inducement or coercion, it relies chiefly on the recognition of its legitimate authority to function effectively. In essence, the Council is empowered by the ‘legitimacy’ granted it by its audience. As a consequence the Council is able to exercise its ‘agency’ – that being its capacity to act in the world. The Council is solely dependent on the 193 members-states of the United Nations to act. Hence, all key elements of Council agency presented in this thesis relate to elements afforded the Council by one or more member-states. The key elements of Council agency, in any given context, include: (1) the degree of P-5 alignment, (2) the existence of manifest political will, (3) the allocation of requisite resources (matériel), (4) the quality of leadership provided by lead countries and (5) the utility of the adopted Council-based solution.

The most important component of the Council’s agency is its capacity for generating useful solutions (point 5 above). A solution is the device (either action or process) used by the Council to affect substantive and desirable outcomes. This study argues that the shape of the solution should reflect the shape of the problem; suggesting that a poorly designed Council solution that is not born of a close reading of the context is unlikely to be effective. The basis for the Council’s solutions is found in its resolutions. The Council has adopted 2096 formal resolutions, as of 26 March 2013. Each resolution adopted by the Council has sought to affect the situation of its subject through the invocation of certain instruments. These instruments are the means designed to accomplish the substantive outcomes sought by the Council. Over the course of time the Council has come to use the instruments of peacekeeping, sanctions, remonstrance (and demand), international criminal justice, military enforcement, peacemaking and preventative deployment.

This study presents several arguments based on the understanding of the Council offered above. The effectiveness of the Council is determined by three arguments. Firstly, the amenability of the given context to a Council based solution is, in part, a determinant of effectiveness. Secondly, the strength and quality of the Council’s agency, most importantly the utility of the Council-based solution is a key determinant of the Council’s effectiveness. Thirdly, both the Council’s legitimacy in the eyes of its audience and the relative alignment of its permanent members, allow the Council to exercise its agency. Fourthly, the elements of

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8 This ‘audience’ certainly includes the membership of the UN, but also key non-state actors.
political will, resources and leadership are important determinants of effectiveness, as each lends support to the Council's solution. The arguments summarised above will be detailed and validated through the sequence of chapters, which are to follow this introduction. Each chapter will develop a different feature of the argument as indicated below.

The Structure of the Study
The study is divided into three distinct parts. Part I, ‘Developing a Historical and Conceptual Framework for the Effectiveness of the UN Security Council’, establishes a concept of effectiveness (represented in blue) Part II, ‘Examining the Effectiveness of the UN Security Council,’ uses the concept developed in part I to explain empirical phenomena in relation to a range of case studies (represented by the red). Part III, ‘Challenges, Opportunities and Reform,’

![Figure 1.2: simple thesis structure](image)

Part I: Developing a Historical and Conceptual Framework for the Effectiveness of the UN Security Council’

Chapter 2 of the study entitled, ‘The History and Roles of the UN Security Council,’ provides a historical contextualisation of the Council’s role in international politics. In doing so, this chapter will answer three important questions: what the Council is (on paper)? What the Council is (in practice)? And what the Council isn’t?

Chapter 3, ‘Making a Difference’: Establishing a Measure of Effectiveness’ answers the question what is effectiveness? The chapter does this by constructing a measure by which effectiveness can be judged. The measure is founded on a review of both the organisational effectiveness and Security Council ‘effectiveness’ literature.
Chapter 4, ‘A Concept of UN Security Council Effectiveness,’ is the keystone of the thesis. This chapter establishes a concept for understanding Council effectiveness. The concept will be presented in the form of an explanatory theory. The theory will explain Council agency, through discussion of the elements of legitimacy, alignment, solution, political will, resources and leadership.

Part II: ‘Examining the Effectiveness of the UN Security Council’

Chapter 5, ‘A Case Study in Effectiveness: Efforts Toward Peace - Central America (El Salvador)’ is the first of three empirical chapters. This chapter is a case study of the El Salvador Council intervention (1991-1995) – focusing predominately on ‘the United Nations Observer Group in El Salvador’ (ONUSAL). The concept developed in chapter 4 will be used to explain various empirical phenomena in El Salvador throughout the intervention period.

Chapter 6, ‘A Reversal of Fortune: The Situation in Sierra Leone’ deals with the unique case of the Council’s intervention in Sierra Leone (1996-2006) - focusing predominately on ‘the United Nations Mission in Sierra Leone’ (UNAMSIL). The case of Sierra Leone is important because the Council was able to arrest the deterioration in the situation through the adoption of a series of resolutions in 2000.

Chapter 7, ‘Ten Cases in UN Security Council Effectiveness,’ is a chapter concerned with outlining a range of mini-case studies, across a range of contexts. The intention of this chapter is to expand the number of cases under examination, in order that general conclusions might be made.

Chapter 8, ‘Conclusions and Reform’ acts as the conclusion of this study. The chapter will not only give conclusions, by will also provide a discussion of the various challenges to the Council effectiveness. Furthermore, the topic of reform will be discussed at length, as a de-facto epilogue to this study. Using the arguments of ‘effectiveness’ presented in the body of the thesis this epilogue will scrutinise the current assumptions, which underlie the models for reform and enlargement. All appendixes referred to in the thesis will be contained in a section at the back.
Methodology

This study has adopted qualitative methods of inquiry. Within the social sciences, qualitative methods are often used to establish comprehensive understandings of institutions across the spectrum of society. This study relies chiefly on the methodology of case study analysis. This methodology has long been recognised as a key method in the study of international relations, as Colin Elman and Miriam Fendius Elman point out: ‘In international relations, only case studies provide the intensive empirical analysis that can find previously unnoticed causal factors and historical patterns’. 

In this thesis, case study analysis will be used firstly, to gauge the effectiveness of the Council against the scale developed in chapter 3, and secondly, to test the concept of Council agency developed in chapter 4. The specific design of the case study analysis will be informed by the method of historical process tracing. The method of process tracing utilises:

...histories, archival documents, interview transcripts, and other sources to see whether the causal process a theory hypothesises or implies in a case is in fact evident in the sequence and values of the intervening variables in that case…the method attempts to identify the intervening causal process – the causal chain and causal mechanism – between an independent variable (or variables) and the outcome of the dependent variable.

This study will conduct two detailed case studies (El Salvador and Sierra Leone) and ten mini-case studies (Iraq-Kuwait, Haiti, Mozambique, Somalia, Rwanda, Croatia, Timor-Leste, the DRC, Darfur and North Korea). The case of El Salvador was chosen for the reason that it is universally cited as the model of Council effectiveness. The case of Sierra Leone, on the other hand, is a case in two parts. In Sierra Leone the Council was lethargic and ineffective prior to the events of May 2000. Following these events a new level of Council activism was seen and the quality of the outcome in Sierra Leone was markedly improved as a result.

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Selection of this case allows for a useful comparison to be made between two parts of the same case.

The other cases have been chosen from different regional contexts, across the period of time spanning 1988 to present. These cases were chosen for their seminal impact on the Council’s agenda, and for the aforementioned reasons of geographical and chronological diversity. With the broad range of cases under examination, it will become easier and more acceptable to make general conclusions. Moreover, the reliance on numerous sources, including secondary literature, archival documents, official statements, resolutions and elite interviews will allow for the construction of a firm research strategy. This strategy is designed to enhance the quality of the research produced by this study, through a process known as triangulation.

The use of process tracing as a method required large amounts of information to be collected. This information will be collected on the decision-making processes of each of the institutions through the use of archival research. Secondary sources (books, articles, histories, etc.) will be used extensively throughout the thesis and will provide solid evidence to validate research hypothesis and arguments, that being the nature of academic research, the building on others’ ideas.

Methodologies for Understanding Context
Included as part of the research design are the methodologies of conflict ethnography and actor analysis. Each and every problem the Council confronts is contained within a specific context. For this study, the notion of context will be used to represent the various facets of a problem and its ‘surrounds.’ The context will be conceptualised using a set of facts – economic, social, political, cultural, geographical (physical) and historical. A range of ‘actors’, each exhibiting certain characteristics, operate within and influence the context in a variety of ways. Therefore, the role of ‘actors’ must also be taken into account. Finally, contexts are not contained neatly within a certain ‘geographical space’. Instead, contexts cut across the neatly drawn lines of the local, the domestic (national), the regional and the international.

The conceptualisation offered in this study attempts to represent problem-context as a complex mosaic. This conceptualisation is a recognition that every problem-context is itself
unique. Each problem has various and complex origins, is propeled by certain drivers and shaped by specific prevailing conditions. David Kilcullen stresses the importance of such an approach in his work on counter-insurgency. The first sections of each of the empirical chapters are strongly informed by Kilcullen’s concept of ‘conflict ethnography’. Conflict ethnography is a methodology founded on:

...a deep, situation-specific understanding of the human, social and cultural dimensions of a conflict, understood not by analogy with some other conflict, but in its own terms... Conflict ethnography is key; to borrow a literary term, there is no substitute for a ‘close reading’ of the environment. But it is a reading that resides in no book, but around you; in the terrain, the people, their social and cultural institutions, the way they act and think. You have to be a participant observer. And the key is to see beyond the surface differences between our societies and these environments (of which religious orientation is one key element) to the deeper social and cultural drivers of conflict, drivers that locals would understand on their own terms.  

Kilcullen’s approach is anthropological in nature and is an attempt to better understand the context. The methodological approach can be used to establish ‘the facts on the ground’ or what Kilcullen terms ‘ground truth.’ The establishment of the facts on the ground should act as a guide for tailoring solutions – the idea being that the better tailored the solution, the more effective that solution will be. Yet, context is often little understood and solutions are rarely founded on a ‘close reading’ of the situation. Instead, Council resolutions and mandates read like laundry lists and apply template solutions. This study emphasises, above all, that for the Council to be effective its solutions must be compatible with the contexts in which they are applied.

A constellation of ‘actors’ inhabit each context. Some actors possess considerable influence, while others wield considerably less influence. Certain actors may enjoy significant local influence, but may hold little influence at a national or regional level. This influence is dependent on an actor’s capacity to act in the world – otherwise known as agency. An actor’s

agency is fashioned by the nature of the actor itself – its relative power, motivations (interests and goals), resources, dimensions, cohesiveness, tactics and leadership.  

David Kilcullen while researching the activities of the Taliban asked a number of important questions, the answers to which informed an understanding of the nature of the Taliban, as an actor in Afghanistan and neighbouring Pakistan. These questions can be borrowed and used to frame an examination of an actor in other contexts. The questions are as follows: Is the actor fragmented or unified? What is the (actor’s) strength of numbers? What are the actor’s motivations? What is the actor’s ethnic and/or tribal affiliation (popular support)? What is the actor’s ‘operating system’? What are the actor’s tactics? How is the actor organised? What are the actor’s resources? What are the actor’s strengths and weaknesses? Each of these questions can be distilled into nine characteristics – unity, strength, motivations, relationships, ideology, tactics, organisational structure, resources and strengths/weaknesses.

Building Concepts
The concepts built in the first part of this study are constructed using a range of methods. In chapter 3, the measure of effectiveness is developed through a method termed a process of inference. This process is concerned with deriving logical conclusions from premises known or assumed to be factual. The process will be used in this study to determine the goals of the Council, as derived from the Charter of the United Nations.

Overall, the conceptual propositions are built on the work of scholars and practitioners. Many of these works are included in the brief literature review contained in chapter 3. Other works are dotted throughout the study. Various well-developed scholarly concepts, definitions and models are appropriated and adapted to further the aims of this study. Generally, the concepts developed in this study are pragmatic – that is they are born of a practical understanding of the Council. The ideas put forward in this study were either tested or gleaned through elite interviewee responses. Interviewees included:

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13 Actors are ‘groups,’ rather than individuals.
15 Also known as a symbological track. A process of inference relies on the validity of the starting premise to built logical conclusions. In this thesis, the starting premise is the Charter; with all conclusions regarding the purpose and goals of the Council are based on the Charter.
- Paul Heinbecker (Former Canadian Permanent Representative to the United Nations)
- Robert Fowler (Former Canadian Permanent Representative to the United Nations)
- David Malone (Former President of the International Peace Academy and former Canadian High-Commissioner to India)
- Edward Luck (Secretary-General’s Special Advisor on the Responsibility to Protect)
- Thomas Weiss (President of political science at CUNY)
- Ian Hurd (Associate Professor at North-Western University)
- David Bosco (Assistant Professor at the American University, Washington D.C)
- Ramesh Thukur (Former Senior Adviser to the UN Secretary-General on Reform)
- Stewart M. Patrick (Senior Fellow and Director of the International Institutions and Global Governance Programme at the Council on Foreign Relations)
- Jeremy Farrall (Fellow at the Asia-Pacific College of Diplomacy at the Australian National University)
- Clare Gatehouse (Research Analyst at Security Council Report)
- Christoph Mikulaschek (Senior Policy Analyst at the International Peace Institute)
- Francesco Mancini (Director of Research at the International Peace Institute)
- Charles Carter (Research Fellow at the International Development Research Council)
- Martin Fisher (Research Analyst at the Pearson Peacekeeping Centre)

**Conclusion**

This chapter has set out a map of the study and provided a method for validating its arguments. In the following chapters, a set of theories around effectiveness will be built and then tested. Nevertheless, before this theory building can commence, this study must first address some of the more rudimentary questions – namely what is the UN Security Council? As the Council is the institution under consideration, it would be prudent to set aside a portion of this study to understanding its constitution and history. Chapter 2 will provide this understanding, by addressing three questions: (1) What is the Council (‘on paper’)? (2) What is the Council (‘in practice’)? (3) What the Council isn’t?
Part I: Developing a Historical and Conceptual Framework for the Effectiveness of the UN Security Council
Chapter 2
The History and Roles of the UN Security Council

This chapter offers an overview of the history of the UN Security Council and provides analysis of the Council’s role. A study of philosophical and historical debates that underpinned the Concert of Europe and the League of Nations is instructive as it provides the foundations for understanding contemporary issues. Rising like a phoenix from the ashes of the Second World War and the wreckage of the League of Nations, the United Nations was given a broad-reaching range of tasks – “to maintain international peace and security, facilitate the development of friendly relations among nations, promote social progress, better living standards and human rights.”

Of the broad-ranging tasks given to the United Nations, the Council is charged with, perhaps the most important – having a “primary responsibility for the maintenance of international peace and security.” For this reason, the Council is arguably the principle international institution of international peace and security in the sphere of international political relations.

An extensive examination of the Council which follows the historical overview, is framed using three questions:

- What is the Council (‘on paper’)?
- What is the Council (‘in practice’)?
- What the Council isn’t?

The responses to these questions, inform the understanding of the Council adopted by this study.

Philosophical and Historical Context
The Council’s origins are found in the philosophical musings of Kant and Rousseau. The later based his work on the project of Abbe de Saint Pierre, *Paix Perpetuelle* (1712). In his summary and critique of Saint-Pierre’s work, Rousseau reiterates Saint-Pierre’s proposal for a unifying federation between European states for the purpose of security and the peaceful settlement of disputes (through arbitration). Such a federation would be a perpetual and irrevocable alliance, possessing both the power to legislate (in a European Diet) and compel its members to comply with its common edicts. In Rousseau’s mind, a form of internal

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16 UN Department of Public Information, *The United Nations Today* (New York: UN Department of Public Information, 2008).
17 The members of the European Diet (or Parliament) would enjoy equal voting rights
deterrence would be generated through common defence, \textsuperscript{18} thus ensuring the effectiveness of the federation. \textsuperscript{19}

Immanuel Kant built on the ideas of Saint-Pierre and Rousseau. In his essay, ‘Perpetual Peace’ (1795), Kant wrote of the establishment of a state of peace founded, in part, on “a federation of free states,” which Kant also referred to as “a league of nations,” “a compact among nations” and “a league of peace (foedus pacificum).” \textsuperscript{20} Kant also articulated the need for a constitution that mutually ensured the security of nations under law.

The French Revolution of 1789 marked a shift in the dynamics of international politics in Europe. Following the French Revolution, the First French Empire led by the Emperor of the French, Napoleon Bonaparte, began its conquest of Europe. A series of coalitions opposed to the French brought about Napoleon’s eventual defeat at the Battle of Waterloo in 1815. As the Napoleonic Wars neared their end, an international conference was convened by the victorious Quadrupple Alliance, in Vienna, to settle matters relating to territory and the balance power in Europe. The final act of the Congress of Vienna formed the basis of the reversion to the pre-existing status quo – Old Europe. \textsuperscript{21} The Congress also created a stable balance of power known as the Concert of Europe.

**The Concert of Europe**

Founded on a “combination of balance, international law and new diplomatic methods,” \textsuperscript{22} the Concert of Europe was an undeniable fact of the post-revolutionary war period. The involvement of Russia, Austria, France, Great Britain and Prussia\textsuperscript{23} granted the system internal equilibrium. At the same time, the final act of the Congress of Vienna was a piece of international law, which “stipulated that the boundaries established in 1815 could not be altered without the consent of its eight signatories.” \textsuperscript{24} The final tenant of the Concert was established by a multilateral framework, which allowed for the holding of diplomatic

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\textsuperscript{18} Article 4 of Rousseau’s five article plan


\textsuperscript{20} I. Kant, *Perpetual Peace: A Philosophical Sketch* (Philadelphia: Slought Foundation & Syracuse University Humanities Centre, 1795).

\textsuperscript{21} The Concert concentrated on suppressing liberalist and nationalist sentiments up until 1848. Overall, the Concert formed as a reaction to the instability of the revolutionary period and the Napoleonic Wars.


\textsuperscript{23} Italy was involved as a Great Power following reunification

\textsuperscript{24} Soutou, ‘Was There a European Order in the Twentieth Century? From the Concert of Europe to the End of the Cold War’, (, p. 331.
congresses and conferences at times of crisis. This Concert affected, in part, the relative stability of Europe from 1815 until the revolutions of 1848 and the Crimean War (1853).

By the turn of the 20th Century, Europe was divided once again – between the Central Powers and the Triple Entente. On July 28, 1914 the Austro-Hungarian declared war on Serbia, a declaration, which would mark the beginning of the First World War. The war cost the lives of 20 million people. Prior to war’s end, the President of the United States, Woodrow Wilson, delivered a speech to the US Congress comprised of fourteen points. The final point (14) stated that: “A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.” 25 The substance of Wilson’s plans was borrowed from the thesis of South African Prime Minister, Jan Christiaan Smuts (entitled The League of Nations: A Practical Suggestion). 26 The plans of Smuts and Wilson would come to form the basis of the international organisation – known as the League of Nations.

The League of Nations

The League of Nations was officially founded on June 28, 1919 at the conclusion of the Paris Peace Conference. The constitutional basis of the League, the Covenant, was drafted by a special committee, which was contained as Part 1 of the Treaty of Versailles. The Covenant created an organisation with three principle organs (the Assembly, the Council and the Secretariat), and set in place provisions for the creation of a Permanent Court of International Justice. The Assembly involved all member-states of the League, while the Council acted as the smaller executive organ. The remits of both, however, were shared – with both organs being able to deal with “any matter within the sphere of action of the League or affecting the peace of the world.” 28 Kant and Rousseau’s musings and proposals of international federations and courts were, it seemed, coming to fruition.

The League system had four functions – (1) the peaceful settlement of disputes, (2) disarmament, (3) quasi-collective security, (4) the aggregation of the Great Powers and the

28 Ibid., article 3.
establishment of a ‘community of power. The system was, however, significantly flawed - as
discussed below.

**The Peaceful Settlement of Disputes**

Articles 12-15 of the Covenant contained the League’s measures of peaceful settlement.
These articles outlined procedures for arbitration, conciliation and judicial settlement. The
League, imbued with a spirit of consensualism, placed an onus on the conflicting parties
settling disputes by means of diplomacy. The League of Nations was effectual in this
capacity, as evidenced in the settlement of several disputes including disputes in the Åland
Islands and Upper Silesia 1921, Bulgaria in 1925 Mosul in 1924. ²⁹

**Disarmament**

“The reduction of national armaments to the lowest point consistent with national safety and
the enforcement by common action of international obligations”³⁰ was one priority of the
League of Nations (article 8 & 9). After a long and bloody war, limits placed upon the
manufacture of weaponry were seen as one way of preventing the outbreak of another major
war. However, limits on armaments were never set nor were they ever monitored by the
League Council. This was due to the failure of the Conference for the Reduction and
Limitation of Armaments held in Geneva (1932-1937). Articles 8 and 9 of the Covenant,
therefore, remained dormant.

**Collective Security**

The League of Nations was to “provide public assurances of security backed by the collective
will of all nations...each country would guarantee the security of every other country.” ³¹ The
so-called collective security keystone of the Covenant was article X. This article, however,
did nothing to guarantee the security of all members and positioned the League only in an
advisory position, with no right of enforcement. The League possessed recourse to economic
and trade sanctions in the event of war or an act of aggression, but these sanctions were non-
compulsory in nature (article 16).

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²⁹ A total of sixty-six disputes came before the League, of those forty-six states accepted the jurisdiction of the
Permanent Court of International Justice
“The free-rider problem caused by the non-compulsory nature of the League’s” 32 directives, undermined the League’s system of security. The free-rider problem is described by George Downs as “the temptation of states to let other states assume the costs of eliminating a threat while they share in the greater security – a public good from which they cannot easily be excluded – that results.”33 This was a major problem for the League particularly in regard the enforcement of sanctions, as the Council did not require states to enforce sanctions. This voluntary participation with sanctions regimes, through the free-rider problem, made the enforcement of sanctions against aggressor states ineffective, particularly in the case of Italy.

In summary, the League could not guarantee a response against aggression nor a guarantee of speed or impartiality of response. The system did not enjoy universal member and was neither automatic nor codified – the League system was not an example of collective security, but an example of quasi-collective security.

The Establishment of Community of Power
Woodrow Wilson, perhaps natively argued, that the League might be a genuine replacement for the system of international politics based on the balance of power. Wilson spoke of the League as a community of power, which would dispense with divisive ‘Great Power’ politics. The League of Nations was, however, unable to maintain continuity of Great Power membership. The United States, in spite of Wilson’s aspirations, never ratified the Treaty of Versailles. The USSR joined in 1934, but was expelled for invading Finland in 1939. Germany and Japan both withdrew from the League in 1933 and Italy followed in 1937. As a result, the membership of the League of Nations Council oscillated considerably, as illustrated in Figure 2.1.

The so-called ‘community of power’ failed to make an impression of the international politics of the inter-war years and as its great members withdrew, the influence of the League diminished. These abject failures, however, often overshadow the League effectiveness in various contexts. In 1921, the League successfully mediated between Finland and Sweden on the issue of the Åland Islands. In the same year, the League settled a dispute between Poland and Germany over the territory of Upper Silesia; the League sought to split the territory between the two countries. In 1925, a border incident between Greece and Bulgaria escalated, when Greece invaded Bulgaria. The League called for a ceasefire and the withdrawal of Greek forces. Greece complied with the demand, and later the League ordered Greece to pay reparations to the Bulgaria for their transgression. 34 Despite, these successes a system known as “appeasement had already begun functioning behind the façade of the League; it was in a

34 http://www.historylearningsite.co.uk/league_nation_successes.htm
sense a continuation of the old system of the Concert of Europe, whereby the great powers settled matters by private bargains among themselves at the expense of small powers."

The policy functioned to appease expansionist powers by the sacrifice of smaller powers (in spite of the pledge of so-called collective security). Appeasement was practiced in relation to two critical matters – Imperial Japan’s invasion of Manchuria following the Mukden incident (1934) and Mussolini’s invasion of Abyssinia following the Wal Wal incident (1937). These situations exposed the League’s inherent weaknesses and emboldened the Third Reich. In fragrant violation of the Treaty of Versailles, Hitler began to rebuild the German military under compulsory conscription, and then moved 22,000 men into the demilitarised Rhineland, annexed Austria and Sudetenland (Czechoslovakia), before launching a full invasion of Czechoslovakia.

The failure of the League of Nations can be attributed to “its lack of power, lack of universality, lack of solidarity (or cooperation) between members, and the exaggerated equality between the great and small powers, caused by the increase in the number of non-permanent members on the Council.” The Council of the League of Nations also met infrequently and was notoriously slow to respond in times of crisis. Further confounding the League’s performance was the requirement of complete unanimity. Members both great and small possessed effective veto over all substantive decisions – creating an overarching atmosphere of indecision.

The League of Nations was infused with a spirit of consensualism – where compliance was an option, sanctions not compulsory and the Covenant ambiguous regarding the authorisation of the use of force. Great Powers were not beholden to the League and could defy its edicts without consequence. The League could not resist the tide of war. On September 1 1939 Germany invaded Poland. Two days later the allies declared war on Germany, thus beginning the Second World War. The war was the deadliest in human history, resulting in the deaths of over 60 million people. The war was also marked by mass crimes against humanity, genocide and the first and only use of nuclear weapons in the history of warfare. The League had

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37 The League only held 107 meetings in the space of nineteen years - an average of five meeting per year
38 Including the genocide of the Jewish and mass killings of Romani, Polish, Soviet citizens and prisoners of war, among others.
failed completely to prevent the war, so in response to this failure world leaders sought to create a much improved and strengthened ‘wider and permanent system of general security’ to restrain the outbreak of any future act of general war.

The United Nations

The first step toward an improved wider and permanent system of general security was made on August 14, 1941 when the US President, Franklin Delano Roosevelt, and the Prime Minister of Great Britain, Winston Churchill, signed the Atlantic Charter. The Charter contained a “vague and tentative commitment to some sort of international organisation that would promote peace by ‘the establishment of a wider and permanent system of general security.’” A further 24 nations including the other major allied powers (the USSR and China) pledged to uphold the principles of the Charter with the ‘Declaration of the United Nations.’

The concept of the United Nations fermented in the State Department in Washington and at the Commonwealth and Foreign Office in London. Both Roosevelt and Churchill continued to champion the nascent ideas for post-war order. The US President recognised the deficiencies of the League system and in response proposed ‘the Four Policeman’ model. Under this model the United States, the United Kingdom, the USSR and China would act in concert to provide security through force of power. The Four Policemen were to be the trustees of world order.

Churchill was clear about how this trusteeship would operate. As he remarked that, “courts and magistrates may be set up but they cannot function without sheriffs and constables.” The world body would be given the power of enforcement. An international armed force placed at the disposal of the United Nations would provide this power of enforcement. Churchill talked about equipping the UN with the capacity of “overwhelming superiority in

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39 These most appalling attributes of war continued to resonate throughout the post-war era, and still dominate the agenda of the international community today.


41 The outcome document of the Arcadia Conference (January 1942)

42 T. Hoopes and D. Brinkley, Fdr and the Creation of the UN (New Haven: Yale University Press, 1997).


air power” 45, so what the world body could speedily enforce decisions whenever it “arrived at a judgment based on international law.” 46 Churchill argued the point in his famous, Sinews of Peace Speech’ of March, 1946:

The United Nations Organisation must immediately begin to be equipped with an international armed force. In such a matter we can only go step by step, but we must begin now. I propose that each of the Powers and States should be invited to delegate a certain number of air squadrons to the service of the world organisation. These squadrons would be trained and prepared in their own countries, but would move around in rotation from one country to another. They would wear the uniform of their own countries but with different badges. 47

These nascent ideas and others were taken to three conferences on the creation of an international peace and security organisation – the first at Dumbarton Oaks, the second at Yalta and the third at San Francisco. Arguably the most important of these conferences was ‘the Washington conversations on the creation of an international peace and security organisation’ held at Dumbarton Oaks in the spring of 1944. At Dumbarton Oaks, discussion focused on the creation of a Council that would have the power and authority necessary to maintain international peace and security. This Council was to become known as ‘the Security Council’. The delegates of the United States (Reilly Stettinius), Great Britain (Sir Alexander Cadogan), and the Soviet Union (Andrei Gromyko) discussed the composition of the Council, its membership, size, meetings, powers, functions and procedures. 48

Each delegation brought differing proposals to the table at Dumbarton Oaks, and at each juncture compromise was achieved, except on the matter of the veto, which was deferred to the leaders meeting at Yalta. Appendix (1.1) summarises the matters under discussion and the compromises achieved at Dumbarton Oaks. At Yalta, a voting formula had been agreed between the ‘big three,’ which allowed the permanent members of the Council to exercise a veto on substantive decisions, but not on procedural matters. The Dumbarton Oaks drafts

45 Ibid.
46 Ibid.
47 Ibid.
(officially entitled ‘Proposals for the Establishment of a General International Organisation’) and the so-called Yalta formula were then taken to San Francisco for the United Nations Conference on International Organisation. At San Francisco delegates from 46 nations assembled to draft the Charter of the United Nations.

Notably, the proposals regarding the Council passed through the processes of the convention without significant amendment. This is not to say that the proposals themselves were not controversial. The procedural and deliberative processes of the conference allowed the ‘smaller nations’ to voice their concerns. The ‘smaller nations’ had one particular concern – the veto. The Australian Foreign Minister, H.V Evatt, was the particularly vocal leader of the anti-veto lobby. Evatt and his supporters posed 23 questions relating the use of the veto and issued over a dozen amendments. 49 In the end, no substantive changes were made at San Francisco. The smaller nations accepted the ultimatum – that without the veto there would be no United Nations. The conference, however, had served the purpose of legitimising the inequalities inherent in the veto. 50

Figure 1.2: the evolution of the system of wider and permanent of general security

Concert of Europe
- War: Following the Napoleonic Wars (1803-1815)
- Treaty: Founded on the basis of the Final Act of the Congress of Vienna
- Institutions: No permanent institutions, but conferences and congresses were held at times of crisis
- Powers: The Concert worked within the bounds of international law and its Congresses, its powers were tied to these facts.
- Membership: Austria, Great Britain, the Russian Empire, Prussia and France

League of Nations
- War: Following the First World War (1914-1918)
- Treaty: Founded by Part 1 of the Treaty of Versailles
- Institutions: the Council, the Assembly and the Secretariat (led by the General Secretariat)
- Powers: the League Council had very limited powers of recommendation, it could not enforce its decisions or its sanctions
- Membership: 42 founding members (1919), 23 remained members for the duration of the League's existence (1946) and 58 members at its height (1934-5)

United Nations
- War: Following the Second World War (1939-1945)
- Institutions: The Security Council, the General Assembly, the Trusteeship Council, the Economic and Social Council, the International Court of Justice and the Secretariat (led by the Secretary-General)
- Powers: The UNSC possesses the power enforce its will, whatever the situation, only when all permanent member of the Council can agree
- Membership: Almost universal independent sovereign state membership (currently - 193; founding - 50) - no withdrawals except Indonesia (rejoined 1965-6)
The genealogy presented summarised above (in Figure 2.2) follows the evolution of both the foundation ideas of perpetual peace and the institutions themselves. Major conflict and total war spawned institutions of prevention – first, the Concert of Europe, second, the League of Nations and third, the United Nations. Each designed to overcome the defects of its predecessor. The UN Security Council represents the current phase in the evolution of the system of wider, permanent and general security, which began at the Congress of Vienna. What precedes the Council is a pre-history of failure – failures clearly represented by World War I & II. This is the historical context from which the Council was born. The following section naturally follows on from this contextualisation – it is an examination of the Council as it exists in the Charter and as envisaged by its founders.

**What is the Council (in the Charter)?**

The UN Security Council is a principle organ within the United Nations organisation. If one were to consult the labyrinthine organisational chart, one would view all six principle organs as being equal. This is not the case. A more accurate visualisation of the organisation would be a hierarchical structure and this hierarchical structure would position the Security Council at the very top of the UN tree. The Council is the centrepiece of the organisation and the Charter ensures this. Even though the Council is set at the top of the United Nations it is still ostensibly beholden to the organisation’s principles and purposes contained in article 1 and 2 of the Charter. Other sections of the Charter (namely Chapter V-VIII) sets out the perimeters within which the Council can operate. These sections are described below, first briefly and then in detail.

Chapters V, VI, VII and VIII of the Charter of the United Nations describe the organ of the Security Council and its powers. Chapter V sets out the Council’s composition, voting rules, procedures, functions and powers. Chapter VI entitled ‘*the Pacific Settlement of Disputes,*’ calls upon member states to utilise alternative dispute resolution methods in cases where a dispute might likely escalate to open war. Chapter VII entitled ‘*Action with Respect to threats to the Peace, Breaches of the Peace, and Acts of Aggression*’ provides the Council the power to determine the existence of a threat to international peace and security and also the power to act upon that threat using either non-military (sanctions) or military means (use of force). The final less cited chapter of the Charter pertaining to the Security Council is Chapter VIII, which makes reference to ‘*Regional Arrangements.*’ The Chapter lays the ground rules for
UN interaction with regional organisations, and states clearly that only the Security Council possesses the right to authorise enforcement action. 51

It would now be prudent to examine these sections in a little more detail, starting with Chapter V. This chapter (V) begins by outlining the composition of the Council. Article 23 (1) states that the Council shall consist of fifteen members of the United Nations. Originally the Council consisted of eleven members. The Council expanded in 1966 and its membership continues to stand at fifteen (approximately 8% of the membership is represented, compared to 22% in 1945). The issue of size was a question raised in the ‘preliminary negotiations for international organisation at Dumbarton Oaks’ in 1944. At this summit the British (represented by Alexander Cadogan) reminded the other delegates of the difficulties of ‘size verses efficiency.’ It was considered that the smaller the Council the higher its efficiency. On the other hand, it was also recognised that the inclusion of smaller and middle powers was required for the Council to be seen as legitimate in the eyes of the broader membership. A balance was struck and the number eleven was decided on.

Not all of these fifteen members are considered equal, however. Although article (1) states the existence of a sovereign equality, for the Council this principle does not apply. Article 23(1) and (2) distinguishes between a permanent (five) and non-permanent 52 (ten) membership of the Council. The five permanent members include United States of America, the United Kingdom, France, the People’s Republic of China and Russia. 53

These five countries that were the Great Powers, the victors of the Second World War and the drafters of the Charter, legitimately instituted their dominance in the Council. This dominance took the form of a veto over Council decisions. The veto is an effective safeguard on the interests of the permanent five. This is because the permanent members can exercise the veto to protect their own interests or the interests of a proxy; 54 they can do this whenever they feel that the Council is encroaching on their ‘space.’ Although, the veto can elicit

52 Many ‘non-permanent’ countries and their representatives take offense to the use of the term, particularly when invoked by a permanent member. They prefer to be known as elected members of the Council.
53 The United Nations, 'The Charter of the United Nations', article 23(2). The Republic of China held the ‘China’ seat until 1972, when it was transferred to the PRC; the Soviet Union held a permanent seat until the dissolution of the Union in 1991, at this time the seat was transferred to the USSR’s logical successor – the Russian Federation.
54 Using the veto on behalf of a proxy is what former Canadian Permanent Representative Paul Heinbecker has described as a ‘veto for rent’.
paralysis, it also serves a useful function. This function is known as the concert function - a term coined by David Bosco in his book ‘Five to Rule Them All.’ 55 As noted in the first section of this chapter one the inherent problems with the League of Nations was that, as an international organisation, it failed to maintain continuity of permanent membership. The League Council had a veritable revolving door, with permanent members withdrawing from the organisation whenever their actions were condemned. Instituting a veto, for the Security Council, was one way of insuring the participation of all the Great Powers. And so the world was presented with a stark choice at San Francisco in 1945, between “an organisation with great power privilege” and “no organisation at all.” 56

The veto serves to separate, but also to build cohesion among the permanent membership. The veto allows the P-5 to manage their interactions in regard to their interests. When they all agree, action can be taken; when they disagree, action can be blocked. Areas of contestation are therefore avoided and the Great Powers are separated, effectively averting direction confrontation. The veto also forces the P-5 to negotiate amongst themselves, this builds cohesion and understanding.

The veto has been used on a total of 266 occasions (as of 6 March 2013) to block Council action, and has been threatened on countless other occasions. “Although it is coded in such nifty language that one is obliged to read the text several times,” 57 the veto is found in article 27 (3) of the Charter:

> Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members. 58

It was Franklin D. Roosevelt’s vision that “might be placed at the disposal of right” 59 and for him and the other leaders this equation could only be answered by the institutionalisation of

the ‘Four Policemen’ concept (namely China, the US, the UK and the USSR). The idea being that these policemen would act as the providers of security, while the other members would be the consumers of security. As bearers of the burden of this responsibly, the P-5 expected to be given the ability to ‘operate’ the Council. The institutionalised privilege of the veto provides the P-5 with that ability.

The founders knew that the weakness of the League of Nations was its lack of so-called ‘teeth,’ as Churchill would remark, “courts and magistrates may be set up but they cannot function without sheriffs or constables.” It was envisaged that the Four Policemen, later five, would act in concert through a Council, which possessed the ability to enforce its resolutions. An international armed force would carry out the enforcement of resolutions, with air power providing the backbone of such a force. Command and control of these forces would be managed by a Military Staff Committee, as an extension of the Combined Chiefs of Staff system that had operated in Europe during the Second World War. The committee would consist of military representatives of the P-5 plus other major states, to be included on the basis of contribution.

Force, however, was to be used only as a last resort. The Council, possessed options and could first resort to the use of other instruments, notably sanctions. Chapter VII of the Charter sets out a very clear logical progression or escalation in a possible Council response. The first step in this progression of response is article 40, which refers to ‘provisional measures’, which can be taken in order not to enflame the situation. If compliance was not forthcoming, however, article 41 could be “employed to give effect” to the decisions of the Council. Article 41 contains a detailed list of possible sanctions, which could be imposed in order to elicit compliance. If sanctions proved inadequate, step three, the final stage along the line of escalation was the use of force; the basis for which is provided in Article 42.

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61 Air power was in vogue at the time the Charter was drafted, so much so, that it was stated by US Vice President Wallace that an international air force would be used to “bomb aggressor nations mercilessly until they laid down their arms.” Hilderbrand, Dumbarton Oaks: The Origins of the United Nations and the Search for Postwar Security, p. 142.
63 The Military Staff Committee would also function as an advisory body to the Security Council on questions of a military nature and the regulation of armaments.
A similar staged progression was also outlined in Chapter VI of the Charter which concerns the peaceful settlement of political and diplomatic disputes – those being, disputes that have not escalated to the stage of open violent inter-state conflict. At Dumbarton Oaks, much discussion was had on the topic of exactly how much authority would be granted to the Security Council in respect to these types of disputes. In the end, an atmosphere of recommendation rather than imposition predominated the text. If a dispute arose between two or more parties, it was incumbent upon the parties to seek a solution through a range of peaceful means (including arbitration, mediation, negotiation, enquiry, conciliation, judicial settlement or a resort to regional agencies or arrangements). At this stage of the process the Council could call upon the parties to settle their dispute peacefully or recommend processes or methods of adjustment. Nevertheless, if the dispute persisted, in spite of the parties’ best efforts, the dispute would be referred to the Security Council for a recommendation on the terms of settlement.

The Council communicates its decisions (under Chapter VII) and its recommendations (under Chapter VI) through a formal text – known as a resolution. Although the Charter does not mention a structural separation between Chapter VI and VII, in practice, Chapter VII resolutions are considered to be binding, while Chapter VI resolutions are not. Erika De Wet explained the difference in her book, ‘The Chapter VII Powers of the United Nations Security Council’:

The whole aim of separating these chapters is to distinguish between voluntary and binding measures. Whereas the pacific settlement of disputes provided by the former is underpinned by the consent of the parties, binding measures in terms of Chapter VII are characterised by the absence of such consent.

As of March 8 2013, the Council had adopted 2094 resolutions. Every resolution begins with the reasoning behind the adoption of the resolution in question; these stanzas are known as the perambulatory clauses. Following the often-short preamble are the operative clauses. These clauses, express in words, what the Council has decided or recommended must be.

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65 Ibid., article 33 (2).
66 Ibid., article 36 (1).
67 Ibid., article 37 (2).
carried into take affect – i.e. the Council’s decided course of action on the matter. The Security Council can also communicate through the use of presidential statements. These statements are shorter than resolutions, usually only two pages in length, and adopted by consensus and signed by the president of the Council. Presidential statements are not legally binding, and are only used to convey support or augment resolutions.  

The Members of the United Nations are of the understanding that the Security Council adopts resolutions and presidential statements on their behalf, as this is clearly stated in article 24 (1). Furthermore, the Members understand that they are obligated to not only accept the resolutions of the Council, but carry them into affect. The effectiveness (as a product of legitimacy) of the Council and its resolutions largely depends on this provision being upheld; as will be discussed at length in chapter two of this thesis.

In carrying out its functions, and adopting resolutions under both Chapter VI and VII, the Council operates with considerable flexibility and discretionary power. The Charter provides the Council flexibility in order that it might “get things done.”  

Flexibility is made available in the areas procedure (article 30), meeting locations, the credentials of the representatives at the table, the establishment of subsidiary bodies (article 29) and the inclusion of non-members in the meetings of the Council.

The most important of discretionary powers is given to the Council by article 39 of the Charter, which is contained below:

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

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69 They are not particularly weighty and will not be regularly mentioned or analysed as part of this thesis.  
70 Article 30 allows the Council to adopt its own rules of procedure, however the Council actually currently operates under a ‘provisional rules of procedure’ adopted in 1982.  
71 The United Nations, 'The Charter of the United Nations', article 28 (3). The Council has met, on occasion away from New York. The Council first met in London (Church House), and has since met in Paris, Addis Ababa.  
72 Ibid., article 28 (2 & 3).  
73 Ibid., article 31 & 32.  
74 Ibid., article 39.
Article 39 gives the Council the provision to define ‘threats’ to international peace and security. Essentially, if the Council determines a situation as constituting a threat to international peace and security, that situation is a threat, by definition. The Council’s scope is theoretically unlimited; this point was made clear to an Australian delegate after he questioned the Council’s authority in the creation of a UN protectorate – the Free State of Trieste. A US diplomat rebuffed his question with the following answer:

Any spot on the surface of the Earth where for whatever reason, conflicts may break out and men may be at each other’s throats is a spot of legitimate concern to the Security Council. 76

The US diplomat was completely correct, the Council could involve itself anywhere, at anytime, with the caveat – ‘if the members could agree’. Over the course of the last 70 years, the Council has come to interpret the Charter in variety of innovative ways. The Council uses the spirit of certain articles and chapters, rather than their detailed processes. If the Council agrees on the imposition of targeted sanctions, the Council will invoke article 41. On the other hand if the Council agrees on binding measures or the authorisation of the use of force under certain conditions by one of its peacekeeping operations, the Council will invoke Chapter VII – stating that it is ‘acting under Chapter VII of the Charter.’ The Council as envisaged on paper is very different to the Council in practice. The next section charts the course of history through phases of improvisation, innovation and hyperactivity.

**What is the Security Council (in reality)?**

The UN Security Council envisaged by the founders of the United Nations does not exist, and never did, except ‘on paper.’ Many of the provisions of the Charter were never enacted and many of the Council’s functions passed away when the paralysis of the Cold War began. The Security Council, as a reflection of the international political landscape, was for the most part underutilised throughout the Cold War. But that is not to say that the Council lost all utility. Throughout the Cold War the Council learned to improvise and innovate in order to preserve for itself for some level of usefulness.

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The Council dealt with the ‘questions’ of Spain, Greece, Free Trieste, Iran, Indonesia, India-Pakistan, before taking on the now obdurate Palestinian question, the Suez Crisis (see ‘United for Peace’ reference), the Congo, Cyprus and later South Western Africa and the problems (Namibia, Angola, Southern Rhodesia, Zambia and South Africa) emanating principally from the apartheid regime in South Africa. In addressing these questions the Council employed the use of military observers and later interpositional peacekeepers, as well as commissions of investigation; the Council even went as far as to establish an international protectorate known as the Free Territory of Trieste 77 and a UN state-building force in the Congo. 78

The envisaged processes of response of the Council were done away with, out of sheer practicality, and the Council began to work very differently from what was imagined at the outset. The largest gap between Charter and practice concerned the Council’s handle on the use of force. With the advent of the Cold War articles 43-47 concerning UN control of military enforcement activities became a dead letter (special arrangements, the military staff committee); instead the Council established itself as the sole authoritative and legitimate licensor of the use of force. The licensees (commonly referred to as ‘coalitions of the willing’) were collections of member states directing the use of military force and carrying out the terms of the Security Council licences.

The Council first licensed the use of force as part of full-scale military enforcement in 1950, “to repel the armed attack [by North Korea] and to restore international peace and security to the area.” 79 Council authorisation of full-scale military enforcement, 80 however, did not gain currency following the Korean War, and was seldom invoked since. Aside from and instead of military enforcement, which was seen to have limited utility, the Council, in dealing with conflicts both ‘old and new’ came to place its hopes in the invention of peacekeeping. 81

United Nations peacekeeping, in its traditional sense, emerged in 1956 during the Suez Crisis (‘an old war’). With the Security Council deadlocked following British and French vetoes, the matter was taken to the General Assembly under the United for Peace resolution (explain). During the emergency session, Canadian Secretary of State for External Affairs

80 The United Nations Command (Korea) existed as a UN force in name only; the endeavour was essentially a U.S led, British Commonwealth and Western European supported multinational operation.
81 Weiss
Lester B. Pearson recognised that a ceasefire and withdrawal were not enough and proposed the establishment of an international force to ‘police’ the ceasefire between Israeli-French and British forces on one side, and the Egyptian force on the other. The General Assembly endorsed Pearson’s idea, and so the then Secretary-General Dag Hammarskjöld worked hastily to develop a guiding doctrine for the interpositional force, which was to be known as the United Nations Emergency Force (UNEF I).

The United Nations had crafted for itself a new conflict management instrument in peacekeeping, enacted through improvisational manoeuvre with the ‘United for Peace’ resolution. Following UNEF, the Security Council authorised a further thirteen peacekeeping operations before the end of the Cold War and the early thaw, the most interesting and radical of which was ‘Organisation des Nations Unies au Congo’ (ONUC). This operation was ultimately ineffective, but setting this aside, ONUC presented the most remarkable picture of what future peacekeeping would look like.

The United Nations, however, would have to wait some time before a post-Cold War environment was to be realised. The international political landscape did begin to shift towards the end of the 1980s, and as global politics determines the nature of UN activities the Council too began to reflect this relative shift in mood. The end of the Cold War heralded in the era of the so-called ‘New World Order,’ brought forward in a spirit of Great Power cooperation. This Great Power cooperation was a requirement of a proper functioning Security Council, so when a Council based solution took effect to end the Iran-Iraq War in 1986-7, the Council is said to have been “unlocked.” The adoption of resolution 678, which authorised the use of force (Gulf War I) against Iraq in November 1990 was perhaps the more important and stronger exemplar of an ‘unlocked’ Council.

Figure 2.3 speaks to the dramatic increase in the Council’s output in terms of resolutions. At the start of 1990 the Council had passed a total of 646 resolutions, since then, the Council has passed a further 1357 resolutions (UN record). These resolutions have been concerned with such questions as Iran-Iraq, Afghanistan, Mozambique, Namibia, Central America and El

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84 D.M. Malone, 'Interview with Author', (Ottawa, ON., 2011).
85 For the first time since in forty years (Korean War) the UN Security Council had authorised the use of force to repel an aggressor state.
Salvador, Somalia, the Former Yugoslavia, Rwanda, Sierra Leone, the Democratic Republic of Congo, East Timor, Kosovo, the protection of civilians in armed conflict, international terrorism, and the proliferation of weapons of mass destruction (principally nuclear) in Iraq, Iran and North Korea.

The Council’s activities in relation to these cases can be placed into five distinct categories – (1) normative and crosscutting; (2) quasi-legislative; (3) CBRN weapons proliferation (prevention); (4) international conflict; and (5) intra-state conflict. Excluding normative and crosscutting items, the Security Council has dealt with approximately 50 subjects (appendix 2.1) over the course of the last twenty years (1990-present). The Council’s authority and the scope of its activities has been greatly expanded. Over this time, the vast majority of the Council’s activities have been undertaken in relation to civil war.

With the end of the Cold War, the incidence of intra-state war spiked, while the international conflicts to which the Council was designed and accustomed to dealing with noticeably declined. Enabled by an emerging normative environment in international society, the Council sought to expand its focus into areas of internal state violence.\textsuperscript{86} The effectiveness of the Council in these situations is contingent on the Council’s ability to craft, through the use of its instruments, an effective and legitimate state. However, the little dirty wars of the 90s were particularly traumatic and complex. The previously under-utilised Council rapidly grew to become hyperactive, dealing with multiple situations across four continents.

The Council launched effective assistance missions in El Salvador, Namibia, Mozambique and a more ambitious transitional administration mission in Cambodia (which was relatively effective). Emboldened by the positive outcomes, member-states carrying heightened expectations grew ever more ambitious. They soon deployed large numbers of peacekeepers to Somalia and the Former Yugoslavia to assist in the delivery of humanitarian aid. The conceptual ground of which missions were based was flawed, and both operations were ultimately ineffective. The sudden retrenchment in UN peacekeeping following the precipitate withdrawal of UNISOM II from Somalia resulted, in part, to collapse of the UNAMIR operation in Rwanda. The failure of the Security Council to halt the genocide in Rwanda is surely its supreme failure.

\textsuperscript{86} As well as issues previously considered to lie in the area of domestic jurisdiction [article 2(7)]
The Council has only involved itself in seven situations of inter-state and regional conflict since the end of the Cold War - Iran-Iraq, Iraq-Kuwait, Armenia-Azerbaijan, Aouzou Strip (Libya-Chad), Great Lakes Region, Ethiopia-Eritrea and Israel-Lebanon. Traditional inter-positional peacekeeping was the instrument of choice in these situations, verifying agreed upon lines of demarcation. In many cases, the conflicts were simply frozen in time, rather than resolved (this point is expanded upon in chapter 4 – p 88-89).

Aside from Council’s crisis management work, since 1991 the Security Council has developed a capacity in the area of the proliferation of chemical, biological, radiological and nuclear weapons. The Council singled out three countries for attention – Iraq, its neighbour Iran and North Korea. The effectiveness of the Council, in its non-proliferation role, is determined by the Council’s ability to contain and then dismantle a target state’s weapons programme. In the case of Iraq (2001-2003), in spite of the Iraq disarmament saga of 2002-3, the Security Council effectively disarmed Iraq (see chapter 3: instruments for details). In the case of Iran and North Korea, the Council’s effectiveness has been decidedly limited, as both countries still continue to flout Council demands. 87

The Council has also undertaken work on the normative front, passing resolutions on the protection of civilians in armed conflict, women in peace and conflict and children and armed conflict. 88 Since the terrorist attacks on 11 September 2001, the Council has acted in a quasi-legislative matter. The effectiveness of the Council in its legislative capacity relies on the implementation of legislative resolutions by member-states. Resolutions 1373 and 1540 pertaining to terrorism and weapons of mass destruction compelled states to adopt changes to their domestic law as ‘legislated’ by the Council. 89 Resolution 1373 authorised under Chapter VII oblige member-states to ratify existing international conventions on terrorism. In

87 In the non-proliferation space, the work of the Council exhibits a double standard as non-signatories to the nuclear non-proliferation treaty (NPT) India, Pakistan and Israel all possess sizable nuclear arsenals, all of which have been developed without warranting the scrutiny of the Security Council.

2004, a similar resolution was adopted requiring member-states to regulate against the proliferation of weapons of mass destruction to prevent such weapons being acquired by non-state actors, namely terrorist groups.  

With expanded scope, the Council innovated – developing a new range of instruments, while fine-tuning already existing ones. These advancements in practice were clarified using a typology given impetus by the work of Secretaries-General Boutros Boutros Ghali and Kofi Annan (an Agenda for Peace and its supplement; and In Larger Freedom). The most dramatic developments, besides innovations in the transformative instruments of the Council, were in the area of international criminal law. Spawned from the UN’s reaction to the most harrowing of situations came the invention of international criminal tribunals. The mass crimes afflicted upon civilians in Rwanda and the Former Yugoslavia could not go unpunished. These tribunals based in The Hague saw many stand trial for their crimes against humanity.

**What the Security Council isn’t?**

In the previous sections of this chapter, a picture of Council was drawn. This was done to convey to the reader a clear understanding of ‘what the Council is’ (in a constitutional sense and in practice). This section of the chapter will seek to explore the opposite – ‘what the Council isn’t’. This is an equally important examination, especially when one is dealing with the broader topic of effectiveness. The importance of the inverse examination is captured in the idea of expectations. By understanding ‘what the Council is, what it isn’t and what it is realistically capable of doing’, one can go some way towards building an appropriate measure by which the Council’s effectiveness might be accessed (see chapter two). Setting unrealistic expectations, which are often based on misconceived notions, will obviously lead one to set unrealistic and unattainable standards. This concluding section of the chapter will outline these matters in clear terms, in order that a conceptual bridge maybe constructed, connecting this introductory chapter with the subsequent foundational chapter.

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91 Terms like peace-enforcement and preventive diplomacy were introduced into the UN lexicon.
Firstly, the Council is not the embodiment of the idea of collective security. Inis Claude’s definition of collective security is considered the classic definition of the term, and is provided below:

An international system in which the danger of aggressive warfare by any state is to be met by the avowed determination of virtually all other states to exert pressure of every necessary variety – moral diplomatic, economic, and military – to frustrate attack upon any state.  

If one were to hold the Council up to the above definition, one could only conclude that the Council cannot be judged to be a collective security institution. The Council, nor anyone else for that matter, cannot claim that an attack on one is an attack on all (the mantra of collective security) and that such an attack would automatically precipitate a Council response. By less rigorous definitions the Council might be judged to be a collective security institution. These equivocal definitions of collective security, however, are largely unhelpful, as they dilute and confuse what is in essence an unequivocal concept. The term ‘collective security’ is suggestive of a guaranteed automaticity, and the continued use of the term around the UN and its Security Council is “potentially damaging” to the UN brand – a brand that should be founded on the basis of realistic expectations.

Instead, the Council should be seen as the embodiment of ‘selective security.’ A fitting term used to describe the Council, coined by Adam Roberts and Dominik Zaum in their Adelphi Paper entitled Selective Security: War and the UN Security Council Since 1945 (2007). If one consults the Council’s long record since 1945, one will recognise that the Council has decided to intervene in certain situations, and decided against intervening in other situations. This is the Council’s prerogative. The Council holds the discretionary power to interpret and decide on what constitutes a threat to international peace and security, and what does not. This inherent selectivity is symptomatic of the relative level of political will and the interests and/or disinterests of the member states, above all the veto wielding P-5. Therefore, in sum,

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the Council is not obligated to act in response to any circumstance and should not be expected to do so. 95

Secondly, the Council is not a disinterested and apolitical institution. The Council is, first and foremost a political body, beholden to the political processes of collective decision making. The relative levels of political will and the various interests and/or disinterests of the member states are channelled into a process of political negotiation and bargaining, and the resulting outcome is a collective decision of the Council. Each decision is, therefore, reflective of the overlapping interests of the membership and also the level and quality of agreement that could be reached amongst them. Cooperation, for this reason, is possible in so far as there is a reasonable alignment of the interests of the members. So while certain states share similar perspectives and are to a degree culturally aligned, in strategic terms (known as strategic culture), other states are not. This discord amongst the members also plays out in a normative setting, and leads to a contestation over values and around the Council’s goals, role, work and effectiveness. This contestation could be viewed as an important ‘game’ within the Council, which constructs the Council as a place in which its members argue about what world order should look like.

Thirdly, the Council is a council of states, for states. The Council is essentially an intergovernmental institution. Although, the Council is often called ‘the UN Security Council’ as if it were an independent entity separate from its constituent parts (its members), it is not necessarily an actor in its own right. The Council is not “a homogeneous corporate entity, but rather a focal point for state cooperation, especially great-power cooperation.” 96 The most suitable quotation that can be included at this point is a quotation from former Secretary-General Dag Hammarskjold, who this said of the matter:

The UN is not just a product of do-gooders. It is harshly real. The day will come when men will see the U.N. and what it means clearly. Everything will be alright

95 This is not to say that the Council’s legitimacy is not adversely affected when it fails to act. It may actually be in the best interests of the collective body, from the perspective of legitimacy, for the Council to act in consistent matter.
-- you know when? When people, just people, stop thinking of the United Nations as a weird Picasso abstraction, and see it as a drawing they made themselves.  

The fact is, as has been alluded to in the previous discussion, the Council is a member state forum, designed for member states, and works on the basis of cooperation between member states. The Council does not possess the ability to act unless member states decide collectively to act, and then subsequently furnish the necessary resources to give effect to that decision. Thomas Weiss supports this notion of the UN, when he concludes that, “the UN is primarily an institutional framework through which member states may pursue or channel their foreign policy.”

Applying this logic, one could agree with former Canadian Permanent Representative to the United Nations Robert Fowler’s statement: “the Security Council is as effective, as its members want it to be.” From this statement one can infer that ineffectual resolutions are ineffectual because member states, as a collective, have decided to make them so; and/or member states have individually for whatever reason decided not to obey them, enforce them or enact them. The institution, designed by a powerful minority and signed onto by 193 independent sovereign states, is itself almost infinitely powerful. It is the place, therefore, of the member states to use that power effectively, if they will, to substantially contribute to international peace and security.

Fourthly, the Council is not obligated to operationalise cosmopolitan ideals, or conform to any standard vis-à-vis democracy, the rule of law or impartiality. As has been established, the Council is an inherently selective political state-driven body, and with each state intent on preserving its own interests, these interest-based concerns will almost always override any deference to altruism or transnational values.

The cases of Libya and Syria provide a perfect example of Council inconsistency in regards the operationalisation of the enforcement pillar of the norm of the Responsibility to Protect. In the case of Libya (under the Arab Spring), the Council classified the situation as a threat to

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99 R. Fowler, 'Interview with Author', (Ottawa, ON., 2011).
international peace and security. The Council subsequently agreed on a sweeping resolution authorising the use of force (a No-Fly Zone) for the purpose of protecting civilians from violence or the threat of violence. A similar case was presented soon after in Syria, the Council, however, could not agree (largely because of Chinese and Russian concerns) on the classification of the situation as a threat to international peace and security, and so the Council did not act (as action was vetoed by China and Russia).

In sum, the Council cannot be expected to be impartial, apolitical, and democratic, to do everything, to be everything, to function appropriately in every context, provide collective security or faithfully implement the ‘Responsibility to Protect.’ This is not to say that these expectations are not ‘good’ or worthy, they are, however, invalid.

**Conclusion**

In conclusion, this chapter as sought to present a particular understanding of the Council, which will form the foundation on which the following chapters will be based. The chapter has marked out the evolution of both the ideas and institutions of general security. The Council, the ‘object’ of this study, has been examined – through the frame of the Charter, practice and expectations. Already it is been made clear, that the Council is an incredibly complex piece of international machinery and one that is in many respects ineffective. The following chapter will examine the concept of effectiveness by offering a detailed overview of existing ideas of effectiveness – and how the definition used by the thesis borrows and expands on the existing definition.
Chapter 3
‘Making a Difference’: Establishing a Measure of Effectiveness

The term ‘effectiveness,’ is used often in Security Council literature, but rarely defined. This makes the clarification of the meaning of effectiveness an extremely difficult, yet a much-needed task. In this respect, any measure of effectiveness is a construct born of a particular way of looking at and assessing the institution or the project to which the term is applied.

Any number of equally justifiable measures can be used to gauge the effectiveness of an institution. Thus, the application of different standards, results in different evaluations of effectiveness. In light of this conundrum, the question that emerges is: What is an appropriate and justifiable measure of effectiveness for the UN Security Council? This chapter addresses this very question.

This chapter is divided into two parts. The first part provides a review of the literature. The second part offers a conceptualization of effectiveness premised on the preceding review.

Part 1, begins by providing a definition of effectiveness and a glossary of associated terms. The intention is to clarify any lexical ambiguities about the meaning of the term. The review will focus, firstly, on the five established models for understanding organizational effectiveness. Secondly, the most appropriate model will be arrogated and used as a frame for the Security Council literature on effectiveness. The selection of the most appropriate model and the exclusion of others will also be justified.¹ The key sub-set questions underpinning this part of the analysis are: How is effectiveness defined? In what ways, are the meanings of effectiveness contrasted to those of other associated terms? What are the established models of organizational effectiveness? What is the goal model of organizational effectiveness?

Part 2, seeks to build a measure of effectiveness based on the understandings of effectiveness established in Part 1. The measure will be grounded in the Charter of the UN. This measure will be used to assess the effectiveness of the work of the Council across three distinct types of situations - (i) international conflict, (ii) intra-state conflict, and (iii) chemical, biological, radiological and nuclear (CBRN) weapons proliferation. The measure will also be accompanied by descriptors and indicators intended for its operationalisation. The use of these descriptors and benchmarks is designed to aid in standardisation and comparison across

¹ The selection criteria is found under the heading ‘established models for understanding organisational effectiveness.'
cases. The key sub-set questions posed in this part are: What are the goals of the Council? How is goal attainment evaluated?

This chapter will therefore propose a measure by which the effectiveness of the Council can be evaluated. The measure will be born of the literature on effectiveness, borrowing heavily from the goal model of organizational effectiveness. The goals of the Council will be outlined, and a range of indicators and descriptors will be attached to each goal. An evaluative tool will be constructed using these indicators.

Part 1: The Review of the Literature on Effectiveness
This review encompasses the literature of the broader organisational effectiveness school of thought, as well as the Security Council effectiveness literature. The purpose of this literature review is threefold. Firstly, this literature review aims to clarify definitional semantics, by providing a definition of each of the alternate terms for effectiveness - efficacy, performance and success. Secondly, this review seeks to demarcate the area of study on effectiveness. Thirdly, the review seeks to identify a range of studies, models and theories that assist with the development of a measure of effectiveness for the Council.

A Definition of Effectiveness (and Alternate Terms)
As defined using a most rudimentary approach, the term ‘effectiveness’ means: “the quality of being effective;” with effective being defined as: “powerful in effect; producing a notable effect; effectual.” Other terms, such as success, performance and efficacy are frequently used as a substitute for the term effectiveness in the Security Council literature. Each is defined in the section below; also included are references to authors that use these terms as stylistic variations of effectiveness. The aim of this section is to provide a brief overview of associated terms, as a fair degree of anxiety exists around the terminology of effectiveness.

- Success: “the prosperous achievement of something attempted; the attainment of an object according to one’s desire.” Of the alternate terms, the term ‘success’ is the

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4 I encountered this anxiety when interviewing several academics. Those who felt anxious about the terminology deferred to alternative terms, feeling that the term effectiveness was a relativistic. As this study will demonstrate, effectiveness can be clearly defined and measured.
most commonly used by scholars in the field. Lise Morjé Howard\(^6\), Paul Diehl and Daniel Druckman\(^7\) have each developed evaluative models for peacekeeping operations. These models have defined ‘success’ and utilised this definition as a benchmark. Their work is explored in greater detail below.

- **Efficacy:** ‘power or capacity to produce effects; power to effect the object intended.’\(^8\) The term efficacy is seldom used by scholars in the field. Only one reference to the term appears in the literature – found in Jarrett Taubman’s article ‘Towards a Theory of Democratic Compliance: Security Council Legitimacy and Effectiveness After Iraq.’ In this article, the term efficacy is used as a direct substitution for the term effectiveness.\(^9\)

- **Performance:** ‘the quality of execution of an action, operation, or process; the competence or effectiveness of a person or thing in performing an action.’\(^10\) Performance is the most closely related term to that of effectiveness. Gutter and Thompson (2009) in their study of the politics of international organisational performance offer an explanation of why this term is the most closely related. Their suggestion is that effectiveness – unlike performance – “implies an ability to achieve specific outcomes or to solve problems without reference to the underlying capacity of the entity, the impact of complicating constraints, the manner by which outcomes are achieved.”\(^11\) This is a useful differentiation. Performance is clearly concerned with both process and outcome, while effectiveness is outcome-focused – it is concerned with the quality of producing visible effects.\(^12\)

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\(^12\) This study, however, will not adhere to this strict distinction created between performance and effectiveness, as it is obviously necessary to examine the processes and constraints of the institution, rather than focusing simply on the institution’s outcomes.
All things being considered, the alternate terms of efficacy, performance and success, relate closely to the concept of effectiveness. In the end, the reason that this study uses the term effectiveness is because the term is the most widely used in relation to the Council; it is also the most accessible of the terms. The differences between each of the terms are merely semantic. They are essentially variations on a familiar theme. Although it cannot be said that the terms are synonymous, they are infused with a common spirit. In essence, the character of this study is a character most insightfully described by Ed Luck, who argues that ‘effectiveness’ is ultimately about “making a difference to the maintenance of international peace and security.”

It is a simple idea, which will guide this study.

**Established Models for Understanding Organisational Effectiveness**

This review of the literature will be conducted as a search for the most suitable model of understanding organisational effectiveness. The chosen model will then be appropriated and adapted for use as both the measure (section 2 of this chapter) and model (chapter 3) for understanding the effectiveness of the Security Council. There exists an extensive body of literature on the general question of organisational effectiveness within the broader field of Organisational Studies. Although, the study of organisational effectiveness has waned in recent times, a great deal of work has survived from the 1970s. From this body of literature five distinct models for understanding organisational effectiveness emerge: the goal model, the system resource model, the internal congruence/efficiency model, the human relations model and the multiple constituencies’ model.

The five distinct models of effectiveness reflect different viewpoints on “the nature of organisations, their relevant features and dimensions, and their key effectiveness criteria.”

In broad terms, organisational effectiveness is determined by the extent to which a state or entity (object or substance) is achieved, managed, satisfied or functions correctly. Each model offers a different method of viewing effectiveness, within this broad outline. A précis of all five of the models is given in Table 3.1.

<table>
<thead>
<tr>
<th>Model</th>
<th>Summary</th>
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<tr>
<td>1. Goal Model</td>
<td>The goal model of organisational effectiveness is the “oldest and most predominant” of models, and the model’s central</td>
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proposition is that “organisations are effective to the extent to which they accomplish their stated goals.” 

2. System Resource Model

The system-resource model defines effectiveness on somewhat of a competitive basis, proposing that an organisation is effective to the extent that it acquires needed resources.

3. Internal Congruence-Efficiently Model

The internal congruence model focuses on the smooth functioning of an organisation. This positions effectiveness as the extent to which an organisation operates efficiently, consistently and without strain.

4. The Human Relations Model

The human relations model of effectiveness, which derives from a human relations school of thought, posits effectiveness as the extent to which organisations are ‘healthy’ for those working within them.

5. Multiple Constituencies Model

The multiple constituency models is based on a satisfaction of stakeholder interests, that being, the effectiveness of an organisation is the extent to which the organisation satisfies its strategic constituents.

Table 3.1: A Summary of the Five Explanatory Models of Organisational Effectiveness

In order to select the most appropriate model of effectiveness for this study, a selection criterion must be established. This criterion is stated below:

1. As a useful template, the chosen model should be easily applicable to the institution of the Council.
2. As the Council is designed to affect international peace and security (an external setting), the chosen model should be transitive or output focused.
3. In line with Edward Luck’s notion of ‘making a difference to international peace and security,’ the chosen model should reflect an outcome-based approach to effectiveness.

Using the criterion established above, a review of the five models will be undertaken. On review, three of the five model of organisational effectiveness (human relations, system-resource and internal congruence) are excluded from this study of the Council. They are deemed unsuitable because they are neither easily applicable to the Council nor are they...

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15 Ibid., p. xv.
output-focused. Both the internal congruence and human resources models are inwardly focused, emphasizing organisational efficiency and human capital.

The remaining models (the multiple constituencies and goal) are interesting and deserving of further examination. Firstly, the multiple constituencies model is a model that fulfils the first criteria - it can be applied to the Council. As the multiple constituencies model is based the satisfaction of the interests of an organisation’s stakeholders, it is a model that lends itself to an examination of the P-5 and the satisfaction of their strategic interests. In essence, the multiple constituencies model views effectiveness in terms of ‘interest’. The application of the model to the work of the Council would necessitate the argument that an effective Council is one, which serves the interests of its members, particularly the interests of the P-5. The Council has most certainly functioned to serve the interests of its powerful members, at one time or another. Member-states have come to view the Council as the dispensary of licenses authorising the use of force. For example the United States led full military enforcement operations in both Korea and Iraq, which fall under this category. The Council holds utility for its members and allows them to seek legitimacy for their international activity.

This interpretation of the Council’s function is based on interests narrowly defined at a national level. The utility of the Council is determined by the service provided by the Council to its members. However, the Council has a broader purpose - ‘to maintain international peace and security.’ This purpose is defined more broadly through a normative lens, which encompasses the collective, as opposed to the narrow interests of the few and the powerful. A Council may serve the interests of one or more of its members at any one time, but this perspective simply does not accord with the broader international vision of the Council, contained in the Charter. In sum, the multiple constituencies’ model does not provide sufficient scope for examining effectiveness based on the broad international vision of the Council.

The goal model for organisational effectiveness is certainly the simplest of the five models presented in Table 3.1. Its simplicity allows for it to be adapted as a template for any institution. The model also fulfils the second and third criterion, as the model can be used to access effectiveness based on transitive or output focused goal attainment (i.e. the achievement of outcomes). The goal model, therefore, is most appropriate model on which a
measure of Council effectiveness should be founded. The following section is designed; firstly, to explore the goal model of effectiveness in greater depth. Secondly, to use this model as a frame for the Security Council literature on effectiveness. Thirdly, to ascertain what certain authors mean by the term effectiveness, as referenced in their work.

**The Goal Model for Organisational Effectiveness**

The goal model of organisational effectiveness represents a set of theories that describe effectiveness, “as the degree to which an organisation achieves its goals,” with a goal being defined, “as a desired state of affairs which the organisation attempts to realise.” 16 Theorists such as Max Weber promoted the idea of an organisation being directed towards “purposeful activity of a specified kind.” 17 This notion was strengthened by other commentators, who conceptualised organisations as being characteristically defined by “primacy of orientation to the attainment of a specific goal.” 18

This specific goal, which relates to the organisation’s official purpose or function is termed the organisational goal. The organisational goal itself is useful to consider, principally as an element of legitimacy. For example, if the social purpose of the organisation is accepted as legitimate, then the organisational goal/s reflective of this purpose are likely to be accepted as legitimate by the organisation’s audience – in turn allowing the organisation a great deal of authority and latitude to effect outcomes. The bulk of the literature on the effectiveness of the Council seems to follow the goal model of organisational effectiveness - Hurd & Cronin (2008); Bosco (2009); Howard (2007); and Patrick & McDonald (2010).

For instance, Ian Hurd and Bruce Cronin (2008), use effectiveness in relation to legitimacy, and more specifically the components of legitimacy. They remark, that one of the three necessary elements of legitimisation “is some degree of effectiveness of the organisation in achieving its goals.” 19 The contention is that an effective Council will “tend to be seen as legitimate,” while an ineffective Council, that is a Council which fails to “meet its goals will

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lose legitimacy.” However, despite the validity of their claims, Hurd and Cronin fail to define what effectiveness might mean as well as what the goals of the Council might be. They only suggest that there exists a strong connection between the ‘social purpose’ of the organisation and its ‘substantive goals’; in other words, the organisation’s legitimacy will likely be enhanced if ‘the Council will be seen as legitimate to the extent that it is seen to resolve crises of international peace and security.’ These propositions on legitimacy will be examined in greater detail in Part 2 of the chapter. Suffice it to say here that Hurd and Cronin indicate that the conceptualisation of effectiveness is closely related to the achievement of the substantive goals that the Council sets for itself.

Still within the goal model of organisational effectiveness, David Bosco (2009) presents two tests of effectiveness relating to two distinct and often contradictory visions of what the Council’s purpose is - one is the perception of the Council as a ‘Concert’ and the other as a ‘Governance’ mechanism. On the one hand, the ‘Concert’ perspective indicates that the Council’s effectiveness rests on the capacity to “help prevent conflict between the great powers.” On the other hand, the ‘Governance’ perspective interprets the Council as a mechanism whose purpose is to “actively suppress the insecurity which besets much of the globe.” The claim here is that both these functions are goal related. The Concert Function pursues the goal of mitigating against P-5 conflict, while the Governance Function pursues the goal of broader peace and security. In his work Bosco diagnoses some of the symptoms of an ineffectual Council. Bosco’s ideas of effectiveness certainly relate to goal achievement, as confirmed to in the excerpt below.

The council’s members often do not agree on how conflict should be resolved and crisis’ should be managed...ideological differences over sovereignty, values and the proper limits of international action. Even when the council’s members do agree, they are often incapable of charting a consistent course toward their goal.

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20 Ibid., p. 10.
21  “But I did avoid saying what effectiveness might consist of, because what I wanted was the idea that people might believe an organisation is legitimate, to the extent to which they think that it’s serving its goals. And that left me to be agnostic about what those goals are. I wanted to recognise that there seems to be that connection. An organisation that seems to perennially fail to accomplish its goals or some useful goals is unlikely to be seen as legitimate by its audience.” Ian Hurd, Interview with Author. Evanston, IL.
22 Hurd and Cronin, 'Introduction'. p. 11.
24 Ibid., p. 4-5.
The council has shown itself to be erratic and sometimes simply incompetent at managing and overseeing peacekeeping operations, sanctions regimes, war crimes trials, and the sundry other activities it has authorised.  

Bosco’s contribution to the literature on the effectiveness of the Council is a substantial contribution and one that is consistent with the goal model. Stewart Patrick and Kara C. McDonald in their Council on Foreign Relations Special Report, ‘UN Security Council Enlargement and U.S Interests’, also argue in accordance with this view of effectiveness. In this report they describe the disagreements between the P-5, the general difficulties in “generating support for decisive action,” 26 the tendency to dilute decisions and the ‘frustrating invocation of state sovereignty’ used to “stymie UNSC intervention in the face of gross human rights violations.” 27 Albeit this paper frames Council effectiveness from a U.S perspective, it is in-line with the general musings of many authors and diplomats. These general musings frame effectiveness in such a way, as to say that the Council’s effectiveness is largely contingent on the quality consensus which can be reached amongst the members (and the diminished influence of power politics), this is in turn a product of the like-mindedness of that membership. Patrick and McDonald’s work emphasizes an “aims” 28 based approach to effectiveness.

Although, her work does not relate to the Council itself, Lise Morje Howard established a measure of peacekeeping effectiveness (a Council related activity). 29 Howard presents a goal model of peacekeeping effectiveness based on two measures of success. The first measure is mandate implementation, which encompasses the accomplishment of mandated tasks assigned to the mission. While the second measure “involves a broader assessment of the state of the country after the completion of the UN intervention.” 30 Adding a further dimension to her analysis, Howard identifies four factors – situational difficulty, Security Council interests, peacekeeping rules and organisational learning – based on the common hypotheses on peacekeeping success found in the literature. The logic behind each hypothesis

27 Ibid.
28 On the question of effectiveness, Stewart Patrick stated that effectiveness related to the achievement of aims. Stewart Patrick, Interview with Author, Washington DC. July 12, 2011.
29 As made clear in the section above, Howard uses the term success instead of effectiveness.
is given as follows. First, the more difficult (based on the goodwill of the parties) the situation is, the less likely the peacekeeping mission is to succeed. Second, the more the Security Council invests in the intervention the more likely the mission is to succeed. Thirdly, the peacekeeping mission is more likely to succeed it the mission follows the Holy Trinity rules of peacekeeping.  

These tests will prove helpful when considering a conceptualisation of effectiveness based on the affect of UN agency coupled with those exogenous factors, which affect overall outcomes, yet lie outside of the UN’s control. Howard’s measure of success relates to mandate-implementation, judged by a ‘broader assessment of the state of the country.’ For Howard, success is determined by the completion of tasks (or goals). Moreover, Howard argues that the completion of tasks is contingent on the factors outlined in the section above – relating to difficulty, interests and adherence to principles.

This snapshot of the literature serves the purpose of establishing the dominant assumptions about Council effectiveness. It appears that the Security Council fulfils a number of fundamental and sometimes competing purposes. Firstly, the Council pursues the overarching goals of the organization – what is also deemed to be the Council’s Governance Function. Secondly, the Council provides a mechanism, which serves the purpose of maintaining peace between the great powers. Each of these purposes presents a different perspective on effectiveness. Nonetheless, it has been established that all major references (Howard, Bosco, Hurd & Cronin and Patrick & McDonald) have approached the notion of effectiveness in a matter, which has been consistent with the goal model.

At the same time, this overview has outlined a number of propositions in the literature on the impediments to Council effectiveness. The suggestion is that an ineffective Council is one that is contorted by a power politics, fuelled by each member’s differing strategic vision of world order – in particular, the place of sovereignty within that order and the limits of UN intervention. Aside from these impediments, the authors conceived of the concept of effectiveness in a matter consistent with the goal model of organisational effectiveness. Effectiveness, in essence, is about the achievement of goals and the fulfilment of purpose.

31 Holy Trinity of Peacekeeping: encompasses the principles of consent, impartiality and the minimum use of force.
Part 2: A Measure of Effectiveness for the UN Security Council

The review of the literature provided in the preceding sections was compiled for the purpose of establishing a point of departure for developing the measure of effectiveness for assessing the Council. Such a measure adopts the goal model of organisational effectiveness. This understanding of effectiveness seeks to measure effectiveness based on the attainment of a particular goal (i.e. an organisation is effective if it achieves its goals). In order to build this measure two questions must be answered:

(1) What are the goals of the UN Security Council?
(2) How is goal attainment evaluated?

The Goals of the UN Security Council

The goals of the Council are not spelled out in any document or in the Council’s guiding Charter. As noted in the literature review above, there exists a level of scholarly anxiety around the operationalisation of the concept of effectiveness; as Hurd and Cronin, clearly state, “there is no single passage in the Charter which defines how the effectiveness of the Council should be measured.”

33 Hurd and Cronin, 'Introduction', p. 11.
34 Ibid., p. 10.

Hurd and Cronin also note that “effectiveness ...is defined according to the criteria the organisation sets for itself, based on its own definitions of what constitute the purpose of, and success for, the organisation.” 34 In this respect, any measure of effectiveness must be of the organisation’s own making. As the constitutional basis of the institution, the Charter fulfils Hurd and Cronin’s condition. Any measures that do not find their basis in the Charter risk being categorised as arbitrary.

The Charter of the United Nations provides the anchor point for this measure of effectiveness. In Chapter V, article 24 (1), the Council’s responsibility is defined:

In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of
international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.  

Responsibility is defined as ‘the burden, task or assignment for which an institution is responsible.’ The Council’s responsibility, as clearly defined in Article 24 (1), is the ‘maintenance of international peace and security.’ The wider membership assigned this responsibility to Council to ensure prompt and effective action. For the Council, the fulfilment of this responsibility is the reason for which the Council exists, that is its purpose. Consequently, the goals of the organisation will be reflective of the organisation’s purpose.

The attainment of an organisational goal is, however, difficult to access. A more helpful item of analysis, for the purpose of accessing effectiveness, is the operative goal; which is defined as: “the organisational ends sought through the actual operating policies and decisions of the organisation.” To an extent these goals may be derived from the overall organisational goal, however, they do not necessarily need to be. As the Council’s effectiveness is context specific, it is clear that the operative goals of the Council should constitute the focus of any measure of effectiveness. In other words, the effectiveness of the Council should be assessed on a ‘case-by-case basis.’

The actual operating policies and decisions of the Council are made in relation to situations that endanger international peace and security (i.e. the situation in the Democratic Republic of the Congo). Hence, the operative goal of the Council, in any given context, is to maintain or restore peace and security. For the most part, the Council reacts to events of violent conflict, and so in order to attain the operative goal of restoring peace and security, the Council must affect a transition from a state of war to a state of peace. To elaborate, when the Council responds to a situation it is acknowledging the existence of an (a) initial undesired state (i.e. state of conflict in the DRC). By virtue of its response, the Council is also ‘creating’ the (b) desired goal state (i.e. the restoration of a state of peace in the DRC). The desired goal state stands as the operative goal, which can be attained through UN action (but not exclusively). Therefore, as suggested by the goal model, the Council’s effectiveness is

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36 Purpose: an institution’s purpose its ‘determined intention or aim.’
accessed on the basis of desired goal state attainment (as illustrated in the transition Figure 3.2 below).

Figure 3.2: the transition between an initial undesired state and a desired goal state

The process of transition outlined above is akin to the process known as problem-solving. Hence, the initial undesired state represents the ‘context.’ It is a concept designed to frame a conflict situation, in an effort to understand the conflict’s causes – social, political, economic and cultural. The context is also influenced by various actors, so their motivations too must be factored into any analysis. Context is not a simple, static state of affairs, but a changeable environment, which the Council is endeavouring to positively effect.

The use of problem-solving language is quite common in both diplomatic circles and academia. Ramesh Thakur has referred to the UN as “a forum often used for finger pointing, not problem solving,” 38 while the Australian Department of Foreign Affairs recently touted its credentials as a country possessing “a practical problem-solving ethos.” 39 As David Malone suggests, the Council “should be a problem-solving body acting with restraint as well as with assertiveness.” 40 In a real sense it is the quintessential problem-solving forum in international politics, endeavoring to solve problems of various natures. The effectiveness of the Council, therefore, is in a very real sense dependent on the Council’s ability to solve problems. In simple terms, an effective Council solves problems, while an ineffective Council does not. As this thesis progresses, the various chapters will further develop the concepts of problem solving.

Justification of Approach

40 Malone, ‘Interview with Author’.
The desired goal state is justified by Council action. By examining the goal orientated behaviour of the Council it becomes clear what the Council is endeavouring to achieve. For instance, if the Council imposes sanctions on a particular individual, the Council must state its objectives, either explicitly or through its conditions for delisting. In the case of peacekeeping operations, the objectives of any operation are spelt out in its mandated tasks. Often these objectives are in-line with support for the implementation of a peace agreement.

Some might refute this proposition of the Council as a goal orientated actor, by stating that Council does not approach situations with a clear idea of the desired goal state. It can be argued, however, that the desired goal state is always apparent, even if the Council does not explicitly clarify its objectives. As argued, what the Council desires, is made clear by what the Council does not desire. It cannot be logically argued that when the Council determines that a conflict situation is a threat, it would then view the continuation of that conflict as being something desirable. Such a vision would lie in direct contradiction with the original threat determination, specifically, and the Council’s purpose, more generally.

In summary and in answer to the question posed at the start of Part 2, (what are the Council’s goal/s?) the Council’s goal is to maintain international peace and security. This goal is subsequently attained through the fulfilment of the sub-set goals relating to context specific peace and security (i.e. the transitioning of situations to a desired goal state).

**Evaluation of Goal Attainment**

The aim of this section is the development of a method for goal-attainment evaluation. As established in the preceding section, Council effectiveness is based on the attainment of the goal of either restoring or maintaining peace and security, in any given context. As each context is itself unique, the initial undesired states and desired goal states for each and every situation is going to be different. However, across the multitude of situations dealt with by the Council there are commonalities. Since the end of the Cold War, the Council has responded to 47 situations, which it has designated as threats to international peace and security (see table). The situations can be organized using the following typology:

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41 Other miscellaneous, thematic and terrorism related subjects have also been agenda items. However, they have been excluded from this analysis.
- Intra-state Conflict (36 situations): are situations of violent armed conflict, fought within the borders of a state. These types of conflicts can involve a range of actors – non-state actors and national governments. Intra-state conflict is rooted in the complex fabric of the society of a country and usually defined by matters of ethnicity, sectarianism, economic inequality and government effectiveness. An example of such a conflict was the situation in Mozambique (1976-1992) – a conflict fought between the government (FRELIMO and the RENAMO rebels).

- International Conflict (8 situations): are situations of violent armed conflict fought between two or more member-states. Usually these conflicts are waged over issues such as border disputes, access to resources, historical grievances, opposing strategic interests or the annexation of territory for reasons of culture or ethnicity (i.e. protection of minority in neighboring country). An example of such a conflict would be the Iran-Iraq War, fought between the two countries from 1980 until 1988.

- Chemical, biological radiological and nuclear (CBRN) weapons proliferation (3 situations): is viewed as a threat to international peace and security by the Council, as these weapons when deployed have the potential to kill large numbers of people. The Council, however, does not view all such weapons programmes as threats to international peace and security. The Council has selectively targeted the nuclear programmes of Iran, North Korea and the CBRN programme of Iraq.

The typology outlined above allows for the standardization of goal-attainment evaluation across situations of equivalent type (‘like-for-like’). In the following sections, each type of situation will be outlined. These models, when applied to a range of case studies in Chapters 5, 6, and 7 will be used to determine the extent to which the Council has achieved its goal of maintaining or restoring peace and security. The models will be presented in two phases – the initial undesired state and the desired goal state. Attached to both of the phases will be a set of measurable indicators and descriptors (both quantitative and qualitative). These indicators and descriptors will be used to verify the attainment of the goal of maintaining or restoring peace and security, in each case. A third element, the transition, will separate the two phases. The term transition is defined as: “a passing or passage from one condition, action, or (rarely)
place, to another; change.” 42 This element is concerned with ascertaining power of Council influence over the transitioning of the situation to the desired goal state. The contextual elements for each case will be ‘loaded’ into the model and organized in such a way as to provide a picture of both the initial and desired goals states. Clearly, it is wise to first understand the initial state, so to establish a point of reference. Progress towards the desired goal state can then be gauged accordingly.

**Intra-state Conflict**

Throughout the Cold War the Council intervened in only one intra-state conflict – in the Congo in 1960. However, since the end of the Cold War there has been a proliferation of “dirty little wars” 43 across the world, but particularly on the African continent. In response, the Council has shifted its work to focus on these intra-state conflict problems. The (a) initial states for these situations vary greatly, but generally involve the engagement of numerous actors, both state and non-state, in violent conflict. In the worst cases, the state itself may collapse under the weight of conflict and other ills, bringing harm to great numbers of people. The (b) desired goal states for these situations are reflective of the goal of restoring or maintaining peace and security. It will be argued that, in the context of intra-state conflict, this goal can be interpreted as the pursuit of firstly, (b1) negative peace, and secondly, (b2) positive peace (discussed in detail below). This notion presents peace, not as a finite mark, but rather as a scalable condition (illustrated figure 3.1 below)

![Figure 3.3: The Scalable Desired Goal State – Negative and Positive Peace](image)

**Initial State**

The initial state for intra-state conflict is defined by the presence of direct violence. This type of violence is ‘real violence’ – intended to insult the basic needs of others. It is violence in its truest sense, defined by the taking of human life. Underlying direct violence is structural

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violence. This form of violence is latent – it is embedded in the social relations of individuals and group. According to Johan Galtung, structural violence “is built into the structure [social] and shows up as unequal power and consequently as un-equal life chances.” 44 Galtung goes on to state that, “the general formula behind structural violence is inequality, above all in the distribution of power.” 45 Reinforcing structural violence is the third form of violence – cultural violence. This form of violence is considered to be “those aspects of culture, the symbolic sphere of our existence – exemplified by religion and ideology, language and art, empirical science and formal science (logic, mathematics) – that can be used to justify or legitimise structural violence.” 46 Manifestations of cultural violence might include: religious zealotism; unwavering nationalism; prejudice seen through art and propaganda (i.e. radio broadcasts); and the practice of politics (i.e. inflammatory speeches by leaders).

The layers of ‘violence’ described above, underline the complexity of the initial states of intra-state conflicts. These layers can be used to elucidate the various underlying causes of intra-state conflict, those relating to geography, social order, economic conditions, political institutions, cultural traditions and historical background. An example an intra-state conflict initial state is the situation in Sierra Leone in 2000. 50,000 people had been killed and around 1.5 million had been displaced by the violence. Underlying these indicators of direct violence were the actual causes of the conflict, which related to government effectiveness, economic inequality and the resource motivations of the key rebel group, the RUF. A precisely defined initial state labels both root causes and symptoms, each of which should be addressed by the instrument/s of the Council, if the desired goal state is to be realised.

Transition

The transition for intra-state conflict is the change affected, which moves the situation from an initial state (violent conflict) to the desired goal state (positive peace). A number of key questions should be asked before examining each transition:

- What instruments is the Council using to affect the transition?

45 Ibid. (, p. 175.
An instrument is a means that serves or contributes to the accomplishment of an end. The Council possesses a veritable toolbox of instruments, which have been developed over the course of its history. Some are specified in the Charter (sanctions), while others are innovations (peacekeeping). In Sierra Leone, the Council applied the use of remonstrance (demands), a small observer force (UNOMSIL), petroleum and diamonds sanctions, a large peacekeeping force (UNAMSIL), a special court and a range of targeted sanctions.

- What effects are these instruments having on the progress of the transition? Each instrument is ‘programmed’ to follow a particular ‘logic.’ For instance, the simple logic of sanctions is: hurt = compliance. The effect an instrument has on a transition is determined by the selection of a suitable instrument, as well as its design and application (i.e. implementation). It can be noted that in Sierra Leone, little progress was made towards realizing either negative or positive peace, until May 2000. The strengthening of UNAMSIL and the tightening of sanctions improved the effectiveness of the Council in Sierra Leone (as will be discussed in chapter 6 of this thesis).

- What effects are attributable to the Council? What effects are attributable to other actors? The Council is never the only actor involved in transitions. Local, national, regional and international actors are involved. Each of these actors holds their own agenda, their own goals and their own level of influence over the situation. It is important, therefore, to properly attribute the effects of actors, so to isolate the effects of the Council from those of other actors. In Sierra Leone, the impact of the parties (the government and RUF) had a dramatic effect on the outcome, as did the intervention of actors such as the governments of Great Britain and Guinea-Bissau.

*Desired Goal State*

The goal of Council action, in these situations, is the restoration of peace and security. Peace, however, is difficult to define. It can mean anything from the mere absence of war to the integration of human society. In situations of inter-state conflict peace is best represented by Johan Galtung’s concepts of negative and positive peace.
Negative peace refers to the absence of violence. When, for example, a ceasefire is enacted, a negative peace will ensue. It is negative because something undesirable stopped happening (e.g. the violence stopped, the oppression ended). Positive peace is filled with positive content such as restoration of relationships, the creation of social systems that serve the needs of the whole population and the constructive resolution of conflict.  

For the Council, (b1) negative peace is the short-term goal of action, while (b2) positive peace is the long-term goal. Clearly, the absence of violence, which characterizes negative peace, is a prerequisite for greater socio-political change, which might lead to the establishment of a positive peace. The benchmark for the achievement of negative peace is the cessation of direct violence. Achievement of this goal is indicated by a complete reduction in the number of battle related deaths and a reduction in the numbers of displaced persons.

<table>
<thead>
<tr>
<th>Indicators</th>
<th>Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organised Conflict (Battle Related Deaths)</td>
<td>Uppsala Conflict Data Program (UCDP)</td>
</tr>
<tr>
<td>Displaced Persons (IDPs and Refugees)</td>
<td>UNHCR Statistical Year Book</td>
</tr>
<tr>
<td>Political Stability/Absence of Violence</td>
<td>World Bank Development Indictors</td>
</tr>
</tbody>
</table>

Table 3.4: Negative Peace Indicators

Negative peace, however, does not address structural and cultural violence. Higher standards are required for denoting the attainment of the higher goal of positive peace. These standards relate to the integration of society, which predominately involves addressing the root causes of a conflict. The benchmarks for positive peace might include the negotiation of an agreement, accompanied by the normalisation of relations between hostile actors (and eventual reconciliation). Other societal benchmarks can be used to judge attainment such as: greater freedoms, an improved human rights situation and a reduction in levels of social inequality.

The recently published ‘Global Peace Index 2012,’ included a positive peace index (PPI) for the first time. This index used 21 indicators to determine a country’s score and ranking. The index is founded on the assumption that strong government institutions and social structures result in higher levels of positive peace. The PPI holds utility for this thesis. Obviously, the index is not historical (only 2012) and many of the indicators rely on data that were not collected prior to 1995. However, the examination of trends across the various indicators can be used to gauge process made toward the realization of a state of positive peace. The Table (3.5) on the following page sets out the indicators used to verify positive peace. The indicators can be used to denote the relative functioning of a society, across eight domains – well-functioning government, sound business environment, equitable distribution of resources, acceptance of the rights of others, free flow of information, good relations with neighboring countries, high levels of education and low levels of corruption. The premise being that a better functioning society is a more peaceful society.

<table>
<thead>
<tr>
<th>Indictors</th>
<th>Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Government Effectiveness</strong></td>
<td>World Bank Governance Indictors</td>
</tr>
<tr>
<td><strong>Rule of Law</strong></td>
<td>World Bank Governance Indictors</td>
</tr>
<tr>
<td><strong>Democracy</strong></td>
<td>Economist Democracy Index</td>
</tr>
<tr>
<td><strong>Global Competitiveness</strong></td>
<td>World Economic Forum Global Competitiveness Index</td>
</tr>
<tr>
<td><strong>Index of Economic Freedom</strong></td>
<td>Heritage Foundation Index of Economic Freedom</td>
</tr>
<tr>
<td><strong>GDP Per Capita (PPP)</strong></td>
<td>World Bank Development Indictors</td>
</tr>
<tr>
<td><strong>Human Development Index (Inequality Adjusted)</strong></td>
<td>UNDP Human Development Report</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Life Expectancy</td>
<td>World Bank Development Indictors</td>
</tr>
<tr>
<td>Infant Mortality</td>
<td>World Bank Development Indictors</td>
</tr>
<tr>
<td>CIRI Empowerment Index</td>
<td>CIRI Human Rights Dataset</td>
</tr>
<tr>
<td>Gender Gap Index</td>
<td>World Economic Forum</td>
</tr>
<tr>
<td>Intergroup Cohesion</td>
<td>International Institute for Social Studies</td>
</tr>
<tr>
<td>Interpersonal Safety and Trust</td>
<td>International Institute for Social Studies</td>
</tr>
<tr>
<td>Press Freedom</td>
<td>Freedom House</td>
</tr>
<tr>
<td>World Press Freedom</td>
<td>Reporters Without Borders</td>
</tr>
<tr>
<td>Second School Enrolment Rate</td>
<td>UNESCO Institute of Statistics</td>
</tr>
<tr>
<td>Mean School Years</td>
<td></td>
</tr>
<tr>
<td>Control of Corruption</td>
<td>World Bank Governance Indictors</td>
</tr>
<tr>
<td>Corruption Perception Index</td>
<td>Transparency International</td>
</tr>
</tbody>
</table>

Table 3.5: Positive Peace Indicators
International Conflict

As was made clear in Chapter 1, the Council was designed to deal with international conflict – that is, violent conflict between states. Since the end of the Cold War, the Council has dealt with eight such conflicts fought between various states, the most notable being the Gulf War of 1991.\(^{49}\) The (a) initial state for international conflict is usually quite evident – organized warfare waged between two or more states. The (b) desired goal state for international conflict is also quite apparent – (b1) the cessation of direct hostilities and (b2) the creation of sustainable peace (built on a armistice) between the hostile states. As the previous type of situation laid the basic framework for each of the models, it would prudent not to reiterate the common elements – particularly those relating to the initial state and the transition.

Initial State

The initial state for international conflict is as aforementioned, violent conflict fought between two or more states. This type of conflict is usually organized, to the extent to which it involves hierarchically structured armed forces. Casualties, displaced persons and destruction of built environment are all characteristics of international conflicts. Underlying these surface features are the causes of the conflict. As previously mentioned, these range from border disputes to historical grievances.

Transition

The parties to the conflict usually affect the transition from the initial state to the desire goal state. The Council usually has little influence over such situations, unless the Council wants to ‘choose a side’ and take military action – it has only done so against North Korea (1950) and against Iraq (1991). Generally, the Council calls for the negotiation of ceasefire. Once a ceasefire is negotiated the Council can deploy an interpositional peacekeeping force to monitor the implementation of the ceasefire and build confidence. However, only when the parties have concluded a settlement is the conflict considered resolved. This requires the parties coming together to negotiate an armistice agreement, which also resolves the underlying issues of the conflict.

\(^{49}\) The 2006 Hezbollah-Israel War was fought across the Israel-Lebanon frontier. For the purposes of this thesis, it is classified as an international conflict. The 1999 Great Lakes Conflict was fought by several African states within the territory of the Democratic Republic of the Congo. For the purposes of this study, it is also classified as an intra-state conflict.
**Desired Goal State**

The achievement of the desired goal state for international conflict is indicated by the complete reduction (0 level) of war-related deaths and a reduction in the number of displaced persons. These indictors denote peace, as the absence of war – or ceasefire peace (a short-term goal). The greater goal of a peace based on armistice is judged on the positive qualitative assessment of external relations between the parties to the conflict following the negotiation of an armistice agreement. The indicators are tabled below along with their sources (table 3.6).

<table>
<thead>
<tr>
<th>Indicators</th>
<th>Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organised Conflict (Battle Related Deaths)</td>
<td>Uppsala Conflict Data Program (UCDP)</td>
</tr>
<tr>
<td>Displaced Persons (IDPs and Refugees)</td>
<td>UNHCR Statistical Year Book</td>
</tr>
<tr>
<td>External Relations</td>
<td>Qualitative Assessment</td>
</tr>
</tbody>
</table>

Table 3.6: Indicators for Desired Goal State (International Conflict)

**CBRN Weapons Proliferation**

The third type of situation that the Council typically deals with is CBRN weapons proliferation. The Council’s aim in these incidences is the maintenance of peace and security, through the prevention of CBRN proliferation. The Council has dealt with three such cases – Iraq, Iran and North Korea.

**Initial State**

The initial state for proliferation situations is typified by the covert or explicit proliferation of CBRN weapons by a member-state (or non-state actor). However, due to the high degree of government secrecy, it is always difficult to verify the existence of a weapons programme. Much of the debate, therefore, circles around the verification of the existence of an ‘alleged’ weapons programme. The verification issues are further compounded when dealing with alleged nuclear weapons programmes, as nuclear technology can be used for both peaceful (energy) and military purposes. The desired goal state for a CBRN situation is also obvious – the removal and destruction of CBRN weapons, delivery systems and related materiel; as part of the termination of proliferation activities.

**Transition**

The Council normally uses the following instruments to achieve its goal of disarmament.
- Proliferation materiel and technology sanctions: intended to restrict the availability of technologies used to develop a weapons programme
- Comprehensive economic and targeted sanctions: designed to discourage weapons proliferation and/or attach an ‘incentive’ to the discontinuance of a weapons programme
- Inspections: used to verify the existence of a weapons programme or note progress towards complete disarmament

Desired Goal State
The desired goal state for CBRN proliferation is indicated by the complete reduction in the number of stockpiled weapons and the verified decommissioning of the weapons development programme. The indicators and their sources are outlined in the table below.

<table>
<thead>
<tr>
<th>Indictors</th>
<th>Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verified Weapons Stockpile (0 Level)</td>
<td>Various sources (IAEA, weapons inspectors, foreign governments, etc.)</td>
</tr>
<tr>
<td>Decommissioning of Weapons Development and Delivery Systems Programmes</td>
<td>Various Sources</td>
</tr>
</tbody>
</table>

Table 3.7: the indicators for the desire goal state (CBRN weapons proliferation)

Conclusion
This chapter has developed a measure of effectiveness. The first section of the chapter provided a survey of the literature both on organizational effectiveness and on the effectiveness of the Security Council. The literature review sought to select the most appropriate measure for understanding effectiveness. Five models for organisational effectiveness were presented at the outset. The multiple constituencies and the goal models of organisational effectiveness were found to be the most suitable for Council application. These two models were then used to frame the literature on Council effectiveness. The finding was that most commentators are broadly aligned with the goal model of organizational effectiveness. The dominant focus therefore appears to be on the extent to which an organisation achieves its goal is a measure of its effectiveness.

In this context, Part 2 of the chapter develops a measure that could be used to assess the effectiveness of the Council. The Charter of the United Nations was used as the anchor point
for the measure. A process of inference (see introductory chapter for methodological outline) was then conducted allowing for the goals of the Council to be outlined. It was reasoned that the Council’s effectiveness could not be judged on the whole, because generalizing would render the study indefinite, unspecific and ultimately unhelpful. Instead, it was concluded that the Council’s effectiveness is context-specific. It was, therefore, argued that an assessment of the Council’s effectiveness, in any given context, should be based on the degree to which the Council accomplishes the goals related to either restoring or maintaining peace and security, in any given context.

It was suggested that the most correct way of viewing the Council’s work was through a situational goal-focused lens. The Council reacted to crisis situations (intra-state and international conflict) as they occurred, with the view of transitioning each situation from the initial undesired state to the desired goal state - of restoring or maintaining peace and security. In order to refine this idea, the concepts of Johan Galtung were appropriated for the purposes of framing each phase of the process. The concept of the conflict triangle (structural, cultural and direct violence) was used as a scaffold for the initial state. Various universal indicators and descriptors (quantitative and qualitative) were also used to signpost the ‘point of reference.’

A ‘picture’ of the desired goal state for each situation type was drawn, allowing for goal attainment to be verified against a set of indicators and descriptors. For intra-state conflict the (b) desired goal state was divided using two concepts, (b1) negative peace, as the short-term goal and (b2) positive peace, as the longer-term goal. For international conflict the desired goal state was also divided into two – ceasefire and armistice. For CBRN weapons proliferation the desired goal state was defined as a complete liquidation of the weapons stockpile (disarmament) and the decommissioning of the target programme (non-proliferation). The measure of effectiveness established in the preceding sections is crucial to understanding the Council’s impact on the transition from an initial to a desired goal state. This is the focus of the next chapter, which will detail the agency of the Council. In this respect, the key question for the agency of the Council is: what factors determine its effectiveness?
Chapter 4

The Agency of the UN Security Council

The aim of this chapter is to develop an explanatory model for the agency of the UN Security Council. The model presented in this chapter proposes an explanation of how the Council acts in the world to achieve desired outcomes (i.e. solve problems). The model of Council agency presented in this chapter consists of six separate elements – legitimacy, permanent-five (P-5) alignment, the Council solution, political will, resources and leadership. Of the six elements, the essential element is that of the Council solution. The other five elements are either prerequisites (enabling elements) for Council action or supporting elements for the Council solution. The six elements find their basis in the Security Council literature, as will be demonstrated below. The elements are also supported by interviewee responses.

The model of Council agency presented in this chapter is founded on the concept of the Council solution. In essence, a Council solution is its method for affecting a desired outcome. The Council articulates its solutions through its resolutions and statements. 1 In every operative clause of a resolution the Council invokes the use of an instrument - a device designed to achieve a particular effect. The Council possesses 16 such instruments, which include peacekeeping, sanctions and the authorisation of military action. For the Council to be effective, its solutions need to be compatible with the context in which they are applied. This is one of the central claims of the model. It is a claim that emerges from the simple notion that for a solution to be effective, it must be well matched to the problem it is endeavoring to solve.

Substantive Council action is premised on the enabling elements of legitimacy and P-5 alignment. Firstly, the conferral of legitimacy by the wider membership of the UN enables the Council to operate within its remit, enhancing its influence and allowing it to affect desired outcomes. Legitimacy may also be conferred by the parties to a conflict, resulting in the further strengthening of the Council’s capacity to exert influence. Secondly, the alignment of the P-5 plays a crucial role in moderating Council activity. It is argued that if the P-5 are not aligned, the functionality of the Council is reduced. Council action can be blocked by the

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1 However, solutions are not defined by a single clause or resolution. Solutions are defined by the overarching philosophy adopted by the Council in relation to a situation. Greater clarity can be attained by examining a series of resolutions.
use of a veto, or watered down if consensus cannot be reached. Alignment, therefore, can work to either enable or circumscribe Council action (depending on the degree of alignment).

The other elements of the explanatory model act to support the generation and implementation of Council solutions. These elements include political will, resources and leadership. Firstly, member-states are required to outlay political will to ensure that problems are addressed and solutions adequately implemented. A lack of political will usually results in a lethargic Council response, patchy compliance and flagging implementation. Secondly, for Council solutions to be implemented member-states are required to allocate the requisite resources and materiel. However, often there exists a gap between the ends and the means. Thirdly, certain member-states are required to manage the generation and implementation of Council solution. It is argued that strong and effective lead states can at times provide decisive support in the Council chamber and ‘on the ground’. The body of this chapter expands on the six individual elements of this model. A range of indicators will also be affixed to each element, allowing for more precise judgments to be made regarding each. The model summarised above is illustrated in 4.1 on the following page and is explained in detail below.

A Broad Description of the Agency Model

The illustration found on page 77 is an explanatory model, which can be used to understand Council agency. The illustration is an blended decision-tree/flow diagram. The diagram is read left to right across the top line, top-down (from the first question), right to left across the bottom line, and then top-down (to its conclusions). The model is a general explanatory tool, which can be loaded with different situation-specific information depending on the case. The following is a broad description of the agency model, which draws on a range of cases for clarity.

A crisis in Country A commences following a disputed election, opposition groups quickly mobilise and begin to stage mass protests in the capital. Security forces crack down on these protests and several people are killed in the ensuing violence. The violence quickly spreads to other cities and within a month Country A is embroiled in a full-scale uprising. This is the initial situation or issue.

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2 The level of resources allocated is indicative of the political will outlaid by member-states.
The majority of items on the Council’s agenda do not directly relate to the core strategic interests of the P-5; examples include situations like the DRC, Liberia, Cote d’Ivoire, Mali, CAR, and South Sudan. As core interests are not at stake, the default position of the P-5 is disinterested alignment. It can be argued that under these conditions the P-5 is unlikely to actively pursue a Security Council led international intervention unless a lead country or countries persuades them otherwise.

Lead countries emerge as leaders on a particular issue for reasons of national interest, ethical foreign policy, domestic public opinion (the CNN effect) and NGO advocacy. Lead countries very rarely respond on their own. This due to questions of cost, effectiveness, legitimacy. They therefore most often seek to generate multilateral responses through the Security Council. More organised lead countries will also tend to establish contact groups (also known as Groups of Friends) comprised of like-minded, interested and influential members of the international community.

If the issue is contentious (i.e. Syria) then any meaningful Council action would likely be curtailed by a clash of interests. However, as previously mentioned, for the most part, the P-5 is aligned in its disinterest. It is therefore necessary for lead countries to stir interest and break inertia. In the CAR and Mali, a degree of Council inertia was broken by the advocacy efforts of France. Both countries are former colonies of France, and it is clear in both cases that France acted in defence of its interests. If the P-5 can be convinced of the importance of the situation then the agenda can be set and a Council response can be put into motion.

The Council responds to situations through its actions [presidential statements (PRST), resolutions (RES), and press statements]. A resolution is the paramount Council action. Resolutions depending on their nature will be drafted by a pen holder with input from other members through a consultative process. If the Council has requested the deployment of a peace operation, then the Secretary-General will prepare a report (SG’s Report) outlining a recommended mandate for the mission. Outside of the drafting input of the Secretariat and the permanent missions of member-states, international civil society organisations (such as the International Crisis Group and the International Peace Institute) also share their recommendation and provide expert advice.
From this point the Council’s solution begins to take shape, usually articulated through a series of resolutions, and usually at the high point of international interest in the situation. Each resolution invokes the use of an instrument or instruments – these are listed and outlined below – they include peacekeeping, peacemaking, SPMs, MNFs, sanctions regime, remonstrance, or international criminal tribunal. For example, resolution 2100 concerning the situation in Mali invoked the instruments of peacekeeping, peacemaking and remonstrance.

For a resolution to achieve the desired effect it must be implemented, otherwise it remains a deadletter. Resolution implementation is carried out by member-states, the Secretariat, regional organisations, and most often the parties to the conflict. In order to adequately implement a resolution, member-states must allocate the requisite resources to the project; whether that be through the financing of a mandated peacekeeping operation, the deployment of peacekeepers, or the strict adherence to travel ban and asset freeze regulations.

Is the solution context sensative? If the solution is not matched to the conditions on the ground, then according to the argument of this thesis it will not (likely) be effective. Senior UN official Lakhdar Brahimi highlighted the potential source of the UN’s problems in this regard, when he said, “the UN is often taking very serious decisions about how to respond to crises it does not know enough about.” 3 Ian Martin, another Senior UN official, also reflected on the need for context-sensative “designer missions,” stating that:

An unduly linear approach to peacemaking, peacekeeping and peacebuilding, and thinking which is boxed into separate concepts and precedents for peacekeeping, special political and peacebuilding missions and offices, do not adequately correspond to the diverse needs of countries in conflict or transition. They can result in the imposition of inappropriate templates, rather than operations being designed in accordance with the country-specific context. 4

Brahimi and Martin’s words underline one of the core arguments of this study – if the Council is to be ultimately effective in the realm of international peace and security it must fashion resolutions which adequately capture and respond to country-specific context.

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3 New World of Peace Operations, p. 216
4 Martin, p. 8
Is implementation adequately supported? If the implementation of an internationally generated solution is to be successful then it must be supported both politically and materially throughout its lifecycle. The Council deals with a multitude of agenda items and for this reason it cannot maintain its focus for an extended period of time. As focus shifts elsewhere so too does the political will of member-states to continue to support solutions (and to reshape those solutions when the need arises). The Council easily fatigues, and lethargy is the resulting condition.

If the above questions of context-sensativity and implemenation support are answered in the affirmative, then the argument for effectiveness can be made with some degree of confidence. However, it is also neccessary to take account of extraneous factors, which lie outside of the Council’s agency. These factors might include the actions of bi-lateral actors, regional organisations, or the parties to the conflict themselves.

The next sections of this chapter provide a closer explanation of the six elements Council agency as outlined in the model described above. The explanation begins with discussion on the enabling element of legitimacy. The succeeding sections cover the elements of P-5 alignement, solution, political will, resources and leadership.

**Legitimacy**

The following section discusses the importance of legitimacy as an enabling element for Council agency. Legitimacy is important to the concept of effectiveness, because legitimacy performs an important task, in the process of enabling the Council to affect outcomes. In order to explain these processes, it would be prudent ask the following questions:

- What is legitimacy?
- How is legitimacy generated?
- How does the conferral of legitimacy ‘enable’ Council agency?

Legitimacy is defined as “the degree to which the UN membership recognises the Council as having both the right and the competence to act on behalf of the international community in addressing issues related to international peace and security.” Upon affixing their signatures

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to the Charter, member-states recognise that the Council has the “right and the competence to make binding decisions for the rest of the community.” 6 For the Council, legitimacy is generated through an intricate set of processes, theorised by Inis Claude, Ian Hurd Bruce Cronin, David Caron and Ian Johnstone. 7 It can be argued that a quartet of sources, contributes to, or deducts from, the legitimacy of the Council. This trio includes purpose, deliberation, proceduralism and effectiveness. It is worth examining each source below.

- **Purpose**

In the previous chapter, responsibility and purpose were discussed at length. It was established that the purpose of the Council was to maintain international peace and security. It is theorised, that if the social purpose of the Council is accepted as appropriate by the membership, and that the “broader norms and values of the society” 8 are consistent with that purpose, then what is created is purposive legitimacy.

- **Deliberation**

Hurd and Cronin “conclude simply that deliberation - understood as the opportunity for participation and voice according to known procedures – legitimises outcomes.” 9 Deliberation is both a socializing and informational force. That is, deliberation acts to encourage alignment and reduce clashes of interest. Careful consideration of a matter functions to improve outcomes through the dispersion of information. The argument can be made that “improving the quality of the deliberations would enhance the legitimacy and, therefore, effectiveness of Council decision making.” 10

- **Proceduralism**

The procedures of the Council were adopted under article 30 of the Charter, and are known as the ‘Provisional rules of procedure of the Security Council’ (1983). The rules of the Security Council must be followed to constitute as correct procedure. Adherence to the rules of the

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7 “It comes down to legitimacy, and legitimacy as a pre-condition for effectiveness, so if it widely perceived as deeply illegitimate, it’s going to stop being effective.” Ian Johnstone, Interview with Author. Cambridge, MA.
8 Hurd and Cronin, 'Introduction', p. 6.
9 Ibid., p. 8.
10 Johnstone, 'Legislation and Adjudication in the UN Security Council: Bringing Down the Deliberative Deficit', (p. 275.)
game credits the Council in terms of legitimacy. The rules “must be applied fairly and consistently for maximum legitimisation effect.” 11

- **Effectiveness**

If the membership of the UN acknowledges the Council as having achieved its goals, this perception of effectiveness can be credited as legitimacy. The process described, presently, is known as performance legitimacy. The argument being that the Council will only be seen as legitimate if it is also seen as effective.

In fact, the kernel of the legitimacy argument is that if the members of the UN do not perceive the Council as being legitimate, it loses its capacity for effective action. Perceptions of illegitimacy held by an influential group of member-states, for instance, might result in the Council struggling to gain support for its resolutions (speed of enactment) or may even make it difficult for the Council to adopt strong measures. 12 Legitimacy is most pertinent when conferred by influential member-states 13 and more importantly, the parties to a situation themselves. Indeed, by recognising the Council as a legitimate actor, the parties are acknowledging that the Council has a part to play in the resolution of the situation. When a party recognises the Council as legitimate, it can be expected that the behaviours exhibited by that party might be reflective of this recognition. For instance, a party might request the assistance of UN mediation or grant its consent for the deployment of a peacekeeping operation.

The limits of legitimacy, however, also become apparent in this context. Certain parties will never come to perceive the Council as legitimate, and these parties might even challenge the Council’s right of intervention. In these cases, the Council can operate without a key party’s consent. The Council nevertheless is still recognised as legitimate in the eyes of its audience (the member-states) and thus with the support of influential member-states, might confront challenges by drawing on the Council’s powers of coercion (i.e. peace-enforcement, sanctions or military force) and inducement. Alternatively, the Council might withdraw from the intervention altogether. In the case of Sierra Leone, the Council was confronted by the

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13 If peripheral actors do not hold to perceptions of legitimacy, the effectiveness of the Council is not likely to be influenced
RUF - a group of rebels that did not perceive the Council as a legitimate actor. The Council had two choices regarding its Sierra Leonean peacekeeping operation (UNAMSIL) – peace-enforcement or withdrawal. The Council with the backing of the UK government chose to use peace-enforcement to coerce the non-compliant RUF into accepting the terms of a ceasefire agreement.

Indicators of Legitimacy

An indicator of legitimacy is compliance by member-states (and non-state actors) with Council remonstrance. This hypothesis is founded on the notion that legitimacy exerts a compliance pull.\(^\text{14}\) If a party complies with Council decisions or demands, it can be surmised that it perceives the Council as legitimate. In essence, a close reading of the behaviour of actors can be used to gauge an actor’s perceptions of the Council’s legitimacy.

Alignment of Permanent Membership

The Achilles heel of the UN Security Council, the sine qua non, is the need for political will and political agreement. Only if Council members – and above all the permanent five (P-5) with the veto – can agree on the need for action, and the form of action, can that body function as intended.\(^\text{15}\)

In addition to legitimacy, the alignment of the permanent membership of the Council is the second enabling element for Council agency. For the Council to respond effectively to situations that present threats to international peace and security, the permanent membership must be aligned. This argument follows a number of caveats. Firstly, as each permanent member possesses the power of veto, Council action can be blocked by any permanent member through the exercise its veto – (meaning ‘I forbid, I prohibit’ in Latin). In the history of the Council, permanent members have prohibited action on 261 occasions (1946-2008) – and on 32 occasions (1990-present) since the end of the Cold War. The veto, when cast, can prevent action being taken on a matter that is clearly consistent with the social purpose of the Council and the norms of international society. Thus, the veto can disable the Council and undermine its effectiveness. An example of this occurrence has been the consistent use of the

veto by the US on the ‘Question of Palestine.’ The use of the veto in this manner has prohibited the Council from addressing the problem by any effective means.

Secondly, the veto forces the P-5 to secure artificial alignment through compromise. The problem lies in the fact that sometimes reaching an agreement can actually compromise the Council’s response to a problem and “might lead to the watering down of resolutions and statements until they become ambiguous or even meaningless.” This phenomenon is referred to as “lowest common denominatorism.” It is a phenomenon that can also act to undermine the effectiveness of the Council. An example of this phenomenon was seen in the case of Syria in early 2012. The Council adopted a presidential statement, which supported the Annan Peace Plan. However, the statement was watered down by France to accommodate the concerns of Russia and China. As the statement did not take the form of a resolution, it was decidedly weak and ultimately ineffectual.

Overall, the veto can be viewed metaphorically like a shadow cast across every interaction, deliberation and decision. Lingering above all these consultations is the reality that if an agreement cannot be reached between the permanent five then a veto is pending. It is not often used, but that does not mean that it cannot be used. Although the veto is seldom exercised, the threat of its use is ever present, as explained by the former Canadian Permanent Representative to the UN, Paul Heinbecker:

...there was not a country that didn’t threaten a veto in the back room. This is not something that happens once in a blue moon. The usual thing is, ‘well we can’t live with that’ and that means ‘push us and we’ll veto it’.

Alignment is fundamentally difficult to secure because member-states hold to their narrow perceptions of short-term national interest. These perceptions dictate a member-state’s stance in Council deliberations, in turn limiting alignment on issues of contention. Kofi Annan, in recognition of this fact argues that the Security Council is not “a forum for resolving

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16 The US has exercised its veto in accordance with the Negroponte Doctrine.
18 A term used by Fowler, 'Interview with Author'.
20 P. Heinbecker, 'Interview with Author', (Ottawa, 2011).
differences” but a “mere stage for acting them out.” In order to better understand the
perspectives of the P-5 and the natural troubles of alignment, the next section will profile
each permanent member from the point of view of strategic culture.

‘Strategic culture’ was a term coined by Jack Snyder when he assessed the differences in
nuclear strategy and posture between the U.S and the Soviet Union. He argued the idea that
“culturally-specific attributes factor into the formation of a state’s strategy.” Culturally
specific attributes might include historical experiences, the development of idiosyncratic
political systems, philosophical and religious thought, all of which have a bearing on the
development of particular strategic cultures. Meyer defines strategic culture, as:

Comprising the socially transmitted, identity-derived norms, ideas and patterns of
behaviour that are shared amongst the most influential actors and social groups
within a given political community, which help shape a ranked set of options for
the community’s pursuit of security and defense goals.

The permanent members use the Council to protect and project their national interests. These
national interests may relate to the protection of an alliance, foreign investment ties, military
ties or armament contracts and/or overarching strategic interests. The P-5, as a group of
economies are some of the most influential. Their interests in economic terms are therefore
considerably broad. Moreover, the P-5 comprises five of the top six largest weapons
exporters. In strategic terms, each of the permanent members maintains a specific sphere of
influence, as well as a range of strategically important relationships and even foreign military
installations and bases. All these interests intersect to create a complex interplay, which must
be negotiated through the Council on every matter [alignment, as aforementioned, can be
framed using the concept of strategic culture (see Table 4.2)]. By surveying the strategic
culture profiles of the P-5, one can come to an understanding of areas of potential disunity.

22 W. Mirow, Strategic Culture Matters: A Comparison of German and British Military Interventions since 1990
(38; Berlin: LIT Verlag Münster, 2009), p. 5.
23 C.O. Meyer, The Quest for a European Strategic Culture: Changing Norms on Security and Defence in the
Bailey and Daws, argue for a reorientation of perspectives on national interests; encompassing a broader view:

All States and all regions stand to gain from a firmer and more humane international order in which short-term national advantage is not pursued to the limit if to do so frustrates the universal common good. The obligation to relate short-term to long-term considerations, the national interest to the global, is needed for prudential as well as for ethical reasons. Most governments recognize these inter-relationships part of the time; but at moments of crisis, the short term and national tends to swamp the long term and universal.  

Bailey and Daws’ broader view embraces a notion of effectiveness, based on the common good (as this thesis does), but also recognises the reality of international politics, based on the protection of national interest. This is the overarching challenge of P-5 alignment.

The requirement for alignment, however, should not be overstated. Disinterest among the P-5 makes alignment, on all but the most contentious issues (i.e. Syria), relatively straightforward. The overwhelming majority of situations do not directly impact upon the real interests of any of the P-5, and so action is stimulated by activist lead countries. These lead countries must convince the P-5 of the importance of the issue, and the US of the importance of dedicating funding to the issue. An example of this can be seen in the deployment of MINUSMA to Mali, the potential up-scaling of the UN’s presence in CAR (BINCA), and the reinforcement of UNOCI during the crisis of 2011. In all of these examples, a politically willing France took the lead, and stirred a largely disinterested P-5 to green light Council action. Upon reviewing many of the cases of the last two-decades (Haiti, Sierra Leone, Mali, CAR, Cote d’Ivoire and Liberia), the mode described above emerges as the general blueprint for Council action.

**Indictors of Alignment**

The primary indictors of alignment are found in the voting patterns of the P-5. Aside from voting patterns, indicators of alignment can be found in official statements and policies. The P-5 usually make their positions relatively clear in a range of announcements. Alignment can

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be gauged on a scale of weak to strong alignment, according to four indicators (see figure 4.3). First, a veto is an indicator of weak alignment between the P-5. Second, a critical abstention is an indicator that the abstaining member is not completely satisfied with the content of a resolution, but is not prepared to exercise its veto. This was the case for resolution 1973, in which both Russia and China voiced concerns in regards to the imposition of a non-fly zone over the country. Both Russia and China were dissuaded from exercising their veto on account of Arab League consensus. Third, a ‘watered down’ resolution is an indicator of artificial alignment. In these incidences, the P-5 compromise on the content of the resolution in order that the resolution might be adopted. Forth, unanimity is an indicator of strong alignment between the P-5. If a resolution is adopted by unanimity and no evidence of disagreement is available, the P-5 can be said to be strongly aligned.

![Diagram of alignment scale](image)

**Figure 4.3: The Indicators of Alignment - From Weak to Strong (scale)**

**Solution**

This thesis frames effectiveness using the notion of problem-solving. In simple terms, an effective Council is one that solves problems, while an ineffective Council is one that does not. The Council confronts a wide range of problems, from instability in the Eastern Democratic Republic of the Congo (DRC) to nuclear proliferation on the Korean Peninsula. The Council works to solve these problems by first generating and then implementing solutions. The idea behind a solution is to transition a situation from its initial state to its desired goal state. In order to affect this transition a solution needs to be compatible with the problem-context in which it is applied (i.e. ‘ground truths’). An example of a compatible solution was the UN’s intervention in Croatia (1995). This intervention was compatible, because the Council provided the UN Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) with a clear and unproblematic mandate. UNTAES could then act flexibly and in a robust fashion to combat threats to peace and security (such as Arkan’s Tigers).

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25 Used by David Kilcullen it is a term meaning ‘the reality of a situation’
On the other hand, a solution that denies, simplifies or misjudges ground truth is unlikely to affect a positive transition. An example of an incompatible solution is the UN’s intervention in the DRC. The incompatibility of the solution in the DRC stems from the labeling of the situation as a post-conflict transition. In spite of this presumption, the conditions of negative peace have not existed in the Eastern provinces throughout the intervention (1999-present). The establishment of fundamental security has not been achieved due to: poorly designed SSR and DDR programmes; the Council’s unwillingness to use MONUC/MONUSCOs in a peace-enforcement capacity; and the Council’s seemingly unyielding support for an ineffective and unprofessional FARDC and a corrupt Congolese government. Moreover, the Council has largely failed to incorporate a sufficient understanding of the root causes of the conflict into its solutions. The incompatibility described above is symptomatic of many of the Council’s interventions. To further substantiate these claims, this thesis will draw on the evidence contained in the empirical case study chapters (5-7).

**Instruments**

As mentioned at the beginning of this chapter, Council solutions invoke the use of instruments designed to affect desired outcomes. The Council’s toolbox contains an assorted range of instruments intended to be used in different contexts. The Security Council actually has a narrow range of instruments at its disposal, as Paul Heinbecker remarks:

> What has it got? It’s got sanctions, Chapter VI, which is basically peacekeeping. Chapter VII, which is all necessary means, providing the countries use their militaries. There’s not a lot else.

Each instrument has an operating logic. The operating logic and inherent utility of each of the instrument contained in the Council’s toolbox is examined below. The parameters of the design of these instrument applications are contained in the Council’s resolutions. These

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26 The Council hasn’t ensured that the professionalism of the FARDC. It is known that the FARDC is part of the security problem.
29 Heinbecker, 'Interview with Author'.
30 In simple terms, the term logic means: how does the instrument work?
formal resolutions are the most tangible products of the Council \[31\] – they can send ‘signals’, support peace efforts, condemn violence, call on member-states to cooperate, invoke sanctions, create peacekeeping missions or empower military action. For the most part the Council utilises its ‘soft power’ in order to persuade particular actors. This ‘soft power’ is wielded with reference to Chapter VI of the Charter (consensualism). In certain situations the Council authorises the use of ‘hard power’ in order to coerce defiant actors. This ‘hard power’ is authorised with reference to Chapter VII of the Charter. After the 2003 invasion of Iraq by the United States, Joseph Nye added a third term to this lexicon – smart power. Nye described smart power as, “the ability to combine hard and soft power into a winning strategy.” \[32\]

An argument can be made that the smarter the Council is in wielding its instruments the more effective it will be. As mentioned in Chapter 2, the Council is responsible for the maintenance of international peace and security, and is therefore accountable for all the stages of the process from when the decision is made, to its implementation to the substantive outcome. This process involves sometimes-considerable input from the UN Secretariat. The role of the Secretariat is important to consider, because it is the Secretariat which provides the information and recommendations on which Council decisions are based, and its often the secretariat that implement the decision once it has been made. The relationship is represented as a feedback loop – with the Secretariat providing input, while at the same time interpreting and then acting upon Council outputs.

**The 15 Instruments of the Council – Operating Logic and Effectiveness**

- Traditional Peacekeeping (interpositional peacekeeping): \[33\] involves the deployment of lightly armed troops whose task it is to monitor and report on the disputant parties’ adherence to a particular agreement, usually a ceasefire. A traditional peacekeeping force places itself between the disputant parties. This creates a buffer zone separating the parties’ militaries, and situates the UN operation in the middle as an interpositional force. Traditional peacekeeping is considered highly effective with

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33 Examples of Traditional Peacekeeping: NDOF in Syria, UNMEE in Ethiopia-Eritrea, UNFICYP in Cyprus, UNEF I & II in Egypt-Israel and UNIFIL in Lebanon-Israel
95% reductions in the reoccurrence of war. In fact interpositional peacekeeping is almost too effective, as by providing sufficient stability, the presence of the UN force creates the conditions for stalemate, which eventually constitutes the status quo. Traditional peacekeeping seldom goes further than stabilisation; they create conflicts frozen in time.

- Special Political Missions (SPMs): are non-military missions with a confined focus. Usually SPMs render limited assistance to national governments on issues such as electoral and rule of law reforms.

- Multi-dimensional Peacekeeping: these interventions carry out a range of mandated tasks that generally include: electoral organisation, support and supervision; humanitarian relief operations including the protection of access corridors; demobilisation, disarmament and reintegration (DDR); security sector reform (SSR); and human rights and rule of law promotion. The work of Page Fortuna (2008), Michael J. Gilligan and Ernest J. Sergenti (2007) offers a number of conclusions regarding the general effectiveness of peacekeeping. Fortuna in her book *Does Peacekeeping Work?* asks the question of the title “with a resounding yes,” noting that the “statistical evidence is overwhelming.” She states that, based on both stringent criteria (55-60%) and a more relaxed criterion (75-85%), “the risk of war resuming is much lower when peacekeepers are present.”

- Transitional Administrations (Virtue Trusteeships): the most extensive style of intervention, in terms of an encroachment on national sovereignty is the UN protectorate or state surrogate model. In these interventions, the UN assumes all the basic civil administrative functions of a national government, including policing, administration of the judicial system and reconstruction of infrastructure.

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35 Examples of Special Political Missions: UNAMI in Iraq, UNAMIA in Afghanistan and UNSMIL in Libya
36 Examples of Multidimensional Peacekeeping: MONUSCO in DRC, UNAMSIL in Sierra Leone, ONUCI in Côte d'Ivoire, UNAMID in Darfur
38 Ibid.
39 Ibid.
40 Examples of Transitional Administrations: UNTAET in East Timor, UNMIK in Kosovo, UNTAC in Cambodia and UNTAES in Croatia
- Residual Peacebuilding: it has become common for the Council to authorise transitions from multi-dimensional peacekeeping operations to smaller longer-term peacebuilding offices. These offices, handed off to the General Assembly and the Peacebuilding Commission, are designed to ensure the completion of residual peacebuilding tasks and to consolidate gains made toward long-term peace and stability.

- Comprehensive Economic Sanctions: the imposition of comprehensive sanctions can completely isolate a country internationally. Due to the interconnected nature of international commerce and trade, the imposition of economic sanctions can swiftly bring a country’s economy to its knees. Moreover, flights bans, diplomatic sanctions, the prohibition of cultural exchanges and sporting matches can effectively preclude a sanctioned country’s citizenry from actively and formally participating in global life, only serving to further enhance the general feeling of isolation experienced in the sanctioned country.

Sanctions disallowing trade (import or export) of any kind produces an obvious effect - wide-spread economic hardship and potentially, depending on the targeted country (net food producer), a humanitarian catastrophe. The logic of the sanctions follows that acquiescence on the part of the government and decision-makers succeeds such hardship. In essence, governments and decision-makers sympathetic to the hardships endured by their people or threatened by the prospect of complete economic ruin, are forced to change their ways and simply give into the demands of the Council. Alternatively, the government itself attracts the ire of the populous, who subsequently rise up and overthrow the recalcitrant political elites.

Prolonged economic hardship, in all three cases of comprehensive sanctions (Haiti, Yugoslavia and Iraq), neither elicited the sympathy of the decision-makers nor the ire of the population; governments, particularly authoritarian regimes, are often more resilient than what has been assumed at the outset. Although, targeted regimes have

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41 Examples of Residual Peacebuilding: UNIOSIL and UNPISIL in Sierra Leone and BINUB in Burundi
42 Authoritarian regimes are not usually susceptible to the pressures applied by the population, as they often possess ruthless and formidable security apparatuses. However, as witnessed in the Arab Spring, particularly in Egypt, if the army and police stand aside, the pressure exerted through mass protest can topple such a regime.
never completely succumbed to the pressure exerted by comprehensive sanctions, on many occasions political concessions and limited cooperation were achieved.

Most acknowledge that comprehensive sanctions are a blunt instrument which has a disproportionate effect on the general population for no assurance of acquiescence on the part of the targeted government. Their effectiveness is outweighed by their humanitarian effects, and it is unlikely they will be used again by the Council, at least in the near future.

- **Targeted Sanctions (Travel Ban & Asset Freeze):** are designed to be more precise, and are targeted in such a way as to affect the finances and/or liberties of a targeted individual, company or non-government organisation. This type of pressure applied specifically to deviant leaders, personally affects those making the decisions. The logic of targeted sanctions being that when the political elite are deprived of luxury goods, international travel, their assets and access to finances, they will defer to their own personal interests; and as a consequence abandon deviant policies and pursue compliance with Security Council demands. These types of sanctions are unlikely to result in immediate or even total compliance. The sanctions are more realistically aimed at changing negotiating (i.e. bargaining) and internal political dynamics (i.e. defectors). Targeted sanctions of this nature broadcast a signal, a signal that may or may not apply actual and acute pressure. Nevertheless, the imposition of a sanction marks out the line between the sanctioned (deviant) and the non-sanctioned (compliant), by attaching a stigma to those sanctioned. Overall, their political effectiveness is somewhat limited.

- **Commodity Specific Sanctions:** are designed to deny the selling of certain prohibited commodities. These types of sanctions are essentially a form of partial economic sanction, often directed at severing or at least curtailing the independent income streams of spoilers and governments, which sustain conflict. Across the various sanctions regimes three commodities have been embargoed by the Council – oil, timber and rough diamonds.

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- Arms Embargoes: are the most favoured of the sanctions tools used by the Council. Such embargoes are designed to deny or restrict the means of violence (i.e. weapons) available to the targeted party. The rationale being that limiting access to new weaponry and ammunition will limit the conflict itself. Arms embargoes are the easiest measures for Council members to agree on; because the connection between arms and conflict is so obvious, that it is undeniable.

- Remonstrance (and Demand): refers to an appeal, a request of the Council. In the context of the Council, a remonstrance is used as a form of influence, either a gentle reminder or an enforceable demand. A remonstrance is a form of words, no more, which does not carry the weight of action per say, but might accompany a threat (i.e. a specific or unspecific threat of article 41 measure) to convey its significance. Remonstrance is structurally separated under the Charter between Chapter VI and VII. Under Chapter VI it is generally accepted that remonstrance is not binding on members or parties. The use of terms such as calls upon, urges, strongly urges and requests, underline the advisory nature of these resolutions. Under Chapter VII remonstrance takes the form of an enforceable demand, meaning that the demands of the resolution are actually legally binding on the member-state or other party in question.

- Peacemaking: encompasses the use of tools such as diplomacy and mediation to address “conflicts in progress, attempting to bring to a halt.” The Council initiates, or more often supports, peacemaking efforts under Chapter VI of the Charter. Article 33 outlines the possible means through which peace can be encouraged – negotiation, enquiry, conciliation, arbitration, judicial settlement, report to regional agencies or arrangements.

- Preventative Measures (including Preventive Deployment): are used as a reflection of the notion that ‘prevention is better than the cure’. The cure is almost always costlier

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44 These terms are not used exclusively in Chapter VI resolution, and can also be used in Chapter VII resolutions, only under the title “acting under Chapter VII of the United Nations Charter”

in both human and financial terms. The objective of prevention is simple, to prevent an initial outbreak of armed conflict or the escalation of an already existing one. The Security Council being reactionary, however, seldom acts before the fact. Judgments made regarding the effectiveness of preventative deployments are fraught. This is because for a preventative operation to be judged effective, ‘nothing happens’ (i.e. a crisis is averted or a conflict never materialises). Moreover, relating the effect of a conflict averted directly to the presence of a conflict prevention operation is troubled; as the link between the presence of the peace operation and the absence of conflict might only be serendipitous.

International Criminal Actions (including International Criminal Tribunals and International Criminal Court Referrals): in recent years, the Council has been actively engaged in the pursuit of international justice through the establishment of ad-hoc international criminal tribunals (Yugoslavia and Rwanda), special hybrid courts (Sierra Leone and Lebanon) and referrals (Darfur Sudan and Libya) to the International Criminal Court (ICC). The rationale behind the establishment these dispensaries of international justice is the ending of impunity through the punishment of the individuals responsible certain crimes (crimes against humanity, war crimes and genocide). For the Council, ending impunity is one avenue through which pressure can be applied to the leadership of a regime or armed non-state actor. In the context of post-conflict, ending impunity through criminal prosecution is critical in the promotion of national healing and reconciliation.

The logic of equating ending impunity with the ending of threats to international peace and security is, nonetheless, tenuous. The indictment of leaders can potentially generate undesired dynamics, which might actually strengthen the resolve of indicted leaders, limiting the scope for negotiation and bargaining. However, the benefit of international criminal tribunals could logically lead to the creation of a credible deterrent, as leaders might modify their policies to insulate themselves against potential international criminal ramifications down the line.

- Multi-National Force (MNF) Authorisation: under this model, the Council, as the legitimate authority in international politics, would empower a regional actor or a group of nations to undertake the implementation of a specific Council set mandate. MNFs have been used often as stopgap measures, as there is the tendency for member-states to limit involvement in complex situations and to deploy risk-adverse operations with narrow temporised mandates. Outsourcing of implementation to regional and multinational groupings can be advantageous or problematic depending on the context and the grouping involved. If sufficient political will exists and the necessary resources, representative of this political willingness, are afforded, an operation such as INTERFET in East Timor can be rapidly deployed to effectively serve a dedicated purpose. These forces operate outside of UN command, giving member-states the ability to directly control their own forces.

- ‘Coalitions of the Willing:’ the Council is the sole legitimate authoriser of the use of force in international politics. In this way, the Council serves a vital political function, in this function the Council acts as “instrument for collective legitimisation of state action, that is, as a ‘dispenser of political significant approval and disapproval claims, policies, and actions of states.’” 47 The authorisation model severely limits the Security Council’s ability to manage the uses of force, which it has authorised. The Council, essentially, issues the license for the use of force, as the legitimate licenser. The Council might place conditions upon the purpose and parameters of its use, broad or limited. In doing so, the Council has in practice chosen to relinquish complete control to the licensee for the authorised military action, thereby legitimising the actions of the licensee, but only to the extent to which the licensee operates within the parameters set by the Council.

**Indicators of Solution-Situation Compatibility**

It is difficult to establish indicators to recognise the degree of compatibility between a Council based solution and the problem-context. This difficulty is due in part to the complexity of the mosaic of the problem-context and the difficulty of separating the effects of the Council from other extraneous factors. Nevertheless, it is possible to ascribe the elements of a solution with the maladies of the context. For instance, the creation of an international

tribunal might be designed to initiate reconciliation in order that the societal cleavages brought by war might be repaired.

Solutions might only address the symptoms, and so it is likely that in these instances the best outcome might be a form of negative peace. On the other hand, solutions that address the underlying causes of a conflict are best placed to bring about positive peace, over the longer term. However, a quality solution cannot be effectively enacted unless the membership expends sufficient political will, allocates the requisite resources and provides the necessary leadership. A substantive lack of these elements will likely substantively diminish the effectiveness of the Council’s proposed solution. These components are discussed in the following sections.

Political Will

It [the Council] has a remarkable ability, if it wants to use that ability. So it is really an issue of willingness. The reason the Council doesn’t solve problems, isn’t because it can’t, it’s usually because it is unwilling to do so...If the will is there the Council can do remarkable things. 48

When engaged in political behaviour member-states need to demonstrate a willingness or motivation to expend resources. This is known as political will. Political will is a demonstration of a strong commitment and firm intention, on the part of member-states, to carry through a policy. Many, including Gareth Evans, 49 Nicolas Wheeler 50 and Kofi Annan 51 have argued that a manifest lack of political will is a major impediment to action in many instances. However, few have engaged in a concentrated analysis of this element.

Political will is about the mobilisation of political support to firstly, generate solutions and, secondly, sustain solution implementation. The Council is constantly confronted with a large number of problems all of which concern international peace and security, all of which

48 Fowler, 'Interview with Author'.
51 “We have the means and the capacity to deal with our problems, if only we can find the political will” (Kofi Annan cited in K. Currah, 'Mdgs 2.0 – an Open-Sourced Campaign', <http://www.eadi.org/fileadmin/MDG_2015_Publications/Currah_THINKPIECE.pdf>, accessed 08/03/2013
warrant the Council’s attention. For the Council to respond to a problem, key decision makers and thought leaders\(^{52}\) need to be convinced of the problem’s importance. This can be achieved through force of moral argument, the normative entrepreneurship of NGOs, domestic public pressure brought about by media coverage (‘CNN effect’),\(^{53}\) an internal sense of civic duty (internationalist sentiment) or national interest convictions. Once convinced of an issue’s importance, motivated member-states expend diplomatic resources to generate the critical mass required to break inertia and incite Council action.\(^{54}\) This type of political will supports the generation of solutions. Political will is required to sustain the implementation of solutions. In this respect, the allocation of resources (i.e. troop contributions and materiel) denotes the amount of political will that has been prescribed to a solution.

**Indicators of Political Will**

As already mentioned, the allocation of resources denotes political will and commitment to a prescribed solution. The resources afforded, in overall terms (i.e. troop strength for a peacekeeping operation), is a significant marker of political will. However, perhaps more indicative of the political will of certain member-states is the allocation of that member-states own resources and the speed in which these resources are dispatched (i.e. urgency can be equated with a higher level of political will). In Somalia, the UNITAF multi-national force was deployed with troop strength of 37,000. The provision of a force of this size is indicative of the high degree of political will, which existed among the western Council members (and particularly the US – providing some 25,000 troops).\(^{55}\)

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\(^{52}\) In the Council, the representatives of the P-5 are critical. Outside the Council, the leaders of these countries are critical. Other respected world leaders might also be considered ‘key-decision makers’ or at the very least advocates for a response.

\(^{53}\) S. Livingston, ‘Clarifying the CNN Effect: An Examination of Media Effects According to Type of Military Intervention’, (Cambridge, M.A: Joan Shorenstein Center on the Press, Politics and Public Policy, John F. Kennedy School of Government, Harvard University, 1997).

\(^{54}\) Most member-states do not possess the necessary capacity or the will to act independently. Member-states will rarely commit to international intervention without first establishing company, due to the costs incurred - both political and financial. Multilateral forums, such as the Security Council allow for the establishment of such company. The Security Council can be seen to be a positive enabling environment. In the UN system resources are pooled, and the costs shared, in turn lowering the threshold for action. On the other hand, the UN is afforded scarce resources by its membership, which is reflective of overall commitment to the UN itself. This in turn limits member-states willingness to expend those resources.

The number of resolutions adopted by the Council (apart from procedural mandate renewals) on a particular subject can act, as an indicator of the level of political will in existence. The argument being that the attention granted to a particular situation in the Council indicates the relative willingness of the Council to solve the problem in question. Some questions the Council deals with are afforded more time than others, while on certain matters the Council produces a significant number of resolutions when compared to other matters.

Member-states that are committed to a problem might also establish a Group of Friends (or other informal entity) to effectively channel the political will, which exists around an issue. In the case of East Timor, a Core Group of likeminded states, each with their own specialisation came together in order to support the ‘popular consultation’, the INTERFET intervention and then the transitional administration (UNTAET). If can be argued that each of the states that were members of Core Group had an interest in the outcome and the stability of East Timor. The Group of Friends, therefore, stands as a marker of political will.

**Resources (Means)**

For the Council to implement its solutions member-states are required to contribute resources. Each solution has its own resourcing requirements, depending on the instrument/s employed. In peacekeeping scenarios, member-states are required to contribute troops and materiel (i.e. armoured vehicles, helicopters). In other scenarios, the resourcing requirements might be significantly less. All in all, the mobilisation of resources to implement decisions is crucial to the realisation of desired outcomes.

The allocation of insufficient resources can act as significant constraint on the Council’s capacity to act in the world. ‘Overstretch’, ‘funding shortfall’, ‘under-resourcing’ are terms commonly used in reference to Council operations. The examples are numerous. In October 2010, the SRSG for Sexual Violence in Conflict, Margot Ahlstrom, remarked that MONUSCO (the UN mission in the DR Congo) was "overstretched and under-resourced." 56

In another case, the then-USG for Peacekeeping Operations, Jean-Marie Guéhenno, told the Council in February 2008 that UNAMID [the UN mission in Darfur] was “severely under-

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resourced” and that “the number of troops, police, and their enabling capabilities currently in the mission area were simply not sufficient.”

The Council often positions peacebuilding programmes at the centre of its solutions, yet rarely ensures that these programmes are properly funded. Vital programmes such as Security Sector Reform (SSR), Disarmament-Demobilisation and Reintegration (DDR), truth and reconciliation, rule of law and judicial reforms normally lie outside the UN general budget and the UN peacekeeping budget. As a result of this funding arrangement, these programmes enjoy no guaranteed funding. Instead, they rely on the voluntary contributions of multilateral and bilateral donors. In certain situations, underfunding of critical programmes, such as the reintegration phase of DDR, has actually directly threatened the peace itself. Even though the Council might “urge all states and international organisations to provide resources,” its instructions are inconsistently heeded.

**Indicators of Resourcing**

What determines the level of resourcing? It can be argued that political will is the main determinant for the level of resourcing. A clear lack of political will on the part of member-states is often reflected in a lack of resources provided to carry out Council decisions. A comparison between the cases of arms embargo enforcement in Libya and Darfur provides evidence to support this argument. In 2011, the Council adopted resolution 1970, which imposed an arms embargo on Libya. To enforce and monitor this arms embargo, NATO used its Standing Maritime Group 1 and Standing Mine Countermeasure Group 1. Later, NATO increased the level of resources provided to further support the enforcement of the arms embargo, under its Operation Unified Protector. In 2004, the Council adopted resolution 1556, which imposed an arms embargo on all non-government entities and individuals (later applied to all parties to the ceasefire) in Darfur. Unlike Libya, no member-states offered resources to monitor and enforce the arms embargo. It can be surmised from the allocation of these resources that the Council’s Libyan arms embargo enjoyed a higher level of political support than its Darfur arms embargo.

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59 12 countries participated in the maritime operation, which included 18 frigates and 5 destroyers  
60 All States shall take the necessary measures to prevent the supply of arms and related materiel of all types and also of technical training and assistance in relation to actors operating in Darfur (res. 1556)
Leadership
At critical moments in time, leadership is required to make things happen. Hence, leadership is an important element in the concept map of Council agency. Leaders mobilise political will and then harness this will to pursue the accomplishment of desired goals. A leader might manage an issue by owning the politics of a problem - guiding a solution and resolution through the processes of the Council. Alternatively, a leader might guide the implementation of solutions by furnishing resources – in the form of troop contributions or military materiel. They might do both, as the United Kingdom did in Sierra Leone.

Paul Heinbecker points to the “innovative and productive diplomacy” of those countries that have a record for making constructive contributions - countries such as Norway, Singapore, New Zealand and Costa Rica. These ‘smart members’ can play a leadership role through their active and engaged diplomats, ‘who are not trying to run the world.’ Perhaps, the best example of a smart member “creating an opportunity to be effective,” was Canada, during its 1999-2000 term on the Council. Before taking its seat in the Security in January 1999, Canada’s Permanent Representative Robert Fowler, an astute diplomat with a keen knowledge of Africa, recognised an opportunity:

I thought that maybe there would be an opportunity to make a difference [in Angola]. That the stars, were reasonably aligned, and could be better aligned.  

After recognising the opportunity, Fowler decided to take on the position of chairman of the Angolan sanctions committee (pursuant to resolution 864). Sanctions were first imposed in Angola in 1993. Additional sanctions, which targeted UNITA specifically, were later imposed in August 1997. However, in spite of these long-running measures, the sanctions had limited effect. Fowler single-handedly transformed the sanctions committee, immediately issuing a progress report in February 1999 and travelling to Europe and throughout Africa.

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61 Fowler, 'Interview with Author'.
62 Ibid.
63 Ibid.
Soon after the Council authorised two independent panels of experts to investigate UNITA violations of the sanctions regime (res. 1237). Throughout 1999, Fowler flew under the radar. This suited the work of the sanctions committee.

Nobody paid any attention to what we were doing, which was wonderful, and therefore we could do it. 66

Fowler, as the architect of the re-energised regime, oversaw the panel’s most significant report published in March 2000. 67 The report, known as the Fowler Report, had a dramatic impact. It was clear in its identification of the arms-diamonds schemes. It was undiplomatic in its naming and shaming those involved in supporting UNITA, including Joe and Ronnie De Decker, and the serving presidents of Togo and Burkina Faso - Gnassingbé Eyadéma and Blaise Compaoré. Fowler’s report was hard hitting due, in part to, the support afforded him by the Canadian government; as he describes below:

I had a government that was prepared to stand up to some close friends. We were skewering a few of the French government’s favourite puppets in Africa, and when at the 11th hour, they finally discovered that this was the case. They [the French] went crazy and said ‘you can’t do that’. And I had to threaten the French ambassador with showing interviews and a film I had taken from Angola. They appealed to Ottawa, saying ‘shut him down’. Remarkably, remarkably, Ottawa said ‘No’. 68

The report resulted in the strengthening of sanctions under Resolution 1295 and the establishment of a monitoring mechanism to improve the effectiveness of the sanctions regime and investigate violations. 69 Jonas Savimbi, starved of diamond income and weapons, was killed by the MPLA Government in 2002. The Angolan sanctions regime subsequently

66 Fowler, ’Interview with Author’.
68 Fowler, ’Interview with Author’.
gave birth to the Kimberly Process, a certification scheme designed to ensure conflict-diamond free production. In sum, Fowler’s work over a two-year period on the Council provides an exemplar of effective leadership. Moreover, “Fowler showed that independent panels of experts could be used in an innovative way to make it possible for the Security Council to apply pressure to sanctions violators.”

It is important to also consider the position of the E-10, and their respective attitudes toward their position on the Council. Many E-10 do not engage in such original problem-solving work, as illustrated in the Canadian example. Instead, they consider membership of the Council not as a responsibility, but rather as an opportunity to advance their interests, whether those interests are prestige related or more specific.

Fen Hampson argues in his book ‘Nurturing Peace: Why Peace Settlements Succeed or Fail’ (1996) that “only major powers have the resources and capacities to intervene in internal conflicts.” The Great Powers (P-5), the middle powers and the smaller supporting countries have, at various times, adopted leadership roles in particular situations. France currently leads on Cote d’Ivoire, and used to lead on Chad, while the British currently lead on Somalia, Darfur, and used to lead on Sierra Leone. Countries with influence can mobilise resources, provide economic assistance, muster political-diplomatic support and even furnish military forces to ‘augment’ UN operations. They act, in effect, as a Godfather. Former UN Secretariat official and Professor of International Law at Tufts University, Ian Johnstone, argues the point along similar lines:

I don’t think that I’d go as far to say that you need a Security Council member to run the ‘show’, but you almost always need a Security Council member, probably one of the P-5, to be the lead country on the ‘politics’... My view is that you need one powerful country, with a lot of influence to say, ‘we’re going to carry the load on this, we’re not going to do it alone, but we’re going to carry this one’

Although the role of the ‘Godfather’ is supposed to be one of benevolence, issues of neo or post-colonialism, hegemonic and exploitative behaviour, as well as the protection of commercial interests inevitably arise from this style of lead country designation. The Council, nevertheless, has the ability to provide, or limit, the latitude afforded to the lead country, according to its digression.

**Conclusion**

This chapter provides an explanatory model for Council agency. Such a model relies on the foundation created by legitimacy. This legitimacy was said to have derived from a number of sources (purpose, deliberation, procedure and effectiveness) and was conferred by both member-states and parties to a situation. Legitimacy it was argued generated the enabling environment in which the Council could operate. It was concluded that legitimacy could be recognized by assessing the rate of compliance to the demands of the Council. The second element of the agency model was P-5 alignment. This element was also presented as an enabling concept. It was acknowledged that the degree of like-mindedness of the P-5 determined the functionality of the Council, at a base level. A high degree of alignment resulted in higher functionality, while non-alignment (veto) equated to low functionality. The argument can be presented that legitimacy and alignment constitute the foundations of Council agency.

At the centre of the model was the notion of solution. If one considered the Council’s task as akin to that of problem solving, then solution takes logical precedence. The solution itself involved the invocation of an instrument to transition a situation from an initial undesired state to a desired goal state. It was posited that the effectiveness of the Council was determined by the degree of compatibility between the situation in question and the Council based solution. A quality to solution, however, does not necessarily deliver goal attainment. Means of support (political will, resources and leadership), both tangible and intangible are required. If there is a lack of political will or resources to enact a solution, then that solution will likely be ineffective. Overall, it is clear that solutions require support - from generation to implementation.
In summary, this chapter has presented the argument that in order to achieve desirable outcomes, the “stars must align”\textsuperscript{73} for the Council – alignment across the permanent membership, effective members must take the lead, to formulate a solution strategy and then generate the political will necessary to implement the solution using the necessary resources. The following chapters will use both the model presented in this chapter and the measure established in chapter 3. These conceptual models will be used to explain empirical phenomena –namely the cases of El Salvador in chapter 5, Sierra Leone in chapter 6 – as well as a range of other mini case studies in chapter 7.

\textsuperscript{73} Fowler, 'Interview with Author'.
Part II: Examining the Effectiveness of the UN Security Council
Chapter 5
A Case Study in Effectiveness: Efforts Toward Peace - Central America (El Salvador)

El Salvador is a premier case for effectiveness and the concept of Council agency as presented in chapters 3 and 4. This chapter will offer an historical overview of the situation in El Salvador in its initial state – an historical, economic and social context has been provided. As part of this first section, an examination of the actors involved (namely the Government of El Salvador and the FLMN) has also been included. The characteristics of the actors has been framed using the method for examining actors outlined in chapter 1 – motivation, unity, strength, resources, modus operandi, leadership and alliances/relationships.

The second section comprises the body of the chapter, which narrates the case of El Salvador through the concept of the Council agency. The case study data will be organised using the six elements of Council agency – legitimacy, alignment, solution, political will, resources and leadership. Following this examination will be a discussion of a variety of contextually important extraneous factors including – the goodwill of the parties, the quality of peace agreement and the impact of the mediators and the group of friends. The third and final section of the chapter uses the intra-state conflict measure of effectiveness (built in chapter 3) to assess the effectiveness of the Council in El Salvador.

Case Summary
Diagram 5.1 is an illustrative summary of this case. The model constructed in the first section of chapter 4 has been applied to the case of El Salvador and populated with case specific information. It is clear from this incarnation of the model (5.1) that there existed a high degree of political will among the states of Central America to bring an end to the conflicts which had ravaged their countries throughout the Cold War. Many of these countries were war-weary and no longer enjoyed the plentiful support of the US. Moreover, the counter-insurgencies waged against their respective opponents (the guerrillas) had yielded limited success. In simply terms, the hurting stalemate in Central America generated the political will to pursue negotiated peace. The leadership provided by the Esquipulas II was critical to the process (as explained in detail in the section below: political will).

El Salvador was a case in which the P-5 saw little interest. It was a small country, with limited strategic value after the Cold War, and was a perfect test case for the new and more cooperative Council. The case was placed on the agenda and was backed by considerable
Secretariat support throughout the peacemaking phase. Once the San Jose agreement was signed the Council, following the advice of the Secretary-General, authorised the deployment of a human rights team, which was later followed by the deployment of the United Nations Observer Mission in El Salvador (ONUSAL). This mission was vital to the verification of the peace accords, and is credited for placing the peace in El Salvador on a strong footing.

In the end, the peace in El Salvador was driven by the parties themselves, a helpful regional context and the work of UN, especially Álvaro de Soto (the SRSGs for El Salvador). The solution itself was to a fair degree context specific. However, more could have been achieved to address militarism, land issues, and DDR. The following case study below renders the key elements of the model clearer and provides a greater level of insight into the case, beginning with an historical overview of the conflict.

**Conflict Chronology**

The context in which the case of El Salvador is contained is important to understand, as it gives the reader a greater level of insight into the case. The Salvadoran Civil War began as a latent conflict underlined by class struggles between the nation’s landed elite and the rural peasantry, known as Campesinos. After the military coup d’état of 1931, President Gen. Maximiliano Hernández Martínez laid the foundations for the repression of the rural poor by the state through the use of its military – establishing a state of affairs which became engrained in El Salvadoran society – brutal military repression. The triggering event for the El Salvadoran Civil War was the coup d’état of October 1979.  

1 This event initiated a cascade of incidents, which would escalate toward violent conflict. Reformist officers from within the Salvadoran military launched the coup against the then-president General Carlos Humberto Romero. Following the coup, the reformists, calling themselves the Revolutionary Government Junta (JRG), made plans to redistribute economic and political power. This placed them in direct opposition to conservative elements within the military and the Salvadoran elites, who subsequently launched a counter campaign against the Junta and the reform movement, using the tactics of death squads and political assassination.  

2 In 1980, Jose Napoleon Duarte became a member of the Junta (as Foreign Minister), and later as the JRG split he ascended to the presidency, with the support of the U.S government. With

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2 Ibid.
the Duarte becoming president, the reformists fled and would later meet in Havana to consolidate as the FMLN (Farabundo Marti National Liberation Front) – a coalition of five guerrilla groups. ³ They would wage a war of attrition and economic sabotage, which was counted with scorched earth tactics by the right-wing Duarte government (which operated with U.S support). Human rights were systematically violated, with death squad killings, arbitrary detention, and other acts of brutality being practiced by the government. ⁴ The war with the FMLN continued unabated.

In 1984, Duarte defeated the Nationalist Republican Alliance Party (ARENA) candidate Major Roberto D’Aubuisson in an election only contested by conservative candidates. However, five years later in March 1989, D’Aubuisson’s protégé and ARENA presidential candidate Alfredo Cristiani ⁵ campaigned successfully and defeated Duarte to become President. Cristiani, a moderate had campaigned on a pledge to end the war and pursue a peaceful settlement, which D’Aubuisson also supported, subsequently consolidating Cristiani’s leadership of the ARENA party. The war, however, continued behind all of the conservative political transitions.⁶

Two incidences in late 1989 highlighted the futile nature of a continued conflict. The first occurred in November of 1989, when the FMLN launched an offensive into the wealthy neighbourhoods of San Salvador in an effort designed to promote a popular insurrection against the government. The offensive was not successful. The second incident took place on 14 November when members of the military killed six Jesuit priests, their housekeeper and her daughter. ⁷ At this time, both parties (the GoES and the FMLN) were locked in a hurting stalemate, which created a set of circumstances conducive for mediation. Both parties recognised the need for peace, and sought out the United Nations as a mediator, after earlier mediation gained little traction.

The UN, acting under the leadership of Álvaro de Soto, led the parties through a complex and comprehensive series of negotiations. The negotiations were characterised by no fewer than

³ Ibid.
⁵ ARENA had operated death squads with the army
⁶ White, The History of El Salvador.

The negotiation of these agreements built trust between the GoES and the FLMN, and contributed to the irreversible trajectory of the peace process. The final agreement was signed on 26 January 1992 at Chapultepec Castle in Mexico City. This agreement established a DDR and SSR programme (including police and military reforms), human rights protections, justice system reforms, land reforms and a truth commission.

**The Elements of Council Agency in the Case of El Salvador**
The second section of this chapter examines the Council’s role in the situation in El Salvador.

**Legitimacy**
The central actors, FMLN and the Government of El Salvador, viewed the Council as a legitimate intermediary in the context of the peace process. This enabled the Council to affect a desired outcome. After previous failed attempts to mediate a peace between the two parties, the Government of El Salvador sought the assistance of the United Nations in the matter. The UN was involved in the implementation of the Esquipulas II and had provided an observer mission, ONUCA, and a separate electoral mission for Nicaragua, ONUVEN. Therefore, the Government of El Salvador, through these prior dealings, had gained a confidence in the ability of the United Nations.

The FMLN, however, were more sceptical of the UN. Esquipulas through the UN’s mission ONUCA had placed limitations on FMLN supply lines into Nicaragua. It was for this reason the FMLN viewed the UN as being subservient to the needs of the state over those of the rebel groups. The FMLN’s trust was gradually gained through the trusting diplomacy of the SRSG, De Soto, and the Council’s supportive follow through (and ONUSAL imparity). The fact that the Council recognised the FMLN in its resolutions also conferred a sense of legitimacy on the FMLN – elevating the group to the level of political equal within the context of the negotiations.

The parties’ acceptance of the Council’s legitimacy is evidenced in the parties’ provision of consent and cooperation. The Council relied on the parties’ positive reception of the
ONUSAL mission. As a consent based mission, ONUSAL, could not function effectively without the consent and cooperation of the parties. The Council and the SRSG remained flexible, supportive and receptive to the needs of the parties throughout. This approach assured that consent and cooperation was maintained throughout the mission’s lifecycle. Overall, the legitimacy of the Council in the case of El Salvador was linked to the ‘organically grown’, internally driven peace process. It can be hypothesised that if ‘peace’ were imposed on the parties, the Council would not have enjoyed the level of consent and cooperation that it ultimately achieved. Overall, the Council’s legitimacy was evidenced in a medium-high of 67.86% on the medium term compliance score. Moreover, the Council recorded an average compliance score of 2.54 (short-term compliance) and 2.71 (medium terms compliance), across 35 demands stated in 11 resolutions. This level of compliance (60%) was founded on the basis of prior commitments made by the parties, as aforementioned.  

**P-5 Alignment**

In 1988, a Council based solution was accepted by both Iran and Iraq, ending the war that had been fought between them over the course of the debate (1980-8). The resolution of this conflict was the first evidence of a Council unlocked from the paralysis of the Cold War. From the mid 1980s, tensions between the superpowers began to decline, which in turn allowed for a greater degree of alignment between the Great Powers on the Council. An activist Council was empowered by this alignment and could begin to deal with the so-called ‘proxy wars’ fought in Asia (Cambodia), Africa (Angola and Mozambique) and Central America.

El Salvador was one of these so-called proxy wars and one on which a relatively high degree of alignment was possible. Under Carter and Reagan, the US pursued a Central American policy, which allocated considerable resources to ‘anti-communist forces and governments’ – including the Government of El Salvador. For the Soviets, support was given to the various communist rebel groups and the Sandinista government in Nicaragua. However, Soviet support was considerably less than the support afforded the Contras and the Government of El Salvador.

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10 The START I treaty was signed and the Soviet Union had withdrawn from Afghanistan.
El Salvador by the US – as the Monroe Doctrine established the Americas as the preserve of the US.

In spite of this support, by the late 80s both superpowers sought to extricate themselves from the situation in Central America. Recognising the opportunity for stability in Central America, the superpowers stood back and allowed the United Nations to lead the mediation efforts. However, when the peace process became deadlocked in mid-1991, the superpowers intervened to lend additional support to the process. The US and the USSR issued a joint letter asking for the Secretary-General to “take personal leadership of the process and offering to join with the Friends in providing support to his efforts.” The then Under Secretary-General for Special Political Affairs, Marrack Goulding, called the move “helpful,” adding that with the assured support of the superpowers the Secretary-General could then move to solve the deadlock. Throughout the engagement, P-5 alignment on El Salvador was strong, as evidenced in the passage of all 11 of the El Salvador resolutions by unanimity. Of all the P-5 members, El Salvador most concerned the United States. Initially, the USSR held an interest, but after its collapse the new Russian Federation was decidedly disinterested. The other permanent members were similarly disinterested.

Solution

As has been elaborated in the preceding sections of this case study, the Council selected and employed a range of tools to verify the commitments made by the parties to the Chapultepec Agreement. The instruments selected by the Council in the case of El Salvador included: peacemaking, remonstrance (and demand), peacekeeping (multidimensional) and residual peacebuilding. The Council used each of its instruments flexibly, dispassionately and sensitively, never enforcing its will through threat or sanction. The following section seeks to explore this proposition in more detail through the examination of the 10 key resolutions on El Salvador (under the subject heading Central America: Efforts Towards Peace) adopted by the Council.

For the Council, the situation in El Salvador was contained within the structure of its broader support for peace in Central America. Following the signing of the Esquipulas II and II

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11 This not to deny that both had vested interests in particular outcomes
13 Ibid., p. 234.
agreement, the Council endorsed the agreements and established ONUCA to support its implementation. The first exploratory meeting occurred in Montreal in November 1989 and involved the Secretary-General’s special advisor Alvaro De Soto, and Salvador Samayoa and Ana Guadalupe Martinez from the FMLN. At the meeting, De Soto laid out the vision for the process and discussed the relationship between the Secretary-General and the Security Council. At the time the pair from the FMLN did not think the Security Council would favour UN mediation. Soon after this initial meeting, while in Honduras, De Soto approached the El Salvadoran President Alfredo Cristiani with details of the meeting with FMLN. A further meeting at the San Jose Summit of the Contadora Group would ratify UN mediation of the conflict in El Salvador.

The process was set in motion with two agreements, the first was concluded in Geneva in April 1990 and the second was signed in Caracas a month later. The Geneva preliminary agreement laid the groundwork for the process, while the Caracas pre-negotiation agreement set the general agenda and a timetable for negotiations, which would continue for two years. On May 4, 1990 the Security Council adopted resolution 654, which referred to the Geneva agreement and welcomed “the efforts of the Secretary-General to promote the achievement of a negotiated political solution to the conflict in El Salvador.” At this time, the Council invoked the use of its peacemaking instrument. The Council used this instrument to support the work of de Soto as he pursued mediation efforts under the Geneva framework and the Caracas timetable. Other actors, including the U.S, Russia and the Group of Friends, also lent ballast to the mediation efforts of the Secretary-General. During the process the Council set aside a more activist peacemaking approach, and instead provided carefully conceived support that was both limited and decisive.

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16 Fears that were subsequently allayed by Council support for the process, made clear in the words of operative clause 3 of resolution 654 (1990).
17 The United Nations’ involvement was subsequently confirmed in January of 1990 with a meeting with the Secretary-General in New York. The Secretary-General publicly announced the UN mediated process on April 4, 1990.
The first substantive sub-agreement (San Jose, July 1990) addressed the protection and promotion of human rights issues in a transitioned El Salvador. The agreement, designed to enshrine and uphold human rights (in particular right to life, integrity and security of the person, due process of law, personal liberty, freedom of expression and association) was subject to international verification. The human rights verification mission outlined in the agreement would investigate rights violations (from the time of the mission’s establishment, with the cessation of hostilities), as well as promoting and defending the concept of human rights countrywide.

With resolution 675 (5 November 1990), the Council earmarked and signalled further intensive Council engagement in support of the peace process. The resolution established a small preparatory office, as recommended by the Secretary-General in his report. This office was to provide a technical assessment (or feasibility) regarding the imagined future commitments of the Council in the verification and implementation of the peace accords.

The second sub-agreement was signed in Mexico City in April 1991. This agreement outlined the nature and detail of constitutional reforms concerning the armed forces, the judicial system and the electoral process. Resolution 693 (20 May 1991) continued the Council’s use of its peacemaking instrument, by:

Calling upon both parties to pursue the current negotiations urgently and with flexibility, in a concentrated format on the items agreed upon in the Caracas Agenda, in order to reach, as a matter of priority, a political agreement on the armed forces and the accords necessary for the cessation of the armed confrontation, and to achieve as soon as possible thereafter a process which shall lead to the establishment of the necessary guarantees and conditions for reintegrating the members of the FMLN within a framework of full legality, into the civil, institutional and political life of the country.

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20 A critical element of the accord process considering the massive and systematic violations of human rights that took place throughout the Civil War.
21 Designed to stop night arrests, arbitrary (incommunicado) detention and torture by the military, Policia Nacional and other police forces.
This pre-ambulatory clause made the parties aware that the Council was following the negotiations closely. However, more importantly the resolution acknowledged the seemingly irreversible trajectory of the peace process by approving the establishment of an integrated peacekeeping mission to oversee implementation and to verify the San Jose agreement on human rights. Interestingly, the United Nations Observer Mission in El Salvador (also known by its Spanish acronym ONUSAL) was to be deployed ahead of a formal cease-fire agreement being signed (for an initial period of twelve months). This was to build confidence building between both parties and the wider Salvadoran society. The first component of the mission to be instituted was the human rights division (verifying the San Jose agreement). However, the Council foresaw the inclusion of additional divisions (in 693 paragraph 2) as part of the ONUSAL mandate, to be established upon the conclusion of future agreements.  

The deployment of the preparatory office to San Salvador, following the passage of resolution 693, basically assured an on the ground verification role for the UN in El Salvador. At this point Council was committed to walking the path of verification with a forward mission paving the way for the establishment of perhaps the most innovative UN peace operation (ONUSAL) to that date. The bolt together multidimensional operation possessed four components, each established at difficult stages of the overall operation. ONUSAL was given a pioneering compliance monitoring mandate verifying military disengagement, public security reforms and human rights protection. The presence of ONUSAL as an observer was intended to promote an environment conducive to compliance as well as to build confidence and dispense various peace dividends.

ONUSAL provided an on the ground oversight presence, while the Council continued to oversee and support the implementation from New York. The practice of implementation oversight relied on the application of leverage. Leverage that the Council used in a decidedly positive manner – no conditional promises linked to threats were issued and neither party to the conflict was subjected to sanction. Instead, the Council pursued a strategy of reinforcement, designed to bring about compliance by reminding the parties of the prior commitments they had made. Council demands in line with this strategy addressed the most difficult aspects of the accords. These demands were reiterated across numerous resolutions.

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24 Ibid., para. 3.
The process of negotiations, however, was not without its difficulties. In late 1991, the negotiations became deadlocked over the issue of the ceasefire and complete cessation of hostilities. In September 1991, the New York Agreement was made. This agreement compressed the negotiations into a single phase in order to overcome the problems. This was done with the blessing of the Security Council in resolution 719.  

The agreements, made in New York in September of 1991 concerned security sector reforms, including: the details of the new National Civil Police Force (PNC), of which former FMLN combatants were allowed to participate; the purification, and reduction, of the armed forces; and the establishment of the National Commission of the Consolidation of Peace (COPAZ), a body of oversight charged with the task of supervising the implementation of all the agreements.

A number of items remained outstanding, all requiring closure before the final comprehensive peace agreement could be instituted. Further intensive negotiations, to resolve those outstanding issues took place in New York prior to the departure of Secretary-General General de Cuellar, whose tenure expired at midnight 31 December 1991. With the New York Act and the New York 2 agreement, the comprehensive peace agreement was virtually finalised, with the cessation of hostilities to take place on 1 February 1992.

The final accords were signed in Mexico City’s Chapultepec Castle on 16 January 1992. The settlement was comprehensive and detailed, designed to provide the durable solution required to overcome the deep cleavages that existed and which led to civil war. The Chapultepec Agreement set down a range of profound institutional and political reforms, which would include land, electoral, judicial and security sector reforms, improved social and economic arrangements as well as the demobilisation, reintegration of the FMNL and their transformation into a political party. The so-called ‘negotiated revolution’ would be verified by the UN’s most invasive (to that date) operation – ONUSAL.

**Solution: Following the Ceasefire**

The ONUSAL mission was tailor-made for verification of the El Salvadoran accords rather than an extension of the UN Observer Group in Central America’s verification mission of the

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27 The complexity of the resolutions increased as UN engagement wore on – echoing the trend across all matters dealt with by the Council. Lengthy perambulatory clauses proceeded more numerous and extensive operative clauses in many of the later resolutions (resolutions 791-961 contained at least 9 operative clauses).
Esquipulas II in neighbouring countries (particularly Nicaragua). ONUSAL’s human rights division had already been established prior to the Chapultepec Agreement. With the signing of the agreements in New York, the Council enlarged ONUSAL’s mandate to include two new divisions – the military and police divisions.

The military division was charged with the verification of the cessation of hostilities and the separation of forces, more specifically: the redeployment and cantonment of both El Salvadoran military units and the FMLN; verifying weapons and personnel inventories; demining tasks; and the investigation of military related complaints. The division operated with an authorised strength of 380 military observers. The police division was somewhat larger, with an authorised strength of 631 police observers. The police division of ONUSAL was tasked with assisting the transition from the former security forces to a reconstituted National Civil Police (PNC). The police observers supervised a transitional police force known as Auxiliary Transitionary Police (PAT) and oversaw the admission of recruits to the National Public Security Academy. Across the duration of the mission, the police division provided technical assistance to the new police force (PNC) and other divisions of ONUSAL, with a particular emphasis on the promotion and protection of human rights.

The well-crafted, balanced and synchronised actions set down in the agreements around FMLN demobilisation mirrored by reciprocal action on the part of the government, were key in the overall outcome. However, as the process progressed through the first year (1992) of implementation a number of difficulties were encountered. Although a cease-fire had been in force since the start of February, the full and final cessation of hostilities was set down for the 31 October 1992. This date was not met due to issues concerning the delayed implementation of the land distribution agreement, the admission of FMLN combatants into the National Public Security Academy and the participation of the FMLN in the political life of the country. In an effort to overcome the difficulties, the Council insisted (in resolution 784) that the parties respond positively to the proposals of the Secretary-General. In response, the parties confirmed the cessation of the conflict six weeks later on 15 December 1992.

Further difficulties would emerge at the start of 1993, namely issues relating to the implementation of complex aspects of the agreement, along with two critical events in the process’ timeline. First, tensions were raised after the Commission of Truth tabled its report into human rights abuses carried out during the Civil War. The report entitled from *Madness to Hope*, was rejected by the ruling elite and an amnesty declared providing immunity for those who committed crimes during the period of the Civil War. 31 Second, in May of 1993 the explosion of a FMNL weapons cache in neighbouring Nicaragua saw the deterioration of trust between the parties. The incident was described by the Council as ‘the most serious violation of the peace agreement to-date’. The response of ONUSAL was decisive, destroying, with the cooperation of FMNL, all remaining weapons caches and restoring confidence in the progress of the peace process – as declared by the Secretary-General on 12 July 1993.

The Council noted a number of issues with the implementation of the Chapultepec Agreement, primarily before the elections and towards the end of the ONUSAL mandate period. 32 Generally, the Security Council’s concerns emphasised internal security. Resolution 888 identified the reoccurrence of politically motivated violence, during the election campaign, as a problem requiring immediate remedy. 33 Firstly, the Council condemned the acts of violence, in question. Secondly, the Council urged both the government and the FMLN to prevent further acts of violence fearing that the situation could spiral into a cycle of political violence. Thirdly, following the difficulties with local ownership of the Truth Commission’s findings, and in order to address the culture of political violence, the Council supported the establishment of a credible joint mechanism tasked with the investigation of politically motivated illegal armed groups.

The Council in resolution 888 and 920 identified further problems with delayed implementation. The Council was:

Concerned at the continuing problems and delays in implementing several important components of the Peace Accords, including inter alia, those related to the transfer of lands, the reintegration into civilian society of ex-combatants and

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war disabled, the deployment of the National Civil Police and the phasing out of the National Police, and the recommendations of the Commission on the Truth, Noting with concern the recent acts of violence in El Salvador, which may indicate renewed activity by illegal armed groups, and could, if unchecked, negatively affect the peace process in El Salvador including the elections scheduled for March 1994.  

The delayed implementation of the land transfer programme, the reintegration of ex-combatants, the demobilisation of the National Police and the implementation of the recommendations of the Commission of Truth were identified by the Council as issues. Some were referred to in resolution 888, while others were reiterated in resolution 920. The all seeing eye of the Security Council recognised deferred, tardy or stymied implementation of certain aspects of the agreements. Council pronouncements on these ill-implemented aspects insisted on compliance and alerted the parties to the fact that the Council was keeping a watchful eye on the implementation process.

Council verification assessments were given added weight as they were linked to actual and abstract incentives, both international and domestic. Domestically, negative implementation reviews would negatively affect the public perception (public: overwhelming majority sought peace in El Salvador) of the parties and in turn hurt their electoral prospects. One serious violation by the FMLN, described by the Council as the most serious breach (to date), seriously affected the FMLN’s election campaign and tarnished the image of a number of high profile candidates. Internationally, Council verification assessments were linked to donor support. This was the case for the US, whose contributions were dependent on positive Council implementation reviews. Moreover, Council and ONUSAL judgements on the process of implementation were particularly frank in the initial phases of demobilisation and land transfer. This caused considerable embarrassment for the government, forcing a more serious approach to its commitments.

Earlier in 1993, the El Salvadoran government had requested UN observation of the elections to be held in March of the following year. The Secretary-General was provided a technical assessment in May, 1993 and briefed the Security Council on the proposition of augmenting
the ONUSAL mission with an electoral division. The Council approved the expansion of the mission’s mandate in resolution 832. The electoral division would oversee the election campaign including the registration of voters and the political activities of the candidates. Concerns were raised in the lead up to the poll, when a number of high profile candidates were assassinated. In response, the Council condemned the perpetrators of the attacks (i.e. the illegal armed groups) and ONUSAL, along with the Government of El Salvador, formed a joint group for the investigation of politically motivated illegal armed groups in order to eradicate the culture of death squads and political assassination. The joint group would report to the Council after the conclusion of the election in July 1994. President Cristiani’s successor, Armando Calderon Sol of the ARENA party triumphed in the presidential election and ONUSAL, with the support of the Council, was required to ensure continuity. A joint mechanism (between both the FMLN and the government) was instituted to facilitate cooperation towards the implementation of outstanding elements of the peace agreement ahead of ONUSAL’s eventual withdrawal in April 1995.

However, once the drawdown and ultimate withdrawal was completed, El Salvador was not left out in the ‘wilderness’, so to speak. A further General Assembly peacebuilding initiative (Mission of the United Nations in El Salvador - MINUSAL) was established to verify the continued implementation of the agreement, while providing good offices and support for peacebuilding activities in the country.

A Confluence of Factors
Prior to negotiations, the UN mediators enjoyed a set of favourable conditions fermented by a confluence of factors. Firstly, as aforementioned, the parties were engaged in a hurting stalemate. Secondly, popular support for the continuance of the war dwindled, while civil society began to actively mobilise in favour of negotiations. Thirdly, international support for both the Government of El Salvador and the FMLN had evaporated in the wake of Cold War. In addition to these factors, a central feature of the peace process was the goodwill of the parties. Sustained stubbornness on the part of either party could have easily upset the peace

37 United Nations Security Council, 'Resolution 920'.
39 As MINUSAL was controlled by the General Assembly and not the Council, it unfortunately cannot be discussed further in this chapter.
process. Yet, neither party engaged in outright spoiler activity and both parties exhibited a steadfast commitment to the peace.

Further aiding the pursuit of peace was the quality of the peace agreement. In other cases, unhelpfully ambiguous, vague or overly complex and verbose peace agreements have been difficult to implement. However, in the case of El Salvador, the UN-driven negotiation process gave the Council a great deal of comfort in the quality and viability of the accords. The negotiation timeline, detailed above, outlines the step-by-step approach taken by the negotiators. Various UN personalities finessed the finished agreement and ironed out the difficulties related to the cease-fire, demobilisation, cantonment and military reductions. Taken as a whole, the negotiation process contained seven separate agreements, including the final comprehensive agreement. The Chapultepec Agreement provided sufficient detail in the form of a 106-page document. The agreement addressed all major items of grievance, some in more depth than others.

**Strong UN processes**

One major reason behind the success of the Council in El Salvador was the competence of the Secretariat. Firstly, the El Salvadoran SGSR’s de Soto and Iqbal Riza possessed the political and diplomatic audacity required for the role. The Spanish speaking De Soto is said to have exhibited a level of patience, consistency, a rare capacity to understand the motives behind both side’s positions, as well as a combination of restraint and decisive and timely action.  

Secondly, ONUSAL was an adoptive mission, evolving with the “changing demands of the peace process.” Moreover, the mission was small and functional. Often larger missions become too unwieldy, in El Salvador these problems were not encountered due to the small size of the force. ONUSAL’s managers also seemed to understand the context in which the mission was situated, allowing them to more broadly interpret ONUSAL’s mandate. Flexibility and activist, ONUSAL undoubtedly played an important role in keeping both parties accountable.

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40 Antonini, 'El Salvador'.
Thirdly, the provision of decision-making information was of a high quality. The Secretary-General offered the Council regular updates on the progress of negotiations and the Council would respond accordingly, by supporting, urging and coaxing the parties onward. Once the UN had established an on the ground presence, through the establishment of the preparatory office in San Salvador, detailed technical assessments could be made concerning any future UN implementation verification missions. The electoral process technical assessment team would provide insights of a similar nature regarding the viability of expanding ONUSAL’s mandate to include an electoral monitoring component. With the deployment of ONUSAL, further information could be reported to the Council. This information was conveyed (no different than any other peacekeeping operation) to the Council via periodic reports. The Council could then monitor compliance with the accords and any incidence of non-compliance, transgression or duplicity could be countered through the issuing of either a stern or gentle rebuke, depending on the context and the severity of the breach.

Addressing the Underlying Issues

The root causes of the civil war in El Salvador have been clearly summarised by Cate Buchanan & Joaquín Chávez in their study ‘Guns and Violence in the El Salvador Peace Negotiations’ (2008).

Six key reasons are typically provided as root causes of the war: the unequal distribution of land; economic inequality and poverty; human rights abuses and entrenched impunity; rigid and limited political space and processes; entrenched militarism; and international support for military regimes, particularly during the Cold War period.

The following section examines the adequacy of the peace agreement and accompanying solutions in addressing these root causes.

- Unequal distribution of land: was one of the central grievances of the rural based FMLN. Land ownership was concentrated in the hands of the nation’s landed elite (most of whom grew coffee), while the Campesinos, the rural peasantry, eked out an

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42 United Nations Security Council, 'Resolution 693'.
existence through subsistence farming. Prior to the civil war “40% of families were landless and less than 2% of families held more than 10 hectares.” The peace agreements sought to address the land ownership issue, however, many of the land tenure issues were left to the “last minute” and were not robustly negotiated. Post-civil war agrarian reforms have not been successful as had been hoped, as evidenced by the land distribution data:

…as of 2001, the GINI coefficient for land distribution in rural areas was among the highest in Central America at 0.81. Other countries that have undergone similar redistribution efforts, such as in Asia, have coefficients averaging 0.4.

- Rigid and limited political space: non-conservative political parties were banned from participating in general elections throughout the era of repressive oligarchic-military rule. Following the end of the civil war, political space was opened. The political transformation of the FMLN and its subsequent participation in the elections of July 1994 was evidence of this newfound openness.

- Entrenched militarism: was arguably the most salient root cause behind the civil war. The Salvadoran Armed Forces (SAF), the National Police, the National Guard and the Treasury Police, accompanied by paramilitary death squads practiced brutality and committed mass atrocity crimes, throughout the war. The peace agreement sought to transform the security forces through an SSR programme. A new police force was instituted (PNC) and assigned a role upholding internal sovereignty, while the SAF was halved and assigned a role upholding external sovereignty. Overall, the security reformation adequately addressed entrenched militarism – breaking the nexus between oligarchic interests and oppressive military protection of those interests.

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45 Ibid.
Human rights abuses: committed by the security forces were rife in El Salvador prior to, and throughout the civil war. Also complicit were the paramilitary death squads. The brutality of both forces was unquestioned. Catholic clergy, political activists and journalists were assassinated in the cities, while in the rural areas whole villages were massacred. The shield of impunity protected both the military and death squads from prosecution. Human rights were placed at the forefront of the peace process. Most of human rights protections instituted under the peace agreement related to the aforementioned military and police purification reforms. Other reforms included the establishment of the National Counsel for the Defence of Human Rights, a Human Rights Ombudsman, a new Supreme Court and a new role of the Attorney General. The accords also established the Truth Commission to investigate extra-judicial killings, forced disappearances, massacres and the death squads. Many of the recommendations were not acted upon, and the victims of state violence not adequately compensated, despite the protests of the Secretary-General.

International support: for both the government and the FMLN supported the continuance of the war, as mentioned above. However, following the end of the Cold War, support fell dramatically. Over the course of the war (from 1980 to 1991) the US had provided 4.4 billion dollars in economic and military aid to the Government of El Salvador. In 1990, the US congress halved military aid. International support for the war was replaced with international support for peace. This change in support patterns subsequently changed the ‘cost structures’ around the war.

Although the parties, the UN (ONUSAL) and international supporters adequately addressed many of the root causes of conflict, they still failed to address one salient issue, that of the proliferation of criminal activity. In recent years gun violence has become El Salvador’s most significant political and social issue. According to UNODC, El Salvador’s murder rate of 69.2 per 100,000 inhabitants (4,308) – the second highest rate in the world. Most of the violence is accredited to the hundreds of gangs, which operate in urban centres (50,000 members). The problems with gun violence, relate in part to the prevalence of firearms and the inadequately of post-Accords measures to curb gun ownership. The problems,

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nevertheless, are contained within a broader regional context – a mix of drugs, marginalised youth and urban poverty.

**Political Will**

In the case of El Salvador, ONUSAL remained high on the Council’s agenda throughout the peace process and early stages of implementation. A total of twelve resolutions were passed on the matter over the course of five years. As illustrated most of the Council’s work on El Salvador was concentrated in the 1990-1993 period. Considering the ONUSAL (1992-1995) mission ran alongside a variety of other critical Council operations this decline in the attention afforded El Salvador is understandable. In terms of resources, ONUSAL was a small operation with fewer than 1000 military-police personnel deployed. Moreover, ONUSAL was only provided with half the number of police observers as that mandated. The allocation of these resources seems to indicate that the amount of political will expended to support the engagement was limited.

In spite of these facts, an acceptable level of political will was achieved and sustained through the engagement, propelling the Council-based solution forward. The efforts of the Group of Friends of the Secretary-General were critical in this respect. El Salvador was the first incarnation of the Group of Friends witnessed at the United Nations. Originally made up of four member states (Spain, Venezuela, Columbia and Mexico) with “no overriding strategic” motives, the Group of Friends was able to act as an effective interlocutor, transmitting messages and leveraging the parties during and after the negotiated settlement. The fact that Venezuela, Columbia and Mexico were all parties to the wider regional efforts towards peace under Esquipulas II (1987) gave the El Salvador peace efforts added impetus. The UN’s involvement (through the UN Observer Group in Central America) in the verification of Esquipulas II acted as a jump-off point for the subsequent UN-driven El Salvadoran negotiations. Moreover, Colombia (1989-1990), Spain (1993-1994) and Venezuela (1992-1993) were members of the both the Council and the Group of Friends.

**Resources**

48 Council missions including UNTAC in Cambodia, UNPROFOR in the Former Yugoslavia, ONUMOZ in Mozambique, UNAVEM II in Angola and a number of UN missions in Somalia.
50 Later joined by the US, as four plus one
The ‘light footprint’ model adopted by the UN meant that overall, the integrated mission to assist the El Salvadoran transition was relatively modest in terms of the numbers of personnel deployed. Over the four years of its deployment ONUSAL cost a total of $107million; while the total deployment involved 380 military observers, 631 police observers, 140 international staff and 180 local staff. The means allocated were modest, when compared to other operations of the same vintage – UNPROFOR deployed a total of 39,000 troops. Nevertheless, the resources allocated were ultimately acceptable for accomplishing the task at hand.

In addition to the resources provided to ONUSAL, a variety of development (UNDP) and complex emergencies (UNHCR and UNICEF) agencies were made capable ‘on the ground’ through the funding provided by the UN membership. In chapter 4, an important element of Security Council interventions was identified - the matching of means with ends (adequate resourcing). Adequate resourcing allows for a mandated operation to pursue its mandated ends, unimpeded by means constraints. The UN El Salvador intervention to verify the Chapultepec Agreement cost a total of $107.7million dollars. ONUSAL’s verification and observation activities called for a deployment of no more than 2,000 personnel (including civil staff). Costs were therefore relatively modest. The operation was also conducted at a significantly lower risk level to contributing countries than other interventions of the same era.

In the case of El Salvador, Holiday and Stanley have argued in accordance with the work of Eva Bertram and her theories related to the limits of UN power. One of Bertram’s three limits on UN power is the fact that “member-states are stingy.” Holiday and Stanley argued the case that “member-states were, in fact, quite generous in financing implementation of the accords, reconstruction, and the mission itself.” in financial terms, it is true that member-states were strongly supportive of the El Salvadorian transition. Nevertheless, troop strength for ONUSAL was somewhat lacking. ONUSAL’s military division possessed a maximum

51 UN Department of Public Information, 'El Salvador - Onusal: Facts and Figures',  
52 Ibid.  
54 Ibid. (  
55 W. Stanley and D. Holiday, 'Under the Best of Circumstances: Onusal and Dilemmas of Verification and Institution Building in El Salvador', North-South Center Conference on Multilateral Approaches to Peacemaking and Democratization in the Hemisphere, Miami, April (1996)., p. 57
strength of 368 of a recommended/mandate strength of 380, while the police division’s maximum strength of 315 was significantly less than the authorised 631 personnel. With the cantonnement of FMLN, a force of significant strength and the Salvadoran military, a force of some 60,000 – the maximum combatant to maximum UN observer ratio is calculated at 217:1. On the other hand, seventeen countries contributed observers to the mission, eight of whom were Latin-Central American countries. 56 Contributors also included seven Spanish speaking countries, all four of the original Group of Friends and several European countries.

Leadership
The Latin and Central American states acting in the interests of regional stability lent their political support through the Group of Friends and provided ONUSAL with a backbone – in the form of both personnel and materiel. The Group of Friends played a role in not only sustaining political will, but also providing leadership. It can be noted that no one country ‘owned’ the intervention in El Salvador. Instead, the Central American states, along with a number of Latin American partners (Venezuela and Colombia) offered shared leadership. The scale of the mission and the decisive involvement of mediators such de Soto, allowed for this arrangement. Perhaps, in different context, the weight of the burden of leadership would have been heavier – hence forcing a regional hegemon or global power to take ‘ownership’ of the situation. In El Salvador, this was not the case.

Measure of Effectiveness
The (b) desired goal state for the Council in El Salvador was scaled between (b1) negative peace and (b2) positive peace. Negative peace was achieved in El Salvador in 1992 following the negotiation of the ceasefire. This was evidenced by a complete reduction in the number of battle-related deaths. The data suggest that in 1989 there were 4872 battle-related deaths in El Salvador. In the following year, 756 such deaths were recorded, while 1991 only 87 battle-related deaths were recorded. This decrease in numbers mirrors the progress towards peace noted between years 1990 – 1992. 57

As most of the data used to determine El Salvador’s ranking and score on the Positive Peace Index (PPI) was not collected prior to or during the civil war, it is difficult to assess positive peace using the 21 indictors. However, since the end of the civil war the various indicators

56 The Argentine Navy also supplied patrol boats.
57 Uppsala Conflict Data Program, ‘Ucdp Battle-Related Deaths Dataset V.5-2012’, (Uppsala University).
for positive peace have shown upward trends. El Salvador itself currently occupies 58th position (of 111 countries) on the PPI with a score 2.858. If a comparison is made with El Salvador’s neighbours of Guatemala (ranking of 86 with a score of 3.223) and Honduras (ranking of 85 with a score of 3.210) El Salvador’s score is placed in context. Since 1996 El Salvador’s governance scores have gradually improved, as have its development scores. Levels of inequality, however, are still relatively high with 10% of the population enjoying around 37% of the country’s income share - a figure that has remained relatively unchanged since the end of the civil war. On top of issues of inequality, El Salvador has seen a very high crime rate, which is due in part to youth gangs. This phenomenon has also been witnessed in other Central American countries including Honduras and Guatemala. However, in spite of these challenges, El Salvador enjoys the conditions of positive peace.

The conditions of positive peace were achieved through the actions of three principle actors - the Government (ARENA and including the military), the FMLN and the Council. As the Council was one of the three principle actors, it can be argued that the success of the transition can be credited to the Council as effectiveness. The Council applied the use of the instruments of remonstrance, peacemaking and peacekeeping to great effect. Nevertheless, the role of the Council and the UN in general was that of support. The parties to the conflict were primarily responsible for transition. It is difficult and perhaps futile to speculate as to whether the desired outcome would have been achieved without UN involvement. In the end, the transition to the desired goal state was achieved with what can be described as the focused and nuanced support of the Council.

Conclusion

El Salvador successfully transitioned from a state of conflict, which cost the lives of some 75,000 people, to a state of positive peace under the direction of the United Nations Security Council (from 1989 til 1995). This transition was affected by a UN driven mediation process, followed by the verification of agreements by ONUSAL. Since the cessation of hostilities in 1992 El Salvador has not returned to a state of violent conflict and now enjoys relative political freedoms and social conditions, with the Leftist rebel umbrella group Farabundo Martí National Liberation Front.

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58 The Institute of Economics and Peace, 'Global Peace Index: 2012'.
60 World Bank, 'World Development Indicators', (The World Bank Group, 2012a).
Martí National Liberation Front (FMLN) transforming into a viable political party, following the peace agreement and is the party of the current president Mauricio Funes⁶¹.

According to Harvard Associate Professor Monica Duffy Toft, El Salvador is “among the most successful implementations of a peace agreement in the post cold war era.”⁶² Other commentators regard El Salvador as a qualified success, albeit more successful than other operations of the same vintage, namely the United Nations Transitional Authority in Cambodia (UNTAC). El Salvador’s negotiated revolution appears as an anomaly when surveying the litany of civil war cases. This is because the long-running war was not concluded by complete military victory (which usually provides greater stability than negotiated settlements), but rather by a negotiated settlement between the two parties, each of which still possessed the capacity to exercise violence.

The Council was effective in El Salvador. Its effectiveness can be attributed to its skilful support of the transition, through the use of the instruments of remonstrance, peacemaking and in particular peacekeeping – through ONUSAL. This chapter tested the assumptions underlying the measure of effectiveness and the model of Council agency presented in the preceding chapter. It was argued in this chapter, that Council-based solution was a critical factor in the transition. In the ‘peacemaking’ phase of the process the Council provided reassurance to the parties. Confident in the political fitness of the mediators, the Council gently encouraged the peacemaking efforts. Before the signing of the peace agreement the Council deployed the human rights division of ONUSAL, further emphasising the ‘inevitability’ of the peace process. Once the agreement was signed, the full deployment of ONUSAL was undertaken. For the most part, the Council supported ONUSAL through remonstrance aimed at reminding the parties of the promises and commitments they had made in the agreement. This overall solution strategy was key to the Council effectiveness in this case. The level of political will, resourcing and leadership required to support and sustain the engagement in El Salvador was minimal. Therefore, it can be argued that the other support components were not as important as the compatibility achieved in relation to the solution.

⁶¹ Ranked 103/149 on the Global Peace Index and 61/167 on the Democracy Index
El Salvador is a model case for the Council, especially amidst the early 90s difficulties and failures. In the following case study chapter, the situation of Sierra Leone will be examined. The case of Sierra Leone is arguably the most helpful and illustrative case studies in effectiveness. This is because it was an intervention that began as an abject failure and completed as one of the Council’s greatest success stories. It is also a more expansive case, in which the Council applied the use of sanctions and deployed a larger Chapter VII empowered peacekeeping force.
Chapter 6
A ‘Reversal of Fortune’: The Situation in Sierra Leone

As demonstrated in the previous chapter, the UN Security Council was effective in El Salvador. However, the ‘coming anarchy’ ¹ of the early to mid-nineties, besieged the Council. In Somalia, Bosnia and Rwanda, the Council was ineffective and as a result the UN brand was tarnished. ² The problems of human suffering, war and insecurity, however, did not cease to exist. In the late 90s, after a period of retrenchment, the Council became active once more, deploying missions to East Timor, Kosovo and Sierra Leone. This chapter is a case study of the situation in Sierra Leone from 1995-2012. Sierra Leone was selected, as it represents arguably the finest example of a ‘reversal of fortune’ – that is the act or an instance of reversing – in this case for the better.

As the following discussion will demonstrate, the events of 1995 to May 2000 in Sierra Leone provided an important juncture for the Council’s effectiveness. The May 2000 events, in particular, are treated as a catalytic pivot for the explanation and understanding of the reversal of fortunes and eventual Council effectiveness. Historically-speaking, the Council’s involvement began with the adoption of the first presidential statement (S/PRST/1995/57) ³ on November 27, 1995. Thus, the first period of Council’s involvement is bracketed by this statement and the events of May 2000. The second period of Council’s involvement begins in the wake of the May 2000 events and ends with the adoption of the twentieth presidential statement (S/PRST/2012/11) ⁴ by the Council on April 11, 2012. This chronology frames the structure of the chapter.

Accordingly the first part of the chapter details the historical and political context and offers a short narrative of the conflict, including all key events. The second part of the chapter examines the agency of the Council. The focus is on the elements of this agency - legitimacy, alignment, solution, political will, resources and leadership. The chapter will undertake a parallel assessment of these elements before and after the May 2000 events. The chapter concludes with an assessment of the effectiveness of the Council against the measure of effectiveness established in Chapter 3 of the thesis.

¹ Robert Kaplan, ‘The Coming Anarchy’
² Refer to Chapter 7 for detailed case-studies on Rwanda and Somalia why not place the references here?
**Case Summary**

The case of Sierra Leone, as previously mentioned is a case in two halves. It is therefore necessary to explain the two halves of the case using two separate diagrams (6.1 and 6.2). Diagram 6.1 outlines the case from its 1995 to May 2000, while diagram 6.2 outlines the case from May 2000 – April 2012.

Prior to 1997 the case of Sierra Leone existed in the doldrums of the Council’s agenda. It was only with the AFRC-RUF of 1997 that Sierra Leone was heard before the Council. Nigerian and ECOWAS distress provided the impetus for Council action, and it was Nigeria and ECOMOG which countenanced the idea of military action in Sierra Leone at this time. The P-5 displayed a general lack of interest in the case, so it was not considered a contentious issue on the Council’s agenda. Thus, mobilising support for any meaningful international intervention proved difficult.

Following the agreement at Lome in 1999, the Council approved the deployment of skeleton peacekeeping mission – UNAMSIL to replace UNOMSIL and the ECOMOG presence in the country. The lack of resources and political support for the mission, and the glaring deficiencies in the mission’s reading of the key rebel group [the Revolutionary United Front (RUF)], ought to have doomed UNAMSIL and the Lome Peace Agreement to failure.

However, a reversal in the missions’ fortunes was witnessed after the events of May 2000 – when 500 peacekeepers were captured by the RUF (note: this half of the case study is illustrated in diagram 6.2). The crisis acted as catalyst for Council action; here the leadership of the United Kingdom was clearly evident. Driven by considerations around Tony Blair’s ethical foreign policy and its status as former colonial power the United Kingdom, as pen holder in the Council, applied its diplomatic craft to the problem at hand. Diplomats in New York crafted several resolutions (RES/1312, RES/1315 and RES/1343), which applied pressure to the RUF and its sponsors in Liberia (namely Charles Taylor). The UK also employed its military, albeit in a limited role. Operation Palliser mobilized rapidly to shore-up UNAMSIL, protect Freetown, and project a credible deterrent against RUF incursions.

Under the leadership provided by Nigeria and the United Kingdom, backed by the contact group, the Council was empowered to: lift UNAMSIL’s troop ceiling to 17,000; provide the
mission’s mandate with a new level of Chapter VII robustness; apply sanctions on the
country’s rough diamond industry; establish the Special Court for Sierra Leone; and impose
sanctions on the Liberian regime for their material support to the RUF. The UK provided
support to Sierra Leonean SSR efforts with the provision of the International Military
Advisory and Training Team (IMATT). The reversal of fortune witnessed in Sierra Leone
was remarkable, considering the dire circumstances with which the mission was forced to
contend in early 2000. By 2002, the civil war had ended and UNAMSIL scaled down and
eventually replaced by a smaller peacebuilding office.

The case outlined in the two diagrams above offer insight which is extended in the sections
below, beginning with the conflict chronology. The key elements of legitimacy, solution, P-5
alignment, political will, resources and leadership are all explained through the framework
articulated in this brief case summary.

**Conflict Chronology**

Sierra Leone lies nestled between Guinea and Liberia in West Africa. It is a small country of
around 6.4 million and is the equivalent size of the Australian state of Tasmania. The Civil
War began on 23 March 1991, when a group of Sierra Leonean revolutionaries calling
themselves the Revolutionary United Front (RUF) launched an invasion of Sierra Leone from
neighbouring Liberia. The civil war was waged over the course of an eleven-year period and
was characterised by heinous mass crimes, which included murder (as a crime against
humanity), the enlistment of child soldiers, amputation, rape, sexual slavery and forced
marriage.

Prior to the outbreak of war, the diamond rich areas of Kono, in the east of the country,
experienced acute lawlessness. This security vacuum was subsequently exploited by the
RUF, as they rapidly captured the Eastern and Southern regions of Sierra Leone. By the end
of 1991, the Army of Sierra Leone (SLA) had effectively been boxed-in by the rebels.

In April 1992, a 25 year old junior officer, Capt. Valentine Strasser, successful staged a
military coup and established a military administration under the banner of the National
Provisional Ruling Council (NPRC). Under Strasser, the SLA fought and achieved modest
gains against a weakened RUF. However, these gains were reversed in early 1995, as the
RUF advanced on the capital. Faced with the prospect of being overrun, Strasser turned to a South African based private security firm, Executive Outcomes (EO).  

During this time, the calls for a transfer of power to a civilian administration grew louder, causing a split within the NPFL and Strasser’s overthrow by his deputy Brigadier General Julius Maada Bio.  

Elections were subsequently organised for February 1996, with a presidential run-off occurring in March. The winner of the presidential contest was Ahmad Tejan Kabbah of the Sierra Leone People’s Party (SLPP). Within a few months Kabbah entered into peace agreement negotiations with the RUF in the Cote d’Ivoirian city of Abidjan (30 November 1996). The agreement envisaged the disarmament of the RUF and the reintegration of its combatants into civilian life, the establishment of a national body to oversee the implementation of the accord, the monitoring of cessation of hostilities by a neutral observer group, the expulsion of foreign mercenaries (i.e. Executive Outcomes) and the granting of an amnesty to the RUF.

Implementation of the agreement proved difficult, due in part to RUF ambivalence. In early 1997, events moved quickly. In March, Foday Sankoh was arrested in Nigeria at the request of Kabbah. Then in May, Kabbah was deposed in a coup led by elements within the SLA and RUF sympathisers. Not surprisingly, the RUF joined the new junta in Freetown. The military junta called itself the Armed Forces Revolutionary Council (AFRC). Its leader, Major Johnny Paul Koroma, had been imprisoned for suspected Sobel activity, but was released along with the criminal class. The city descended into anarchy as a wave of reprisals and looting was initiated (Operation Pay Yourself).

The country’s second successive military coup d’état acted as the catalyst for the engagement of the international community. The AFRC-RUF coup attracted the ire of Sierra Leonean

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6 The split occurred over the issue of the timing the general elections and peace talks.


8 Ibid.

9 The term Sobel means both Soldier and Rebel. Many SLA troops acted as government troops during the day, and then became rebels at night.

civil society groups, the region’s economic forum - the Economic Community of West African States (ECOWAS) and ultimately, the Security Council. The Council initially responded through the adoption of three presidential statements. The calls for a hand over, however, were not heeded. In turn, the Council further escalated its response, by adopting resolution 1132 – which exerted pressure on the military junta through the imposition of sanctions (including an arms embargo, petroleum sanctions and travel bans).

Although, AFRC-RUF signed the Conakry Agreement in response to the pressure applied, full compliance was never realised. As a result, ECOWAS escalated its response to the coup by authorising military action (by ECOMOG), led by Nigeria. In February 1998, ECOMOG routed AFRC-RUF forces from Freetown and began to push them back into the country’s hinterland. However, ECOMOG’s counter-insurgency effectiveness diminished the further it ventured from the capital. This gave the RUF an opportunity to reconsolidate. Amidst the relative calm, the Security Council established (with resolution 1181) a small observer force to Sierra Leone, UNOMSIL, following a proposal made by the Secretary-General. UNOMSIL comprised of only 70 military observers supporting the implementation of a demobilisation and reintegration process outlined in the Abidjan Agreement.

The presence of ECOMOG, however, created a false sense of security. In January 1999, this fact was made evident, when the AFRC-RUF launched a vengeful attack (Operation No Living Thing) on the inhabitants of Freetown. Kabbah fled and UNOMSIL withdrew, while ECOMOG resisted. 7,000 people were killed in the attack and ECOMOG’s losses were heavy (with the loss of around 100 Nigerian soldiers). Despite these losses ECOMOG successfully counter-attacked and once again expelled the RUF from Freetown. Following the attack, Nigeria affirmed its intention to withdraw its forces from Sierra Leone.

Kabbah and the RUF negotiated a second peace agreement, facilitated by the Inter-Religious Council of Sierra Leone, in Lome, Togo on 7 July 1999. The agreement was largely similar to agreement made in Abidjan in 1996. The Accords envisaged a transitional government, in which Sankoh would be vice-president and resources minister. The RUF itself would be

12 ECOMOG: the ECOWAS military observer group.
transforming into a political party, its combatants being demobilised, disarmed and reintegrated into society. The agreement also provided for fresh elections, the repatriation of Sierra Leonean refugees and the reconstitution of the SLA [as the Republic of Sierra Leone Armed Forces (RSLAF)]. Oversight was to be provided by an ECOWAS joint-implementation mechanism, the resurrected Commission for the Consolidation of Peace (from the Abidjan Agreement) and a new UN peacekeeping operation – the United Nations Mission in Sierra Leone (UNAMSIL).15

The Lome Peace Agreement, like the Abidjan Agreement before it, unravelled. The inherent instability of the transitional government, combined with RUF intransigence, irrevocably forestalled implementation. The problems were compounded by a stoush between the UN and ECOWAS over the respective roles of UNAMSIL and ECOMOG. In early 2000, Nigeria started to drawdown its troop contribution to ECOMOG (a drawdown of approximately 1,000 troops per month) at the same time as allowing at least part of the force to be subsumed by UNAMSIL.16

In May 2000, within the security vacuum created, in part, by the Nigerian drawdown, 500 UNAMSIL troops were taken hostage and disarmed. Emboldened by this success the RUF marched on the capital once more. The UN’s humiliation, however, was answered with a stern response from Great Britain and the Security Council. The swiftness and robustness of the British military response stood in stark contrast to UNAMSIL’s delayed and ill-equipped initial foray into Sierra Leone. At first, the British expedition17 (designated Operation Palliser) was tasked to evacuate British, EU and Commonwealth citizens, but soon expanded to provide security in Freetown and bolster the UN force.18 The RUF offensive on Freetown was subsequently repelled by UN, British and SLA forces. Furthermore, Sankoh was arrested and charged with crimes against humanity.19

17 An entire spearhead battalion, including a light aircraft carrier, elements of the 1st Parachute Regiment and the Special Air and Boat Services was deployed
18 The British operated outside of UN command
The Council also adopted several robust resolutions (1306, 1313, 1315, 1343, and 1346), which it will be later argued, contributed to an improvement in the security environment and prospects for peace. Firstly, the Council adopted resolutions 1343, which imposed sanctions against Liberia for its support of the RUF. Secondly, the Council increased UNAMSIL’s troop strength and added additional tasks to its mandate. Thirdly, the Council established the Special Court for Sierra Leone (SCSL), in recognition of the “very serious crimes committed within the territory of Sierra Leone against the people of Sierra Leone.”

The adoption of these resolutions contributed to the significant weakening of the RUF. A weakened RUF was then offered the terms of a ceasefire agreement, which signed in Abuja on 10 November 2000. The civil war was officially concluded on 18 January, 2002. On 14 May 2002, UNAMSIL oversaw general elections, which saw the incumbent president, Kabbah and his SLPP party win 70% of the votes. The Revolutionary United Front Party under the leadership of Alimamy Pallo Bangura only received 1.7% and 2.2% of the votes – failed to win a single seat. Bereft of popular support, the RUFP faded into obscurity and later merged with the All People’s Congress.

**The Elements of Council Agency in the Case of Sierra Leone**

The second section of this chapter examines the Council’s role in the situation in Sierra Leone.

**Legitimacy**

A core issue was that only one principle actor (the Government of Sierra Leone) viewed the Council as legitimate. This view of Council legitimacy was evidenced by the consent and cooperation afforded the Council and its operation – UNAMISL. The government recognition of the legitimacy of the Council was entirely consistent with its best interests. Firstly, the Council perceived the government itself as the legitimate government of Sierra Leone– reciprocation was therefore common sense. Secondly, Kambah’s government needed the UN and ECOMOG to uphold some semblance of order in the country. The fact that the government viewed the Council as legitimate, and consented to the intervention also dispelled any concerns on the part of the non-interventionist permanent members.

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21 African Elections Database, 'Elections in Sierra Leone',
The RUF, on the other hand, issued their consent to the UN intervention only as a tactical manoeuvre. This consent, however, was later tested and found to be false. Sankoh consistently protested the presence of any form of external verification of the peace agreements. In regards to the implementation of the Lome Agreement, Sankoh’s RUF:

...displayed an antagonism which proved implacable to the UN Mission (UNAMSIL). He [Sankoh] denounced its deployment as illegal and inconsistent with the Lome Agreement, done without his agreement and threatening to his party. Every effort made to explain the link between UNAMSIL and Article XVI of the Lome Agreement met with a pretence at understanding only for UNAMSIL to be denounced again shortly thereafter.”

In other words, the RUF viewed the UN’s intervention as illegitimate. This view of the Council was evidenced by the behaviour of the RUF and its leader, Sankoh. Firstly, Sankoh made public statements challenging UNAMSIL. Secondly, by Sankoh’s trip to Cote d’Ivoire and South Africa in breach of the Council travel ban. Thirdly, by the events of May 2000, which fundamentally challenged UNAMSIL ‘on the ground’.

Alongside the RUF, a number of states at a regional level were also dismissive of the Council activities. While certain regional players supported the peace (Mali, Guinea-Bissau and Nigeria). Others (Burkina Faso and Liberia) actively undermined the peace by supporting the RUF. The most insidious among the regional spoilers was Liberia. The Liberian regime, operating under the leadership of warlord, Charles Taylor, essentially invented the RUF. Taylor then used the RUF as a Liberian proxy, supplying the rebel force with weapons in exchange for diamonds. By doing so, Liberia actively worked against UN and regional efforts. Taylor’s regime systematically violated the arms embargo imposed on ‘all non-government entities in Sierra Leone’ by supplying weaponry to the RUF. These violations were later recognised by the panel of experts and Taylor’s regime was itself sanctioned for its sanctions-busting actions.

Burkina Faso was also said to have played a supporting role in providing assistance to the RUF. The panel of experts report made reference to Burkina Faso’s closeness to the Taylor regime in Liberia. Although, the Burkinabes denied involvement with the RUF, the report of the panel confirms Burkinabe active involvement in the support of the RUF. The panel singled out a nefarious Burkinabe military figure, ‘Ibrahim Bah,’ as a key player in the RUF-AFRC axis and the movement of diamonds into Liberia and Burkina Faso. The Burkina Faso government was also involved in the transfer of Ukrainian weapons (anti-tank, surface-to-air and rocket propelled grenades) to Liberia (through an Israeli-Ukrainian weapons merchant and contact Leonid Minin).

Alignment
Prior to May 2000, the permanent membership of the Council were aligned, but disinterested. ‘Disinterest’ translated into a desire by the P-5 to ‘outsource’ the Council’s problem-solving functions to Nigeria and ECOWAS. There was, nevertheless, an unwritten ‘Godfather’ rule, which preserved the status of the P-3 as guardians of their West African patrons – France for Cote d’Ivoire, the United States for Liberia and the United Kingdom for Sierra Leone. It has also been noted that Paris and London entered into an unwritten pact to mutually support each other’s efforts in regards their patrons – Britain for Sierra Leone, France for the Central African Republic and Cote d’Ivoire.

In accordance with its ‘Godfather’ status the United Kingdom led Council efforts, while the United States played a supporting role through the Lome negotiating process. The United States’ role was, however, singularly unhelpful, as pressure applied by the US led to the negotiation of an inferior peace agreement at Lome. Although, the British representative on the Contact Group, Peter Hain argued that Lome was “West African Agreement,” other evidence suggests that the US played an “instrumental role” in the negotiations at Lome. The then-US Assistant Secretary-of-State for African Affairs, Susan Rice, stated that the US had played a “hands-on” role, through President Clinton’s Special Envoy to Africa Reverend

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24 Williams, 'Fighting for Freetown: British Military Intervention in Sierra Leone', (Williams, 2001; p. 150)
Jessie Jackson, in brokering the agreement, “and helped steer Sierra Leone’s rebels, the Kabbah government, and regional leaders to the negotiating table.”

**After May 2000**

The P-5 exhibited increased commitment to the Council’s work in Sierra Leone, following the events of May 2000. The degree of P-5 alignment was also marginally strengthened. All P-5 members shared harmonious views on the situation in Sierra Leone in light of what the then-Canadian ambassador, Robert Fowler, termed, an “appalling provocation on the part of the RUF.” Throughout the engagement, all resolutions on the matter of Sierra Leone were passed unanimously, without abstention or equivocation. Moreover, the Chinese (president of the Council during May 2000) acknowledged the RUF as an intransigent actor and a “major roadblock to the peace process,” while the US declared the RUF failures to abide by the peace agreement as “disquieting.” As ECOMOG, UNOMSIL and UNAMSIL were all consent-based missions, the Chinese and the Russians did not seek to dissuade the efforts of ECOWAS and the United Kingdom. The United Kingdom, continued to led the charge in the Council and ‘on the ground,’ with Deputy Permanent Representative, Stewart Eldon, stating in an open meeting that, “we must now take the action necessary to ensure that Sankoh and his supporters do not succeed in breaking the peace.”

**Solution – Prior to May 2000**

The Council’s solution in Sierra Leone was, like the other elements of Council agency, marked by the events of May 2000. The catalytic events of May 2000 led to a shift in the way the Council read the conflict and its actors, particularly the RUF. The Council’s solution is best understood by assessing 15 key resolutions (7 resolutions prior to the May 2000) adopted by the Council across the life of the intervention.

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28 Ibid.
29 Ibid.
Resolution 1132 was the Council’s first resolution concerning the situation in Sierra Leone. Adopted on 8 October 1997, following the AFRC-RUF coup, the resolution demanded “that the military junta take immediate steps to relinquish power” and “make way for the restoration of the democratically elected government.” Use of the instrument of remonstrance was backed by a suite of sanctions and supported by the creation of a sanctions committee. These sanctions included a travel ban on “members of the military junta,” as well as an arms embargo and petroleum sanctions. For the junta the equation was simple, comply with the Council’s demands and the measures would be terminated. Fifteen days after resolution 1132 was adopted the AFRC-RUF junta signed the Conakry Agreement – signalling a transition to legitimate government within six months. This tentative or partial acquiescence is considered by the foremost experts on multilateral sanctions, George Lopez and David Cortright to be “noteworthy,” despite the fact that the implementation of the Conakry Agreement was never realised.

After ECOMOG’s successful military action against the AFRC-RUF in early 1998, the 1131 sanctions were lifted and refocused under resolution 1171 (5 June 1998). This resolution imposed an arms embargo preventing the “sale or supply, of arms and materiel, to Sierra Leone other than to the government” and a travel ban on “leading members of the former junta and the RUF.” The Council’s goals were also made clear in this resolution: the re-establishment of government control over all of Sierra Leone, and the disarmament and demobilisation of all non-governmental forces. The travel bans imposed were the first of their kind, and included an extensive list of names (50 in all). The sanctions, however, were poorly enforced in the region, were not properly reported on by the panel of experts, and were actively violated by Liberia. These weaknesses led Cortright and Lopez to conclude that the “travel sanctions in Sierra Leone have had little or no impact.” The arms embargo was similarly ineffective. At the conclusion of the war, many thousands of weapons were collected from RUF combatants. This evidence suggests that combatants still retained the

32 Ibid. (para. 5 and 6.
33 Ibid. (para. 19.
36 Ibid. ( para. 5
37 Ibid. ( para. 7
capacity to wage war, a capacity not diminished to any notable extent by the arms embargo. The ineffectiveness of the arms embargo was as a result of inadequate monitoring and its contravention by the governments of Liberia and Burkina Faso; both of which continued to supply weapons to the RUF despite the embargo.  

One month after the adoption of resolution 1171, the Council adopted another resolution, 1181 (13 July 1998), which established the first on-the-ground presence for the UN since the beginning of the conflict. Resolution 1181 established the United Nations Observer Mission for Sierra Leone (UNOMSIL) to (a) monitor the security situation, (b) monitor the DDR programme, (c) assist in monitoring respect of international humanitarian law, and (d) monitor voluntary disarmament and demobilisation by the Kamajors. In addition to UNOMSIL, the resolution established the SGSR for Sierra Leone to coordinate international efforts and report violations of humanitarian law. The resolution also invoked the instrument remonstrance and demand- issuing a condemnation of the RUF for their “continued resistance” and a demand for them to “lay down their arms.”

UNOMSIL was a highly problematic mission from the outset. Firstly, the mission was based on the Abidjan Peace Agreement (1996), which was negotiated prior to the AFRC-RUF coup in 1997. For all intents and purposes, this agreement was a dead-letter. Nevertheless, the Council commissioned UNOMSIL to monitor the Abidjan envisaged DDR programme. Secondly, the mission was limited to 70 mandated military observers, with even fewer deployed. Thirdly, UNOMSIL depended on ECOMOG for its security and freedom of movement. These set of issues meant “UNOMSIL played a very limited role alongside ECOMOG troops.”

Following the vengeful AFRC-RUF attack on Freetown in January 1999 (Operation No Living Thing), the Council utilised its peacemaking instrument, and began to encourage the negotiation of a peace agreement between the RUF and the government. This peace
agreement was finalised on 7 July 1999 in Lome and was subsequently welcomed by the
Council in resolution 1260. The resolution once again demanded the RUF “immediately
disband and give up their arms.” Soon after the adoption of resolution 1260, Nigeria
signalled its intention to withdraw its forces from Sierra Leone.

The imminent withdrawal of ECOMOG, forced the Council to consider its own peacekeeping
operation. This peacekeeping operation was named the United Nations Mission in Sierra
Leone (UNAMSIL) and its mandated tasks outlined in resolution 1270 (22 October 1999).
Central to the mandate was “the implementation of the disarmament, demobilisation and
reintegration plan.” The mandate was authorised under Chapter VII allowing UNAMSIL to
take the necessary action to ensure the security and freedom of movement of its personnel
and, within its capacities and areas of deployment, to afford protection to civilians under
imminent threat of physical violence.” This appeared a sufficiently robust mandate.
However, the ends (the mandate) were not supported by sufficient means. The force was too
small - only 6,000 strong initially. The limited troop strength arbitrarily imposed by the
Council for budgetary purposes, reflected a lack of understanding of the facts on the ground
and failed to take into account the past behaviours of West African rebel groups, including
the RUF. The Council at this time appeared to have been under the impression that the RUF
was “sufficiently pacified.”

UNAMSIL was also slow to deploy, logistically moribund and lacked Chapter VII force
enablers such as attack helicopters. Moreover, some of the troops contributed were, in the
force commander Vijay Jetley’s own words, an “embarrassment.” Some contingents did
not possess proper maps, nor were they properly aware of the mission’s rules of engagement.
All things considered, UNAMSIL was not a force capable of assuming a robust posture, due
to capacity constraints and the lack of an enforcement attitude. Confronted by a lack of
progress, the Council adopted resolution 1289 (7 February 2000), which increased
UNAMSIL’s troop strength (6,000 to 11,100) and revised UNAMSIL mandate to include a

46 Ibid., para. 8.
47 Ibid. (UNAMSIL’s other mandated functions included ceasefire monitoring, facilitation of humanitarian
assistance and the development of confidence building mechanisms.
48 Ibid. (, para. 14.
50 Olonisakin, Peacekeeping in Sierra Leone: The Story of Unamsil.
51 Bellamy, Williams, and Griffin, Understanding Peacekeeping, p. 127.
number of additional tasks. Many of the additional tasks related to the provision of security and management of the DDR programme. The Council acknowledged the lack of progress, stating that, “the peace progress thus far has been marred by limited and sporadic participation in the disarmament, demobilisation and reintegration programme.” 53

Prior to the events of May 2000, it can be argued that the Council seriously misread the problem-context and the motivations of the RUF. The trail of evidence summarised above gives credence to this argument.

A Misreading of the RUF
The RUF began as a rather loose collection of individuals who had trained in Benghazi, Libya. The group held to a set of revolutionary objectives and sought to pursue these objectives in alliance with Taylor’s NPFL. The RUF relied on NPFL fighters (on-loan), members of the Sierra Leonean Diaspora living in Liberia, as well as Sierra Leoneans recruited from Sierra Leone then trained in Liberia. Although, the group espoused revolutionary virtues (‘basic rights for all’), the group comprised a lumpenproletariat – or a “Njahurgbia Ngona” – the riff raff, lumpen and unruly youth. 54 Even though, the RUF rhetorically used the revolutionary literature of Mao and Cabral, in practice the group engaged in banditry and mass atrocities against the rural peasantry; thereby, eroding the potential popular base of the group. 55 The characteristics, outlined above, and the exhibited behaviours of the RUF indicate the true nature of the group. Essentially, the RUF practiced the philosophy of the politics of the gun, and was less of a revolutionary group and more of a gang of bandits’ intent on exploiting mineral wealth (i.e. spoiler to the peace).

Although, the RUF was a spoiler, it was not treated as such by the Council. Berman and Labonte have characterised this response in strong terms, arguing that the international community’s “initial response was not just inadequate but destructive, rather than confronting the rebel group [the RUF], the outside world bestowed legitimacy on it.” 56 The RUF’s intransigent behaviours were recognised and well known by the Council. The RUF was a notoriously untrustworthy party to two previous agreements. As noted above, the RUF never

53 Ibid., para. 4.
55 Ibid. (1
56 Berman and Labonte, 'Sierra Leone', p. 143.
acquiesced to the central demands of the Council on any occasion (i.e. those demands relating to immediate disarmament and a cessation of resistance). Moreover, the RUF pursued a ‘winner takes all’ strategy from inside the confines of the Lome Peace Agreement. In Stedman’s typology of spoilers, the RUF constituted an inside-total spoiler. In-line with Stedman’s definition, the RUF’s commitment to the peace agreement was nothing more than a tactical manoeuvre. Stedman’s explains the nature of an inside spoiler:

Inside spoilers need to comply enough to convince others of their goodwill, but not so much that it weakens their offensive military capability. 57

The RUF was a classic, textbook example of an inside spoiler. The goodwill and cooperation exhibited at the signing of the agreement belied the true motivations of the RUF. The underlying motivations of the RUF exposed, when tested by the DDR process undertaken by UNAMSIL. The RUF knowing that the DDR process would delimit its military capacity, never intended to truly commit to such a process. The RUF’s true nature as a spoiler was then exposed. The Council had misread the RUF, and had act upon these incorrect assumptions.

Misplaced Faith in the Lome Agreement

The misreading of the RUF infected the peace agreements, in which the Council placed much of its faith. The various peacemaking efforts elevated, legitimised and recognised the RUF as a credible, trustworthy partner in peace – which was a deeply misguided assumption. The Lome Agreement (1999) was a low-quality agreement negotiated at a time when the central government was perhaps at its weakest negotiating position. The RUF on the other hand were militarily strong and their negotiating position was reflective of this strength. The result of this imbalance was an unbalanced agreement, which was plainly an appeasement of the RUF. In a pre-Lome resolution, 58 the Council stressed the importance of an “overall political settlement” 59 and urged the parties to demonstrate a level of “flexibility” 60 in their approaches to the Lome process. 61 While the Council’s endorsement of the negotiations at

59 Ibid., para. 2.
60 Ibid., para. 3.
61 In the same resolution, the Council also signalled its intention to expand UNOMSIL in the event of an agreement.
Lome applied subtle pressure, the real pressure was exerted by the Nigerians, the British and the Americans. Kabbah, backed into a corner, made extraordinary concessions.

The Lome Agreement was deficient in a number of regards. Firstly, the agreement offered an amnesty and pardon to ex-combatants. The amnesty was described by Amnesty International as representing a fundamental impediment to “the efforts to prevent further humanitarian abuses and to bring those responsible to justice.” Secondly, the agreement was a bilateral agreement made between the Government and the RUF/AFRC. Although these two parties were the major parties to the conflict, others including the Kamajors, local militias and remanent SLA were not included. Thirdly, the agreement included the RUF in the transitional government and granted RUF members key cabinet positions. Moreover, chairmanship of the Commission for the Management of Strategic Resources, National Reconstruction and Development (CMRRD) was given to RUF leader Foday Sankoh. Finally, the agreement contained several ambiguities around implementation of SSR. The agreement also lacked a timetable for implementation, which further undermined the UN’s ability to hold the parties to account.

Ultimately, the Lome Agreement “was a deeply flawed platform on which to base peace operations in Sierra Leone.” The Council, however, did not recognise the inferiority of the Lome Peace Agreement did nothing to adjust its peacekeeping strategy settings. The Council sent UNAMSIL into Sierra Leone under the assumption that the peace agreement would work and that the RUF were not a spoiler to the agreement. The signing of the peace agreement at Lome in 1999 created the conditions from which potential spoilers could manifest. As previously mentioned, the agreement excluded various militias, the Kamajors and SLA remanent. Moreover, the agreement treated the AFRC and the RUF as a unified entity, which they were not. The agreement was therefore vulnerable from both external and internal spoilers. As it so happened, the RUF were the only credible spoiler to emerge, although a small AFRC splinter faction the ‘West Side Niggaz’ operated in Freetown for a time.

64 The ‘West Side Niggaz,’ as they were known, were a credible threat, as evidenced by the capture a number of British Royal Irish Regiment soldiers. The British SAS, SBS, and the British Parachute Regiment however, subsequently liquidated them.
The Regional Context

In December 1989, Liberian rebel leader, Charles Taylor (National Patriotic Front of Liberia), launched a campaign to oust the Samuel Doe regime. The NPFL could not claim outright victory and capture Monrovia due to the deployment of an ECOMOG force in that country. Nevertheless, Taylor established an alternative government in Gbarnga. From this position, Taylor gave sanctuary to the RUF. Throughout the Sierra Leonean Civil War, Taylor continued to support RUF activities in Sierra Leone. The regimes in Liberia (and also Burkina Faso) directly contravened the arms embargo and supplied their RUF proxies with weapons – a programme funded through the sale of Sierra Leonean conflict diamonds (or so-called blood diamonds).

Resolution 1231 is a clear indication that the Council was aware of the issue of cross-border trading. In this resolution the Council expressed its “intention to keep the issue of external support to the rebels in Sierra Leone under close review, and to consider further steps to address this in the light of developments on the ground.” Despite this acknowledgement, the Council did not act upon Liberian contraventions, prior to May 2000.

Initial UN engagement (1997 until May 2000) was limited and reactive, and therefore largely ineffectual. Adebajo has even gone as far as to state that, the Council’s policy was one of “malign neglect.” Berman and Labonte have also concluded that:

..Neither the military nor the political strategy was well coordinated or accepted by all the key actors involved in the conflict. The RUF was able to capitalise on the absence of international resolve, an incoherent strategy, a poorly designed peacekeeping mission command and control structure, and discordant agendas.

These arguments are only confirmed by the analysis undertaken in this section. The Council was neglectful of the facts on the ground. This neglect guided the development of a solution

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65 Taylor’s NPFL could not claim outright victory, as an NPFL splinter faction known as the Independent National Patriotic Front (INPFL) captured the capital Monrovia. The First Liberian Civil War was waged as a consequence, between various factions.
66 Abdullah, 'Bush Path to Destruction: The Origin and Character of the Revolutionary United Front/Sierra Leone',
67 United Nations Security Council, 'Resolution 1231'.
69 Berman and Labonte, 'Sierra Leone',, p. 159.
that was incompatible with the context in which it was applied. Consequently, the Council was ineffective in Sierra Leone, prior to May 2000.

Solution – After May 2000

The seeds of the May 2000 hostage crisis lay in the motivations of the RUF as a spoiler. The RUF objected to the focus of the DDR process, while Sankoh voiced reservations about UNAMSIL - referring to the operation as ‘a waste of money.’ All of these indicators signalled the potential for RUF obstructionism. Yet, UNAMSIL was not prepared to tackle the RUF as a spoiler; and so when the RUF systematically tested the resolve of UNAMSIL in May 2000, the mission was found wanting. Consequently, this crisis acted as the catalyst for the positive renewal of UNAMSIL under the more focused guidance of the Council.

Resolution 1306

Following the hostage crisis the Council immediately adopted resolution 1299 (19 May 2000), which increased the mission’s troop strength from 11,100 to 13,000. This resolution was followed by a series of robust resolutions, which instituted a set of measures designed to asphyxiate the RUF. These measures were born of a better understanding of the context and an acknowledgment by the Council of the RUF’s true motivations (i.e. as a spoiler). The first resolution in this series was resolution 1306, which prohibited the direct or indirect importation of rough diamonds from Sierra Leone without a Certificate of Origin. As Sierra Leonean conflict diamonds were being traded to Liberia, the 1306 sanctions would have been limited in their effectiveness. Hence, the resolution also established a panel of experts to investigate violations of the 1171 arms embargo, as well as “the link between trade in diamonds and trade in arms and related materiel.”

Resolution 1313

The second robust resolution in the series was resolution 1313 (4 August 2000), which effectively declared war on the RUF. Operative paragraph 2 confirms this declaration:

70 Complaining about the focus on RUF disarmament over the political aspects
73 Ibid., para. 19 a.
[The Council] Considers that the widespread and serious violations of the Lomé Peace Agreement (S/1999/777) by the RUF since early May 2000 constitute a breakdown of the prior generally permissive environment based on the Agreement and predicated on the cooperation of the parties, that until security conditions have been established allowing progress towards the peaceful resolution of the conflict in Sierra Leone there will continue to be a threat to UNAMSIL and the security of the state of Sierra Leone, and that in order to counter that threat, the structure, capability, resources and mandate of UNAMSIL require appropriate strengthening.

Resolution 1313 empowered UNAMSIL with a new attitude, allowing the force present itself as a credible military deterrent, capable of dealing strongly with the RUF. Furthermore, British Forces operating under the banner of Operation Palliser, not only reassured UNAMSIL’s position, but also fundamentally altered the landscape of the conflict. The landscape was altered in two regards. Firstly, the British intervention positioned UNAMSIL as a trip-wire force; if RUF challenged UNAMSIL they could expect to experience the wrath of the British over-the-horizon force. The off shore presence, therefore, created a credible deterrent against continued RUF attacks against the UN. The second alternation follows on from the first, as the British intervention created a ‘good cop, bad cop dynamic’, between the UNAMSIL (Good Cop) and the British/Sierra Leone Military (Bad Cop). The ‘West Side Niggaz’ incident and the subsequent British raid signalled to the RUF the potential repercussions of non-compliance.

The RUF, afraid of the ‘bad cop’ were coaxed into the waiting arms of the ‘good cop’. The UNAMSIL mission, however, remained tenuous. A report into the practices, command and control of found that UNAMSIL was unsatisfactory as a peacekeeping operation. The Eisele Report uncovered considerable mission disharmony, lax logistical capacity, and “no commonly shared understanding of the mandate the rules of engagement.” 74 The problems of the mission were compounded for a time, when UNAMSIL’s Indian force commander Vijay Jetley leaked a report, which alleged Nigerian corrupt dealings with the RUF. It was clear that UNAMSIL’s house needed to be put in order. Lt. General Daniel Ishmail Opande (Kenya) replaced Jetley as force commander, supported by British Army Staff including

74Berman and Labonte, 'Sierra Leone', p. 171.
Brigadier General Alistair Duncan. These changes in the coordination, strength and numbers of UNAMSIL, along with the British intervention, changed the system of incentives and costs, and provided the UN with leverage it could wield. 75 This leverage was used to affect a process of renewed negotiations (Abuja I & II) and a renewed DDR programme.

Resolution 1315
The third resolution, which demonstrated the new robust attitude of the Council, was resolution 1315. This resolution established the Special Court for Sierra Leone to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996.”

Resolution 1315, limited the terms of reference of the special court, 77 flagged the notion of temporal jurisdiction 78 and shared appeals courts with the Rwandan and Yugoslav tribunals. Moreover, the Council did not authorise the independent special court under Chapter VII. By ensuring the special court’s independence, the Council had no obligation to mandatorily fund its activities. The special court’s funding was instead left to the mercy of voluntary contributors. The product of resolution 1315 and the subsequent agreement with the Government of Sierra Leone was a unique hybrid model of mixed jurisdiction based in country the crimes took place - Sierra Leone.

The hybrid model (based in-country) benefited the Council’s peacebuilding agenda, by allowing, principally for the ownership of the impartial justice process by Sierra Leoneans. 80 The tyranny of distance (usually in The Hague) was eliminated, aiding in the delivery of witness testimonies. Although, the Secretary-General suggested that the special court would be more effective if provided with a Chapter VII authorisation, the lack of this type of authorisation has not greatly or negatively impacted the effectiveness of the court, as evidenced by the indictment, arrest and transfer of Charles Taylor to the court. 81

75 UNAMSIL force arrangements were still problematic, especially when the Indians and Jordanians withdrew their troops, citing a British failure to place their troops under UN command.
76 Special Court for Sierra Leone, 'About', <http://www.sc-sl.org/ABOUT/tabid/70/Default.aspx>, accessed 08/03/2013
78 Ibid., para. 6.
79 Ibid.
80 ‘Local population sees justice being done’
81 The trial began 4 June 2007
Other Council limitations have had a far greater effect on the effectiveness of the court as an instrument of peacebuilding. Firstly, the limited terms of reference restricted the scope of justice and in turn limited the Special Court’s peacebuilding utility. Use of the wording, “try those who bear greatest responsibility” instead of the recommended “those most responsible,” designed to limit the number of accused (and therefore costs), only served to exclude potentially thousands from the judicial process. Secondly, the inherent funding limitations imposed through voluntary contributions designed to avoid the costs associated with the previous ad-hoc, did nothing but limit the effectiveness of the special court in the dispensing of justice.

In regards to the Special Court, the Security Council’s imposition of means limitations has come at the expense of the ends (i.e. a focus on cost rather than justice). This being said, the Court has successful concluded the trials of eleven individuals, including the Former Liberian President Charles Taylor; eight of whom have been sentenced to serve prison terms of various lengths in Rwanda.\(^\text{83}\) In dispensing justice (however limited) the Special Court has formed an invaluable element of the Sierra Leone peacebuilding apparatus, and has assisted in some way toward “ending impunity and providing justice to the victims.”\(^\text{84}\)

**Resolution 1343**

The panel of experts, commissioned by the Council (resolution 1306), returned their report to the Council in December 2000. This report outlined in clear detail the entire Liberian-RUF sanctions-busting scheme. In response to this evidence the Council adopted resolution 1343 (7 March 2001), which demanded “that the Government of Liberia immediately cease its support for the RUF in Sierra Leone.”\(^\text{85}\) More importantly, in the event of non-compliance a set of wide-ranging sanctions would be imposed on Liberia, including travel bans, a ban on the export of rough diamonds and an arms embargo. Charles Taylor and the Government of Liberia were given a two-month deadline to comply with the demands, before the measures came into force. The Liberians, however, failed to comply and the sanctions were subsequently imposed. A lessening in the intensity of the fighting and the achievement of negative peace following the signing of the Abjua II and II agreements points to the

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\(^\text{82}\) Special Court for Sierra Leone, 'About',
\(^\text{83}\) Issa Sesay – RUF commander will serve the longest sentence of 52 years.
effectiveness of the sanctions on Liberia. This proposition is supported by Alex Vines, who argues that:

Sanctions on Liberia within this context helped to loosen Monrovia’s grip on the RUF, and this in turn assisted the RUF’s efforts to transform itself into a political party that was able to contest the parliamentary and presidential elections in Sierra Leone in December 2002.  

After Abjua I & II
Following the signing of the Abjua I and II, the UN focused on ensuring the GoSL possessed a monopoly on the use of legitimate violence (i.e. internal sovereignty or security). To these ends, several programmes were instituted, each under the responsibility of a different actor. UNAMSIL was charged with the most immediate task, the DDR programme. The British International Military Advisory and Training Team (IMATT) led SSR efforts, while the UNDP and the Commonwealth were given responsibility for police reforms.

UNAMSIL successfully supervised the immediate DDR programme, which saw some 75,000 combatants demobilised and disarmed (45,000 weapons collected). The programme’s ‘reintegration phase,’ however, proved problematic, due in part to underfunding and a lack of opportunities for former combatants. Furthermore, many Kamajor (CDF) soldiers declined to enter the DDR programme and “retained a semblance of organisational readiness.” The IMATT also proved successful. The SSR programme improved the overall professionalism of the army, especially in the area of human rights and reduced the size of the army (from 13,500 in 2007 to 8,500 in 2010).

What peacebuilders did, in effect, was to focus on one vital institution of the Sierra Leone government – the army – and make it more effective in order to deter and suppress violent challenges to the electoral process and its results.  

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Following the elections of 2002, the security dividends accrued through previous action could be used to tackle a range of outstanding problems - including the root causes of the civil war. In particular pre-civil war one party rule of the All People’s Congress (APC) – lead by Sitka Stevens (1968-1985) and Joseph Saidu Momoh (1985-1992) -operated an oppressive state apparatus, which favoured the cronies of the APC and oppressed the voices of descent and opposition (SLPP and the UDP). This system of clientism became a fully-fledged political system known as a ‘shadow state.’ This so-called shadow state was founded on the principles of asset stripping and government control of diamond mining; the proceeds of which allowed Stevens to maintain the patronage of important chieftains, the military and powerbrokers.

The danger for Sierra Leone, following the end of the civil war, was a reversion to one-party rule and winner takes all politics. To guard against the ‘shadow state’ and a reversion to one-party rule, new institutions supported by a set of effective checks and balances, were required. To these ends, the Council established the United Nations Integrated Office in Sierra Leone (UNIOSIL), and later, the United Nations Integrated Office for Peacebuilding in Sierra Leone (UNIPSIL) – both being an invocation of the residual peacebuilding instrument. Overall, the Council’s mandated operations made “steady progress,” 89 ‘commendable progress’ and ‘notable progress’ towards consolidating peace in Sierra Leone. Furthermore, almost a decade after the conclusion of the civil war, Sierra Leone has not relapsed into violent conflict.

A New Reading

This section has argued the case, that following the events of May 2000, the Council adopted a new reading of the Sierra Leonian context. Moreover, it was argued that this new reading influenced Council thinking and strategy on Sierra Leone in a number of ways. Firstly, the Council recognised the RUF as a spoiler and adopted robust measures to counter RUF spoiler activity. The Council emboldened UNAMSIL to pursue enforcement action against the RUF in conjunction with the British and Guinea. This change in attitude was instrumental in achieving the RUF guarantees at Abuja, and the eventual and complete disarmament and demobilisation of the group.

Secondly, the Council acknowledged the failure of the Lome Peace Agreement. In recognition of the agreement’s failure, the Council overrode the RUF amnesty and created the Special Court. The Council also endorsed the more GoSL favourable Abjua I and II agreements – a usurpation of the conditions of the Lome Agreement. Thirdly, the Council adopted measures against Liberia in recognition of the support afforded the RUF by their patrons in Monrovia. It was the first time the Council had imposed such measures on a country for violating an arms embargo. However, these changes in thinking and strategy did not wholly influence the outcome. Several other important factors influenced the outcome.

Coalescence of Factors
The effectiveness of the intervention, post-May 2000, was attributable to a coalescence of factors. However, this is not to discount the significant strides made by the Council in reframing the intervention. A number of factors contributed to the creation of a favourable outcome.

Firstly, Sierra Leone’s North Eastern neighbour, Guinea, actively supported the peace intervention in Sierra Leone. Guinea became home to a large number of Sierra Leonean refugees, who had fled there over the duration of the civil war. The militarisation of Guinean refugee camps was a significant problem at the time. Guinea supported the Liberians United for Reconciliation and Democracy (LURD) against the Taylor regime in Liberia and the Sierra Leonean Kamajors based in Guinean refugee camps. In 2000-2001, Taylor sponsored cross-border raids into Guinea by the RUF and company (Liberians and Guinean dissidents). The Guinean’s answered the RUF’s foray soon after. Guinean government forces operating alongside Guinean trained Sierra Leonean refugee Kamajors launched a series of successful counterattacks on the RUF. These attacks are often cited as a factor, which significantly depleted the RUF’s military strength in around early 2001. 90

Secondly, the British intervention and off-shore presence was “decisive in overcoming the RUF on the battlefield.” 91 As it will be argued below, the British not only shaped the solution in Sierra Leone, but led a significant revival in the level of resourcing and political will available in support of the intervention.

**Political Will**

As aforementioned, throughout the early 1990s the conflict in Sierra Leone was of little interest to the Council generally, and the P-5 specifically. The record of UN interventionism in Africa had been blighted by the failures of Somalia and Rwanda. These failures had induced a collective aversion to establishment of any new peacekeeping efforts. Some members even considered Sierra Leone a “lost cause.” ⁹² The Council, consumed by inertia on Sierra Leone, allowed the conflict to play-out under the care of ECOWAS. Despite, the presences of a West African state on the Council throughout the term of the conflict (Cote d’Ivoire, Cape Verde, Nigeria, Guinea-Bissau, Gambia, Mali and Guinea), the Council only added Sierra Leone to its agenda after the AFRC coup in 1997.

The political will available to deal with the problem of Sierra Leone was generally lacking prior to May 2000. As illustrated in the graph below, only five resolutions were passed on Sierra Leone before 1999. A further six were passed prior to May 2000. Considering that the Lome Agreement was concluded in July 1999, the Council and international society were distracted by the interventions in Kosovo (NATO ended in June 1999), East Timor (August 1999) and the DR Congo. This attention deficit was matched by a deficient commitment of resources to Sierra Leone. Both non-UN commanded operations in Kosovo and East Timor deployed with peak troop strengths of 50,000 and 11,000, respectively. This dynamic translated into a manifestly incapable force in the form of UNAMSIL with initial troop strength of only 6,000, in a country five times the size of East Timor.

**After May 2000**

Council reluctance to engage and disinterest in Sierra Leone were replaced by activism following the events of May 2000. A critical mass was generated by the embarrassment of the Council at the capture of the UN peacekeepers. The leadership of the United Kingdom was instrumental in redressing deficient political will. The Council adopted seven resolutions drafted by the UK in the period following May 2000. This highlights the Council’s greater level of interest. The British restored stability (discussed in peacekeeping section) with Operation Palliser, while at the same, helped, in conjunction with a newly engaged United States (Richard Holbrooke), generate the critical mass required to overcome Council inertia.

⁹² Adebajo and Keen, ‘Sierra Leone’.
In October 2000, the Council conducted a tour of the region, a visit which signalled a more concerted regional approach (i.e. addressing Liberia).

A Security Council Contact Group on Sierra Leone was also convened to assist in providing some coherence to the international response. The contact group included: Belgium, Canada, China, Egypt, France, Germany, Italy, Japan, the Netherlands, New Zealand, Nigeria, Norway, Sierra Leone, Sweden, United Kingdom, United States, the Commonwealth Secretariat, Economic Community of West African States (ECOWAS), European Commission, United Nations (UN) and the World Bank.

Resources

As noted throughout this case study chapter, prior to May 2000 the UN intervention in Sierra Leone was inadequately resourced. That is, the mandated ends were not matched by sufficient means. The Council deployed UNAMSIL with a strength of 6,000 troops and an initial budget of $264.9million (1999-2000). The quality of the deployed troops, however, was lacking – the force commander labelled certain contingents “an embarrassment.” Moreover, UNAMSIL lacked force enablers, logistical capacity, as well as proper command and coordination. UNAMSIL was expected to operate the DDR programme, which would involve the demobilisation of just over 75,000 combatants with a force strength of 6,000 - a maximum combatant to maximum peacekeeper ratio of 12:1

After May 2000

The recipe for success in Sierra Leone could be summarized by quoting a member of the Security Council: the alignment of political will with resources.

The political will mustered to save UNAMSIL was evidenced by the dramatic increase in the resources allocated to the mission from May 2000 onwards. The search for a harmony between the ends, outlined in the original mandate and the means began to occur with the adoption of resolution 1303. The increased force strength approved for UNAMSIL in resolution 1346, adjusted the above ratio to 4:1 – four combatants to every UN peacekeeper. Likewise, the UNAMSIL’s initial budget was set at and was adjusted with the troop surge to

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93 United Nations Security Council, ‘Resolution 1270’. The deployment was obviously supported by 12,000 strong ECOMOG force.
94 Yabi, 'Sierra Leone', p. 195.
a high of $617.11 million (in 2001-2002). Possessing a maximum strength of 17,500 and with expenditures totalling $2.8 billion (over six years), UNAMSIL was, for its time, the largest and most expensive UN peacekeeping operation in UN history.

A mission’s military strength is certainly no guarantee of effective mandate implementation, but it does make a difference. 96

Improvements in the quality of the troops were also noted as 300 “well-trained and well-equipped troops from Jordan” 97 arrived to supplement the force in mid-2000. However, perhaps the greatest impact in resource terms was noticed with the deployment of Operation Palliser – the British over-the-horizon force. The deployment of the small British taskforce highlighted the lack of deterrent strength of UNAMSIL forces prior to May 2000. Despite, the increase in UNAMSIL’s budget, both the multi-donor Trust Fund for the DDR programme and the Trust Fund for the Special Court were not sufficiently endowed. The Council encouraged generous donations to address various funding shortfalls in a number of resolutions (1370, 1436, 1508 and 1537), yet still both trust funds continued to be chronically underfunded.

**Leadership**

The effective Council membership of the United Kingdom is cited as a key determinate of the Sierra Leonean outcome. The United Kingdom played a key role not only in the political realm, but also on the ground. The United Kingdom ran the politics on the Sierra Leonean case within the Council, and other Council members acknowledged their lead. Robert Fowler, a representative (Canada) serving on the Council at the time (1999-2000), speaks to British leadership in the Council:

Sierra Leone was clearly going to be a Brit operation, and I thought they were actually going to do what they did, they were going to make a difference, and they were going to more or less fix it. 98

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96 Yabi, 'Sierra Leone', p. 195.

97 Ibid., p. 172.

98 Fowler, 'Interview with Author'.
The British displayed an active interest in Sierra Leone, in a similar vein to the interest displayed by the French in Cote d’Ivoire and, to a lesser extent, the United States in Liberia. The United Kingdom acted through the Council to support on-going UN efforts in the country. Operation Palliser was limited in duration, but acted as the starting point for sustained British bi-lateral involvement. The intervention was by no means British-owned and operated; it was undertaken by the UN in partnership with ECOWAS, the Sierra Leonean government, and bi-laterals – the UK included. Success or effectiveness cannot therefore be owned by the British, but by the wider international community.

Nigeria, although not a member of the Council at any stage of the conflict, was a pivotal actor in Sierra Leone throughout. The Nigerians owned the ‘politics’ and shaped the military and diplomatic response to the AFRC coup of 1997. The Nigerians launched and escalated its military operations under the ECOMOG umbrella to repel the coup in early 1998. Nigeria relations with Sierra Leone were relatively strong, with the Nigerians having stationed troops there since 1991. An ECOWAS member was also always present as a member of the Council throughout the UN engagement [Guinea-Bissau (1996-1997), Gambia (1998-1999), Mali (2000-2001), Guinea (2002-2003)].

**Measure of Effectiveness**

The (b) desired goal state for the Council in Sierra Leone was scaled between (b1) negative peace and (b2) positive peace. Negative peace was achieved in Sierra Leone in 2001, although the civil war was official brought to an end in January 2002. The conditions of negative peace were fulfilled by the complete reduction in the number of battle-related deaths. In 1999, 1,500 deaths were recorded (WDI) indicating that civil war was still ongoing. In 2000, this number was reduced to 154, while in the following year (2001) only 2 battle-related deaths were recorded. In terms of displaced persons, the data show a significant decrease both in the number of IDPs and refugees from 2001-2003. IDP numbers decreased from 1.3 million in 2001 to 7,500 in 2003. The data support the proposition that the goal of (b1) negative peace was achieved in January 2002. 

In terms of positive peace (b2), Sierra Leone does not currently feature in the PPI 2012 report (which provides an index of 108 countries). However, using the 21 indicators used to

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determine the PPI, some trends can be established. It is worth noting that Sierra Leone’s progress has been made from a ‘low base’. The trends are, nevertheless, positive. In governance terms, Sierra Leone is still considered a ‘hybrid regime,’ (2011) with a score of 4.51, which is slightly above the sub-Saharan average of 4.32. On the critical indicator of government effectiveness, gains have been limited, while control of corruption has improved. On the indicator of political freedom, Sierra Leone has continued to show a marked improvement – from a score of 4.5 in 1998 to a score of 3 in 2011. In development terms, life expectancy has risen by 10 years since 1998 – from 38 years of age to 48 years in 2011. Infant mortality (deaths per 1,000 births) has dropped from 147 (1998) to 119, while GDP (PPP), has almost doubled in the ten years since 2002 - from 2.72 billion to 5.26 billion in 2011. According to a reading of the trends in the data presented above, a state of positive peace currently exists in Sierra Leone. The relative strength of that positive peace relies heavily on the political institutions of the state, which can be said to be trustworthy. Sierra Leone, however, is not without its challenges.

The goal of (b1) negative peace was achieved by influences attributable to the Council (UNAMSIL), British and Guinean Forces and the Sierra Leonean Government, and to a lesser extent the RUF. De facto negative peace was achieved after the RUF was routed and their leader captured in mid-2000. RUF activity was significantly curtailed as result of the combined military activities of the aforementioned actors. The transition to negative peace, however, was confirmed with the negotiation of the Abuja Ceasefire to which the RUF was a party. The transition to (b2) positive peace was affected by a combination of actors, which included the Council.

**Conclusion**

Sierra Leone successfully transitioned from a state of intra-state conflict to a state of positive peace - the conflict cost the lives of 50,000 people. Since the end of the civil war Sierra Leone has not returned to state of conflict. Social progress has been made and better standards of life are now enjoyed by the majority of Sierra Leoneans. As has been argued, the Council through the use of UNAMSIL and the 1132 sanctions regime played a pivotal role in achieving negative peace. UNAMSIL carried out a range of tasks designed to support improved security, most notably the DDR programme. The positive peace achieved in Sierra

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100 Freedom House
Leone can be attributed to the efforts of the wider Sierra Leonean society (including the government) supported by the United Nations. UNIOSIL and later UNIPSIL undertook residual peace-building efforts. These missions were smaller in scale and their impact more limited than that of the larger and more intrusive UNAMSIL. The residual peace-building missions sought to assist the Sierra Leonean government build the capacity of state institutions, to enhance government functionality in the provision of public goods. The missions also assisted in the electoral reforms, strengthening the rule of law and monitoring human rights.

The case of Sierra Leone highlights the clear distinction between an ineffective and effective Council. The distinction it was argued can be explained by the concept of Council agency. Despite, the high degree of P-5 alignment, an incompatible Council-based solution, coupled with insufficient political will, resources and leadership, resulted in an almost calamitous outcome for the Council. Following the events of May 2000, a turnaround was noted on all elements of Council agency. The Council began to address RUF intransigence. The new solution was developed, which involved the taking of more aggressive peace-enforcement posture and also directly targeted the RUF and its Liberian patrons through the use of sanctions. This solution was supported by a dramatic increase in the level of resources provided to UNAMSIL – denoting an increase in political support for the intervention. The ‘thrust’ noted after the hostage situation of May 2000, was led by the British government both on the ground and in the Council chamber. The Nigerians also played a critical, yet often unheralded leadership role. The Council’s capacity to act in the situation of Sierra Leone was determined by these four elements, underlined by strong P-5 alignment and the broader acceptance of the Council’s right to intervene (i.e. legitimacy).

The detailed case studies in effectiveness undertaken in Chapter 5 and in Chapter 6 have been used to analyse the work of the Council. In the following chapter, the case study method will again be used to analyse the work of the Council in a number of different contexts – including situations of international conflict and CBRN weapons proliferation. Ten mini-cases will be introduced and examined using the concept of Council. The effectiveness of the Council in each case will be also determined using the measure of effectiveness established in Chapter 3.
Chapter 7
Ten Cases in UN Security Council Effectiveness

Each international intervention is itself unique. The Council’s machinery works differently in different contexts, and so the Council’s effectiveness is context specific. The aim of this chapter is to examine many of the Council’s most notable and controversial interventions, by using the measure of effectiveness, developed in Chapter 3, and the concept of Council agency, developed in Chapter 4. By doing so, this examination will address two questions, in relation to each intervention:

- Was the Council effective in this context?
- Why was the Council effective in this context? Or alternatively, why was the Council ineffective in this context?

The present chapter seeks to expand the empirical base on which the study is founded. If this study simply relied on the cases of El Salvador and Sierra Leone for its empirical foundations, it would find it difficult to establish grounds for the generality of its findings. In order to establish these grounds, this chapter comprises ten mini case studies. These case studies will be arranged chronologically in the following order: Iraq-Kuwait, Haiti, Somalia, Mozambique, Rwanda, Croatia, Timor-Leste, the Democratic Republic of the Congo (DRC), Darfur and North Korea (see Table 7.1 below).

The case studies will be structured in order to answer the two questions posed in this introduction. The first section of each case will provide a short descriptive narrative of the UN intervention using key resolutions. The second section will apply the measure of effectiveness to determine whether the Council was effective in achieving its goals, in relation to the intervention in question. The third section will utilise the concept of Council agency to explain the intervention’s effectiveness, or conversely ineffectiveness.

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The Situation between Iraq and Kuwait

On 2 August 1990 Iraq invaded Kuwait. Within hours of the invasion the situation between Iraq and Kuwait was placed on the agenda of the Council. The first resolution adopted on the matter demanded, “that Iraq withdraw immediately.” 1 Soon after, the Council adopted a series of resolutions under Chapter VII of the UN Charter. 2 The first of these resolutions was 661, which applied the use of comprehensive economic sanctions in an effort to force the Iraqis to comply with the demands of the Council. In order to further strengthen the sanctions regime, the Council adopted resolution 665, which authorised the establishment of a naval blockade. These Chapter VII measures, however, did not produce Iraqi compliance.

Meanwhile, the United States deployed its military to the Persian Gulf under Operation Desert Shield. It was hoped that the presence of US troops would firstly, deter an Iraqi invasion of Saudi Arabia, secondly, force the Iraqis to comply with the Council’s demands (i.e. withdraw from Kuwait) and thirdly, bring a degree of stability to the Persian Gulf region. 3 The Iraqis, however, continued to hold out under the immense diplomatic, economic and military pressure that had been applied by Western powers and the Arab League. The Council answered Iraq’s continued defiance on 29 November 1990 with the adoption of resolution 678. 4 The resolution gave Iraq “one final opportunity” 5 to comply with the Council’s demands by the deadline of 15 January 1991. In the same resolution, the Council authorised member-states co-operating with the Government of Kuwait to enforce compliance with Resolution 660 by “all necessary means” 6 (i.e. the use of force).

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2 Resolutions 661, 662, 664, 665 and 666 (1990)
3 Around 700,000 US and other foreign forces were deployed to Saudi Arabia for these purposes
4 This resolution acted as the ‘trigger resolution’ for military action.
6 Ibid. para. 2
A ‘coalition of the willing’ comprising of 28-member states launched military action against Iraq on January 17 1991. Within 2 months of the commencement of the coalition’s military campaign (known as Operation Desert Storm), the Gulf War had ended with a decisive coalition victory. Following the eviction of Iraqi forces, the Council established the UN Iraq-Kuwait Observer Mission (UNIKOM) to monitor the demilitarised zone (DMZ) between the two countries. The Council also turned its attention to the problem of alleged Iraqi CBRN weapons proliferation. 7 This problem culminated in the invasion of Iraq by the US and its allies in 2002. Following the invasion UNIKOM was subsequently withdrawn.

Measure of Effectiveness
The goal of the Council in Kuwait was the restoration of international peace and security. As Iraq had invaded and annexed Kuwait, this goal was translated into the goal of restoring Kuwaiti independence. This goal, however, was achieved through the use of force, which resulted in considerable Iraqi military casualties and around 5,000 civilian causalities (both Kuwaiti and Iraqi). Nevertheless, it can be concluded the Council was effective on the issue of Iraq-Kuwait.

Why was the Council effective in Iraq-Kuwait?
In relation to the situation between Iraq and Kuwait, the Council took an approach that was incomparable to that of any other case in the post-Cold War era. The agency of the Council was underpinned by the recognition of its legitimacy by its membership and the alignment of the P-5. Firstly, the Council was able to authorise the use of force, because the Council was still considered by its membership to be the legitimate authority in regards the authorisation of force in international politics. Secondly, the Council was able to take extraordinary measures on account of the level of alignment that existed between the P-5. Consensus was negotiated by the US and the USSR, while the Chinese abstained from the vote on the trigger resolution.

The solution adopted by the Council escalated through a number of phases. Initially, the Council invoked the use of comprehensive economic sanctions enforced through the use of a naval blockade. However, when sanctions proved ineffective the Council authorised the use

7 Although inter-connected, the international conflict problem addressed in this case study is considered separate from the Iraqi CBRN weapons proliferation problem (under the Council subject heading ‘Issues relating to Iraq.’) It will, therefore, not be included as part of this case study.
of force to compel the Iraqi regime. The use of the instrument of full-scale military enforcement was effective to these ends. The third phase of the Council’s response to the problem involved the deployment of UNIKOM, as a trip-wire or interpositional force. The central issue with the authorisation of military force in Iraq-Kuwait was that of control and accountability. Once resolution 678 was adopted the Council ceased to have any control over the direction of the military action. Although, the resolution requested that, “the States concerned to keep the Security Council regularly informed on the progress of actions undertaken,” the provisions were vague. When Operation Desert Storm exceeded the term of authorisation (by pursuing the Iraqi military), there was little the Council could do to keep the coalition of the willing accountable.

In relation to UNIKOM, several problems were pronounced. The central problem faced by the mission was related to the issues of credibility and impartiality. Throughout the deployment the mission faced Iraqi claims of bias. These claims were credible, as the Kuwaiti government paid for two-thirds of the budget for the mission. Leading coalition members also contributed troops to the mission, violating the unwritten rule regarding the deployment of P-5 troops as part of traditional peacekeeping operations. Furthermore, British-US over flights of the DMZ was conducted on a regular basis, without UNIKOM rebuke. Overall UNIKOM was “recognised as constructive” in its role, preventing an “escalation of the conflict between Iraq and Kuwait.” Nevertheless, UNIKOM’s effectiveness was undoubtedly facilitated by favorable conditions – as Iraq was never going to seriously consider a repeated invasion of Kuwait.9

The level of political will expended by Western powers and Arab states on the Iraq-Kuwait issue was significant. It can be argued that the issue was the single leading issue of the entire decade. The level of political will translated into considerable diplomatic activity. This was evidenced in the Council’s adoption of 12 resolutions on the matter (11/12 under Chapter VII) between the months of August and December of 1990. The level of political will was also evidenced in the sizable coalition force which was assembled to conduct the campaign. A total of 956,600 troops were involved, while over 100,000 sorties were flown by coalition aircrews. In all the US led campaign cost $61.1 billion USD.10

In conclusion, the Council was effective in the case of Iraq-Kuwait, because of the level of political will displayed by the US (as leader) and other western states. The momentum generated in the later months of 1990, set the Council on a course of escalation, as the Council continued to encounter Iraqi non-compliance. Moreover, P-5 alignment ensured the political will garnered was channelled through the Council to achieve the authorisation of military action.

**The Situation in Haiti**

The situation in Haiti remains an enigma on the agenda of the UN Security Council. When first placed on the Council’s agenda the case of Haiti did not represent a significant threat to international peace and security (in the traditional sense). It was a case of coup d’état – an event that unfortunately occurs on an almost yearly basis somewhere throughout the world. In the case of Haiti, however, the Council responded with range of unprecedented measures – comprehensive sanctions, a naval blockade, the authorisation of a MNF (Operation Uphold Democracy) and a peacekeeping operation (UNMIH).

In 1990, UN and OAS supervised elections brought to power Jean-Bertrand Aristide. Soon after, Aristide was overthrown in a coup d’état orchestrated by Raoul Cedras – the commander of the armed forces. The General Assembly, the OAS and a Group of Friends responded to the coup by deploying the International Civilian Mission in Haiti (MICIVIH) to monitor the human rights situation. Soon, stronger measures were sought through Council action. The Council imposed an oil and weapons embargo and froze all foreign funds held by the authorities in Haiti. After the imposition of sanctions, Cedras agreed to negotiate with Aristide. The negotiations concluded with the signing of the Governors Island Agreement. Implementation of the agreement was to be supported by a small peacekeeping force known as the UN Mission in Haiti (UNMIH). On 27 August 1993 the sanctions regime was ended, while UN peacekeepers prepared for deployment. The mission, however, was stopped from landing its contingents, which in turn prompted the re-imposition of sanctions and the imposition of a naval blockade.

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11 This mini-case covers the first UN intervention in Haiti (1990-1999)
In early 1994, the US and the OAS began to introduce new sanctions in an effort to pressure the Cedras’ regime into acquiescence. By mid 1994, discussion turned to the enforcement of Aristide’s return through military action. Resolution 940 authorised a multi-national force to restore Aristide’s regime. An extraordinarily large force (22,000 strong) deployed and occupied Haiti until January 1995. At which time, a reconstituted UNMIH was established to “provide security, stabilise the country, create a new police force and professionalise the Haitian armed forces.” UNMIH now confronted a range of challenges and most pressing among them was the issue of security. These challenges overwhelmed the international community’s efforts. Aristide’s return did not translate into instant stability, but rather Haiti seemed caught in a perpetual crisis of the state. Although, UNMIH work yielded modest results, the situation did not markedly improve. Exasperated with Aristide the Council handed Haiti’s problems onto the OAS, only to re-enter following the second overthrow of Aristide in 2004.

Measure of Effectiveness

To characterize the situation in Haiti as an intra-state conflict might be a fallacy. As the country never experienced open violent conflict, it is perhaps wiser to classify the situation as one of internal strife. Hence, the goals of the Council were related to building the conditions for positive peace. It appears the Council equated the restoration of Aristide to the presidency with the goal of positive peace. However, the evidence suggests no significant positive peace gains were achieved, particularly in the areas of rule of law, government effectiveness and CIRI human empowerment. Therefore, it can be concluded that the Council was ineffective in Haiti (1990-1999).

Why was the Council ineffective in Haiti?

The situation in Haiti presented an opportunity for the Council to exercise its agency in pursuit of the restoration of security. The Council was able to act in Haiti owing to two enabling elements of Council agency. Firstly, the intervention in Haiti was enabled by a general acceptance by the membership that the Council had the legitimate right to attempt to solve the problems of Haiti’s crisis of democracy. The parties themselves, particularly Cedras and later, Aristide were irresolute in their recognition of the legitimacy of the Council. Cedras

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17 According to governance indicators, and the CIRI human rights index.
was coerced by use of sanctions, while Aristide began to assert his sovereign prerogatives. Secondly, the agency of the Council was enabled by the moderate to strong alignment of the P-5. As Haiti was within the United States’ purview, horse-trading was conducted with both France and Russia to ensure reciprocal support for their ‘projects’ (CAR and Georgia). China, however, considered limiting UNMIH after the Haitian government recognised Taiwan. The Latin American nations (within the G-77/NAM) dissuaded China from pursuing this limiting action. (Source?)

As for the solution, the Council opted for a strong range of measures (sanctions, assets freezes and a naval blockade) to compel Cedras to relinquish power. These measures proved ineffective and so a military enforcement operation was mandated. Once Aristide was reinstalled the Council used UNMIH to strengthen the police and armed forces. However, as noted by David Malone and Sebastian von Einsiedel, the “UN’s efforts were severely undermined by Aristide who turned out to be an increasingly unhelpful and unreliable partner, and by other actors.” 18 As the effectiveness of the Council solution (“increasingly unproductive”) was tied to the quality of the local leadership, the intervention in Haiti collapsed. 19

The ineffectiveness of the Council, however, was not on account of inadequate support – in terms of political will, resources or leadership. The situation in Haiti captured the attention of the United States and as a result the UN intervention received considerable political support. Moreover, the level of resourcing was overwhelming considering the scale of the problem. Operation Restore Democracy involved 23,000 troops, while its successor the reinvigorated UNMIH was deployed with 6,065 troops. 20 Prior to the establishment of UNMIH, Haiti was blockaded by a taskforce, the backbone of which was provided by six US destroyers. 21 However, in spite of US leadership, resourcing and the political will available, the Haiti solution was problematic. As the US became more exasperated with progress, the level of political will declined. This fatigue eventually resulted in the withdrawal of the UN mission in 1999.

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19 A point acknowledged by the SG
20 Following the Restoring Democracy, an additional 2,400 US troops (Operation New Horizons) were also deployed from March 1995 to March 1996.
In conclusion, the Council’s Haitian intervention was ineffective on account of its misreading of key Haitian actors. The Council had been used by the US to support the leadership of Aristide; a leadership that become increasingly unreliable. In this context, the UN’s political, human rights and stabilisation efforts failed to gain traction. The ineffectiveness of these efforts subsequently mirrored a drop-off in the willingness of the US and others to support the continuation of the UN mission in the country.

**The Situation in Somalia**

The situation in Somalia (1991-1995) was one of the most significant tests of the Council since its inception. It was a test the Council failed. Twenty-years on, the country of Somalia is still in the grip of crisis. The situation in Somalia itself began with the overthrow of Somalia’s long-time military ruler Syed Bare in 1991. Barre was ousted by a coalition of militias, which included the Somali National Movement (SNM), the Somali National Alliance (SNA), the United Somali Congress (USC) and the Somali Salvation Democratic Front (SSDF). The coalition was short lived and a civil war began between the various rebels - Ali Mahdi Muhammad (interim president) led the USC/SSDF, while the Mohamed Farrah Aidid led the USC/SNA. The state subsequently collapsed, resulting in an anarchical security environment, which was made worst by a drought induced famine. This dire set of circumstances forced the Council to act.

The Council first imposed an arms embargo. The embargo was “general and complete,” 22 but also ineffective, due to the large number of weapons in circulation. The Council then deployed a small observer force (UNOSOM I) to monitor a nominal ceasefire, which had been negotiated between Mahdi and Aideed (on 3 March 1991). UNOSOM I’s mandate focused on Mogadishu and its surrounds. It provided ceasefire monitoring and protection for humanitarian aid deliveries. Aideed’s consent to the operation was, however, tenuous and conditional at best. Soon enough, Aideed withdrew his consent. To which the Council responded with the deployment of an audacious Chapter VII multinational force to create “a secure environment” 23 and facilitate humanitarian assistance – the force was known as the United Taskforce (UNITAF).

22 Malone and Von Einsiedel, ‘Haiti’.
UNITAF was effective within its limited mandate (relief protection), time frame (three months) and geographical area (40% of the country). After the departure of UNITAF, a second UN Somalia mission was deployed (UNOSOM II) in support of the national reconciliation process, which had concluded in March 1993. UNOSOM II was charged with the creation of a secure environment and the rehabilitation of the political institutions and the economy of Somalia. UNOSOM II’s most significant dilemma was the disarmament of the various militias. On 5 June 1993, a Pakistani detachment sent to investigate one of Aideed’s weapon caches was attacked and 24 peacekeepers were killed. The Council responded with resolution 837, which effectively declared war on Aideed and positioned UNOMSOM II as a peace enforcement operation. UNOSOM II, and later the US Task Force Ranger, launched a series of unsuccessful raids against Aideed’s forces. These raids only served to promote Aideed as a national hero and tarnished the legitimacy of the UN in the eyes of the local population. On 3 October 1993, the US Task Force launched the ill-fated ‘Black Hawk Down’ raid into central Mogadishu, which resulted in the deaths of 19 servicemen. The event precipitated the withdrawal of US forces and eventually the withdrawal of the UN mission in 1995.

Measure of Effectiveness
In Somalia, negative peace was not achieved at any stage of the UN intervention. Battle-related deaths totalled 9,639 from 1991-1995, while many hundreds of thousands of civilians were displaced and adversely affected by the humanitarian crisis. Although, UNITAF was effective, to a degree, on the whole the Council was unable to achieve its goals in Somalia. Neither the short-term goal of negative peace, nor the longer-term goal of positive peace was realised. Following the intervention Somalia became the very definition of a failed state. In 2006, major violent conflict returned to Somalia in the form of the Islamic Courts Union and Al-Shabaab.

Why was the Council ineffective in Somalia?
The Security Council’s ill-fated intervention in Somalia was symptomatic of a number of problems, all of which relate to the elements of Council agency established in this study. Although, the Council was recognised as having the right to intervene in such a crisis, the parties to the conflict namely Aideed never recognised the Council or the UN as legitimate.

24 The Institute of Economics and Peace, 'Global Peace Index: 2012'.
25 Program, 'Ucdp Battle-Related Deaths Dataset V.5-2012'. 2076 battle-related deaths were recorded in 2010.
Aideed only ever tolerated the presence of peacekeepers, feeling that they were supportive of his rival Mahdi. The Council’s permanent membership, nevertheless, were relatively aligned on the intervention in Somalia. This alignment was evidenced by the unanimity of the Council’s decision-making. All key resolutions including 837 were adopted unanimously, which is surprising given the peace-enforcement nature of the operation.

Despite, strong alignment the critical fault for the Council was the compatibility of its solution, which did not take into account its lack of perceived legitimacy (i.e. Aideed and later the broader Somali population). There is evidence to suggest that the absence of a viable solution undermined the effectiveness of the UN intervention. The Council’s solutions focused on the symptoms of a collapsed state, which manifested in widespread starvation and malnutrition. The Council focused initially on the facilitation of humanitarian relief efforts throughout the country to these ends these efforts were relatively effective. However, the Council was not able to adequately handle the issue of militia disarmament. After the events of June 5, UNOSOM II became a peace-enforcement operation and soon lost the support of the Somali population. This in turn spelt the end for the mission.

Overall, the Somali intervention is particularly interesting because, like Bosnia, the intervention was backed by a significant level of political will and the resources to match.\textsuperscript{26} This impetus appreciably abated after the Black Hawk Down incident, when US President Clinton announced the withdrawal of US troops – and by virtue political support. However, prior to this incident the invention was well resourced and enjoyed strong politically support. The three peace operations were all well resourced, with the largest peacekeeping forces ever deployed on the African continent (28,000 troops), costing the UN a total of around 2 billion dollars.

The Situation in Mozambique
The long running civil war in Mozambique was one of the most devastating conflicts of the Cold War and apartheid struggle, which took place in South Africa during the 1970s and 1980s. The war in Mozambique began in 1977 following independence from Portugal two-years prior. The conflict was fought between the government of Mozambique (FRELIMO)\textsuperscript{26} Much of the impetuous for the intervention came from the United States, particularly after George H.W Bush was defeated in the presidential election of 1992.
against the Mozambique National Resistance (RENAMO) rebels supported by Rhodesia. The conflict was also framed as a fight between the ‘communists’ (represented by FRELIMO) and the ‘anti-communists’ (RENAMO). The civil war was fought between the two sides with support from their foreign patrons, until a hurting stalemate befell the conflict in the late 1980s. Neither side held the ability to decisively win the conflict - offensives launched in 1987 were evidence of this fact. In 1990, the Cold War ended, apartheid began to collapse in South Africa and Namibia gained independence. These set of circumstances provided the backdrop for the first negotiations between FRELIMO and RENAMO on ending the civil war.

The talks were mediated by the Community of Sant 'Egidio 27 with the support of the UN and the Italian government, while the United States, United Kingdom, France and Portugal acted as observers. Afonso Dhlakama (RENAMO) and Joaquim Chissano (FRELIMO) signed the final outcome document, the Rome General Peace Accords, on 4 October 1992. The accords were a “comprehensive text” which encompassed agreements on all the “tough issues.” 28 The agreement engendered trust and built confidence over the period (7 months) between the signing of the agreement and the deployment of a UN peacekeeping force – UN Operation in Mozambique (ONUMOZ). The Council adopted resolution 797, which outlined the ONUMOZ mandate: the monitoring and verification of the ceasefire, DDR, the withdrawal of foreign forces and the disarmament of irregular armed groups; the provision of security for vital infrastructure and UN activities; the provision of electoral assistance; and to coordinate and monitor humanitarian assistance operations. 29

Measure of Effectiveness
The Council was effective in Mozambique. Negative peace was established in 1992 and was attributable to the Rome Accord. As ONUMOZ was not in country at the time, the achievement of this goal cannot be attributed to the Council. However, the deployment of ONUMOZ subsequent to the accords was critical to the eventual establishment of positive peace in the country. In governance terms, Mozambique’s performance improved since the

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27 A small Christian community affiliated with the Catholic Church
end of the civil war. However, the country is still not considered an electoral democracy – with each general election for the past 20 years being afflicted by allegations of electoral fraud. On the PPI, Mozambique is currently ranked 97 of 108 countries with a score of 3.485, significantly below the score of El Salvador (2.858).

Why was the Council effective in Mozambique?
The Council’s engagement in Mozambique was exemplary and can be explained using the concept of Council agency. The key to the Council’s intervention in Mozambique was the recognition, by both FRELIMO and RENAMO, of the Council’s legitimacy. Of secondary importance was the level of alignment that existed between the P-5 at the time. The end of the Cold War had dissolved the long-running wars of Southern Africa. As a result, Mozambique did not figure particularly highly on the agendas of any of the great powers. All the P-5 members seemed content to support any action to verify the consensual agreement, which would end the fighting.

ONUMOZ was a flexible and effective verification mission, which allowed the parties to channel the conflict into a democratic process. For the most part, the mission resembled a de facto transitional administration under the leadership of SRSG Aldo Aiello. The Council allowed the mission to operate at arm’s length – which afforded ONUMOZ a level of flexibility. Interestingly, the mission was able to move away from the ‘cookie cutter approach:’

But rather than simply attempting to re-create organisational routines that had functioned elsewhere, the members of the operation gathered sufficient technical information in Mozambique, defined problems based on local knowledge, coordinated with their counterparts, integrated organisational behaviour with the environment, and exercised creative leadership to avert crises and incrementally alter the actions of the warring parties.

As aforementioned, Mozambique was not high on the agenda of the P-5 – the problems of Somalia and Bosnia diverted attention away from the smaller situations. This ‘disinterest’

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30 Howard, UN Peacekeeping in Civil Wars., pp. 179-180.
was evidenced in the passage of only a handful of resolutions. The level of disinterest, however, did not undermine implementation, which relied on the continuing consent/cooperation of the parties, the flexibility of ONUMOZ and the leadership of a non-Council member – Italy. ONUMOZ was authorised by the Council with a strength of 6,625 troops, 354 military observers and over 1,000 civilian police. For its time, ONUMOZ’s strength was unprecedented. Peacekeeping efforts in Mozambique were supported by a budget of $492.6 million, while considerably more was spent on the delivery of humanitarian aid. A number of trust funds were also created to pay for the DDR programme (including soldier’s salaries) and to provide the finances for the transformation of REMAMO into a viable political party.

The community of Sant ‘Egidio, which conducted the mediation of the Rome Accords and the SRSG, Ajello, were both Italian. The Italian government supported the peacemaking and peacekeeping efforts of both. Italy could, therefore, be considered the primary leader on the case of Mozambique. The United States, the United Kingdom, France and Portugal also provided strong and unified leadership.

In conclusion, the Council was effective in Mozambique, due principally to the adaptability of its mission ONUMOZ and the goodwill of the parties – FRELIMO and RENAMO.

The Situation in Rwanda

The genocide of the Tutsi (and moderate Hutu) in Rwanda in 1993 is without doubt the UN’s darkest hour. Approximately 800,000 people were killed in the space of 100 days. The situation in Rwanda was a catastrophic failure of prevention, on the part of both the Council and the Secretariat. The Rwandan civil war and genocide take their historical roots from Belgium colonialism and the one-party rule of Juvenal Habyarimana.32 In response to continuing ‘Hutu’ repression of Tutsi, a Tutsi refugee group known as the Rwandan Patriotic Front (RPF) invaded Rwanda via its northern neighbour, Uganda (1990). The civil war continued until the negotiation of the peace agreement known as the Arusha Accords (1993). The accords created a transitional power-sharing government, supported by an ‘International

32 Habyarimana was a Hutu
Neutral Force’, which would “guarantee the overall security of the country,” 33 monitor the ceasefire and supervise the formation of a national army (involving the establishment of assembly and cantonment sites and a DMZ around Kigali).

The International Neutral Force was provided by the Council in the form of the United Nations Assistance Mission in Rwanda (UNAMIR). 34 Implementation of the Arusha began to drift from the outset, with political assassinations and violent incidents undermining any nascent trust that may have existed between the parties. In the meantime radical Hutu forces mobilised under the banner of Hutu power. On 6 April 1993 President Habyarimana was assassinated when his plane was shot down on approach to Kigali airport. The assassination was taken as the signal for the commencement of genocidal activities, undertaken by Impuzamugambi and the Interahamwe – affiliates of the Coalition pour la Défense de la République, (CDR) and the MRND. Amidst the initial killings, 10 Belgian peacekeepers were disarmed, killed and their bodies mutilated. Rwanda’s ‘Black Hawk Down’ moment precipitated the withdrawal of the Belgian contingent, the backbone of UNAMIR. The Council immediately authorised the almost complete abandonment of Rwanda, when it reduced UNAMIR’s troop strength to 270 observers (although 450 remained). The genocide was unleashed and carried out with ruthless efficiency. The remaining UNAMIR force proved helpless to stop the genocide, although it should be noted that the force valiantly protected many tens of thousands of civilians amidst the killing. 35

Measure of Effectiveness

The Council’s goal in Rwanda, upon establishing UNAMIR, was the maintenance of negative peace and the establishment of a positive peace in the country. This peace was to be built on the Arusha Accords. It is clear that the Council’s goal of maintaining negative peace was not achieved. Only months into the mission the genocide commenced and 800,000 people were killed. The Council was completely ineffective in its efforts to end the genocide for the reasons given above. Negative peace was eventually established in Rwanda. However, this peace was attributable to the RPF and not the Council or its UNAMIR operation. According to these facts, the Council was ineffective in Rwanda.


**Why was the Council ineffective in Rwanda?**

The Council’s ineffectiveness in Rwanda can be explained using the model of Council agency developed in this study. Essentially, Rwanda represents a failure on all levels of the model. Although, the Council was relatively aligned in the case of Rwanda, both the French and the Americans played a spoiler role. France was involved in supporting the Hutu-Habyarimana regime; as admitted by former French President Nicolas Sarkozy: “France had played an active role in training and arming the Hutu militias and troops who led massacres of Tutsis and moderate Hutus.”

This support translated into obscurantism by French diplomats in the Council. On the other hand, the US had an interest in keeping costs to a minimum. These concerns were voiced by Madeleine Albright in her instructions to the Secretary-General. She asked to Secretary-General to “consider ways of reducing the total maximum troop strength of UNAMIR… [and] to seek economies.”

Aside from these issues of alignment, the Council’s Rwanda solution itself was also defective. The Council misread the facts on the ground and adopted a traditional peacekeeping solution. The Chapter VI mandate prevented UNAMIR from using force outside of its prescribed limits (i.e. self-defence). Instead, UNAMIR operated on the basis of consentualism and largely performed transitional assistance tasks. The Arusha Accords envisaged a robust Chapter VII peacekeeping force charged with a range of tasks, which included guaranteeing “the overall security of the country,” assisting “in the tracking of arms caches and neutralization of armed gangs throughout the country” and assisting “in catering for the security of civilians.”

The Council opted for the Chapter VI option. This limited Chapter VI mandate, it is argued by Bellamy and McDonald, made UNAMIR “incapable of facilitating the implementation of the Arusha Accords.” President Habyarimana had

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38 A reinforced mission with a more robust and broad posture may have been about to better adapt to the deterioration and deter the Genocidaires (‘those who commit genocide’). It can be argued that the downward spiral could have been arrested.


40 Bellamy, Williams, and Griffin, *Understanding Peacekeeping*, p. 203.
referred to the Accords as mere “pieces of paper,” while many Hutu radicals disliked the idea of power sharing – which was seen by the Hutu elite as akin to a net loss of power. These facts alone should have precipitated the authorisation of a Chapter VII mandate.

Amidst the killings, the Council adopted resolution 929 which authorised the deployment of a French MNF for a period of 2-months. Operation Turquoise was a problematic mission for a number of reasons. Firstly, it was an operation led by the Hutu government’s ally France. As aforementioned, the French government was complicit in the genocide. Furthermore, allegations have been made that the operation was essentially designed to support to the Hutu regime. Secondly, the operation undermined UNAMIR – two international forces operating in the same country with dual command structures. The operation was criticised by the UNAMIR’s force commander Romeo Dallaire and the Independent Inquiry into the Actions of the UN during the 1994 Genocide in Rwanda.

The Council’s Rwandan intervention also lacked political will, resources and leadership. Overall, the Rwanda represented a significant failure of leadership - with no single country, except perhaps Nigeria, acting in a responsible and effective manner. The failure of leadership was perhaps symptomatic of general lack of political will available to generate and support viable solutions. Kofi Annan (1999) has described Rwanda as a case where insufficient political will resulted in a failure to intervene to stop genocide. Member-states, he argued, lacked commitment because of the costs of intervention (‘blood and treasure’) and the perceived absence of vital interests – (i.e. disinterest). The Council was unenthusiastic about Rwanda from the outset, as Rwanda followed the events of ‘Black Hawk Down’ by a matter of months. Events in Bosnia were also a distraction for the Council. It can be argued that a level of disinterest poisoned the intervention from the outset. This high level of disinterest resulted in a manifest lack of resources for UNAMIR on the ground and at a diplomatic level. The response of the international community was “culpably weak” in the face of the genocide. At the time of UNAMIR’s initial deployment, troop strength was considered to be ‘light’ – the Secretariat had recommended 8,000, but the Council approved only 4,500 and 2,548 actually deployed. When the 10 Belgians were killed, the force was

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essentially withdrawn. Only 450 observers remained - to ‘observe’ the genocide and to assist in limited protection.

**Croatia**

The war in Croatia (1991-1995) was part of the break-up of the Social Federal Republic of Yugoslavia (SFRY). At the end of the Cold War, the ethno-religious mix of the federation fragmented, as nationalist sentiment rose to the surface. The break-up centred on the Yugoslav core in Serbia and involved the secession of Slovenia, Croatia, Macedonia and Bosnia – in that order. 44 In Croatia, independence was complicated by the fact that the region of Eastern Slavonia was an area of Serb majority (52% of the population). 45 After the region was ethnically cleansed of Croats, the Serbs declared the region the Republic of Serbian Krajina (RSK). 46

In early 1992, the government of Croatia and the Republic of Serbian Krajina (RSK) entered into an agreement known as the Sarajevo Agreement. 47 This agreement effectively froze the Croatian front and allowed for the Council to deploy the UN Protection Force (UNPROFOR). 48 Intended as an interim arrangement, UNPROFOR deployed in Croatia to provide security in order that a negotiated agreement might be concluded. The force was also tasked with the protection of three UN protected areas (within RSK) and later the connecting ‘pink zones.’

In early 1993, the Croats launched two operations to capture territory away from Serb forces. 49 Tensions increased in early 1995, as the government of Croatia sought the withdrawal of UNPROFOR from Croat territory. The hastily negotiated Z-4 plan brought about the re-badging of UNPROFOR in Croatia, which became known as the UN Confidence Restoration Force (UNCRO). Soon after, Croatian forces moved decisively against Serb forces in three operations (Operation Summer 95’, Operation Flash and Storm). The war in Croatia was effectively ended, without Eastern Slavonia (the only remaining Serb controlled area) having been captured. To avert interstate conflict between Croatia and Serbia over Eastern Slavonia,

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44 Tensions precipitated the proliferation of irregular ethnically based militia groups and the creation of new secessionist republic defense forces.
45 The Serbian leadership in Belgrade resisted Croatian independence by using the Yugoslav Army (JNA).
46 Serbs now make up 93% of the population
49 Operation Maslenica – in Zadar and Operation Medak Pocket – near Gospić
the negotiators at Dayton sought a separate agreement on the matter. This agreement made in Erdut in November 1995 and it established the conditions by which Eastern Slavonia would be reintegrated into Croatia. The agreement would also call for the establishment of a UN transitional administration in the region. The Council subsequently established this administration, the UN Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), under the authority of transitional administrator, Jacques Paul Klein.

UNTAES’s mandate comprised of both a civilian and a military component. Essentially, UNTAES military component was to supervise de-militarisation, the return of refugees, maintain security in the region and contribute to the implementation of the Erdut agreement. The civilian component would establish a police force, oversee the prison system, undertake tasks relating to civilian administration/public services and organise and verify elections. The transitional administration was by no means perfect, but represents at least one effective operation amidst the failures of the UN in the Balkans.

*Measure of Effectiveness*

The Council’s goals in Eastern Slavonia were first, to maintain negative peace, and second, to establish the grounds for positive peace. In relation to the first goal the Council was effective. The last battle-related deaths in Croatia were recorded in 1995. After this time, only the limited incursions of Arkan’s tigers disturbed the peace. These incursions, as aforementioned, were effectively counted by UNTAES. In relation to the second goal, it is clear that a level of positive peace currently exists in Croatia. The country is ranked 40th on the PPI with a score of 2.421.

*Why was the Council effective in Croatia?*

The Council’s efforts in the Balkans and particularly Bosnia had been disastrously ill-coordinated and generally problematic. Nevertheless, the Council’s efforts in Croatia following the Erdut Agreement were unquestionably stronger and more decisive. The Council’s legitimacy to act was accepted by the parties to the Erdut Agreement. The alignment of the P-5 was the second enabling element for Council agency in Eastern

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51 Program, ‘Ucdp Battle-Related Deaths Dataset V.5-2012’. UCDP Battle-Related Deaths: 858
52 Croatian Government and Representatives of the Republic of Serbian Krajina acting under instruction from the Government of the Federal Republic of Yugoslavia
Slavonia. At the time, the P-5 were paying careful attention to the Bosnian peace process, which was concluded at Dayton in 1995. The Croatian front was, therefore, of secondary importance and so tension between the P-5 was avoided.

The critical element for Council agency in Eastern Slavonia was the Council solution – the transitional administration, UNTAES. The Council solution was highly compatible with the context in which it was applied. Prior to the establishment of UNTAES, the facts on the ground had changed substantially in Eastern Croatia. Serb forces had been defeated by the Croatian military and the Serb community in Eastern Slavonia had been forced to abandon the idea of the RSK. In accordance with this context, the Council established UNTAES with a “do-able mandate,” which translated into a clear set of goals. Moreover, the Council gave the mission a “robust deployment” posture “to achieve its military objectives easily and to contribute significantly to the achievement of complex civilian goals.” UNTAES through its transitional administrator, Jacques Paul Klein, presented itself as a “no-nonsense” peacekeeping force, capable of effectively engaging with the local population. UNTAES responded both flexibility and robustly to the variety of challenges it confronted – most notably the eviction of the Arkan's Tigers (Serb Volunteer Guard) from the region and the establishment of a transitional customs service.

Although, UNTAES was considered by many “as peripheral to the Dayton implementation process in Bosnia,” the political support afforded the mission was relatively substantial. This was evidenced by the deployment of over 5,000 personnel (troops, observers and police). Moreover, the troops were well armed and equipped – troops and materiel included: Belgian, Russian and Jordanian mechanized infantry battalions, a Polish Commando Unit, an Argentine Recon company, 70 main battle tanks, 200 armored personnel carriers and a squadron of attack helicopters. The force was capable of deterring any threat to the peace and stability of the Serbian majority areas of Croatia, and was able to draw on

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53 The conditions in Croatia had been made conducive to UNTAES, by the Croatian military, which had rid the region of Serb paramilitary units, prior to UNTAES arrival
55 Howard, UN Peacekeeping in Civil Wars. Find Reference: Most Likely Howard
57 UN Department of Public Information, 'Croatia - Untaes',
the considerable deterrent strength of NATO’s Implementation Force (IFOR) stationed in neighbouring Bosnia.

The Situation in the Democratic Republic of the Congo (DRC)
The situation in the DRC is arguably one of the most complex conflicts of modern international history. The complexity of the conflict can be attributed to the size of the country, the regional dynamics at play, the number of actors present, the number of combatants and the difficulties in defining the fundamental causes of violent conflict. The complexity of the situation made the task of external intervention exceedingly difficult. The Council adopted a “muddling through” approach, which can be considered partially effective – “better than nothing.”

The Council first addressed the situation in the DRC, after the Lusaka Peace Agreement was concluded in July 1999. In response to the agreement the Council deployed, Mission de l'Organisation des Nations Unies en République Démocratique du Congo (MOUNC). The mission was to become the Council’s principle instrument and over the course of its lifecycle, the Council significantly expanded the mission in terms of both mandate and force strength. The security situation in the Eastern Provinces of Kivu, Ituri and Katanga continued to frustrate efforts to consolidate the peace and expand the reach of the central government. In effect, the DRC was caught in a situation of – ‘no war, no peace.’

For the most part, Council remonstrance was issued to all parties, and without leverage, produced no disenable effect on the behaviours of the parties or their compliance. Moreover, the arms embargo and targeted sanctions regime can also be said to have had limited effect. The Council through MOUNC/MONUSCO have struggled to affect strong positive outcomes amidst an incredibly complex overlay of regional, national and local conflict. For the most part, UN activities have taken place against the backdrop of violence, rape and mass crimes, particularly in the East.

59 The DRC, with its eleven provinces, is also inclusive of a variety of ethnic, tribal and people groups (over 250 different groups) – which include the Bakongo, Luba, Mongo, Lendu, Hema, Banyamulenge, Azande and Mangbetu. Moreover, following the Rwandan Genocide of 1994, a large number of Hutus from that country fled into Eastern Congo, adding further to the complex mosaic of the DR Congo. The conflict in the DRC featured the militaries of eight sovereign independent states and countless numbers of Congolese and foreign armed groups - best estimates suggest that around thirty credible armed groups operated in the DRC throughout the Second Congo War.
60 Johnstone, 'Interview with Author'.
In the security vacuum of Eastern Congo, rebel groups proliferated (over 25 different groups) and the alliances made between them constantly shifted. These groups and their regional masters (Uganda and Rwanda) used the situation to exploit minerals and terrorise the local population through banditry and the weapon of rape. The UN has faced considerable difficulties in addressing the roots causes of violence – through security programmes (DDR and SSR) and attempts at building an effective state. However, with the government of Kabila Jr. now the primary driver of the state-building enterprise (with support from MONUSCO), the humble gains made could be reversed.

Measure of Effectiveness
The goal of the Council in the DRC has been the establishment of negative peace. To these ends, the Council has been ineffective. This has not stopped the Council from assigning MOUNC/MONUSCO with peace consolidation tasks characteristic of the pursuit of positive peace. Despite, the Council’s misplaced assumption that the DRC transitioned to a state negative peace following the Sun City Agreement in 2003, the evidence suggests otherwise. The goal of negative peace has not been achieved, as fighting continues – first between the government the National Congress for the Defence of the People (CNDP) – and at the present (December 2012) between the government and the M23 rebels. The evidence of continued direct violence is found in the number of recorded battle-related deaths and displaced persons.

Why has the Council been ineffective in the DRC?
In the DRC, the Council has exercised its agency in a variety of ways. However, due to the complexity and the enormity of the tasks, the Council’s intervention as largely floundered. The alignment of the Council has been relatively strong throughout the intervention. Normal Chinese interventionist qualms have not surfaced due to the consensual nature of the intervention. However, as China began to side with Government of the DR Congo in relation to requests citing sovereignty. In February 2010 and again in October 2010, the Chinese raised issue with the language of MONUC’s revised mandate. Their concerns emanated from the priorities given to MONUC concerning the protection of civilians, over peace

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Minerals including: Diamonds, Colton, Cassiterite, Tin, Copper and Timber


consolidation and stabilisation priorities. China also showed mild obstructionist tenacities in the sanctions committee, blocking candidates opposed by the government, even those candidates implicated in widespread sexual violence. Although inherently anxious about the costs of peacekeeping, the US was generally comfortable with the idea the achievement of the mandate should override anxieties around cost, in dictating drawdown.

Initially, the Council was largely voiceless on the DRC between 1996 and 1999. The Council was then reticent to deploy peacekeepers to the country. Once deployed, the peacekeepers were faced with an ever-evolving mandate. The Council throughout MONUC/MONUSCO’s deployment has reacted to events on the ground. These events have acted as catalysts for changes in mandate, force strength and the reordering of priorities. Yet, in spite of the evolving mandate, the Council’s DRC solution has not been strong enough to overcome the sizable security problem in the East of the country. MONUSCO has used its robust mandate in support of the FARDC. However, not only is the FARDC not an effective fighting force, many of its troops are former rebels. These troops continue to engage in human rights abuses. Moreover, the rebellions of the CNDP in 2008 and M23 in 2012 provide damning evidence of the ineffectiveness of the DDR/DDRRR and SSR programmes. If the Council’s goal is the establishment of a security force capable of monopolizing the use of legitimate violence, then it has ultimately failed.

Part of the problem with the Council’s DRC solution has been the chronic underfunding of DDR and SSR programmes. Nevertheless, the resources allocated to MOUNC/MOUNSCO have been substantial in UN terms. The Council has furnished MONUSCO with a total mandated troop strength of 19,815 (maximum actual uniformed strength: 22,016; current actual uniformed strength: 20,586) and an annual budget of $1.351 billion [total MONUC expenditure: $8.73 billion (over 11 years)]. The force, however, is deployed in an area the size of Western Europe and protects a population of 70 million. It has also lacked force enablers, such as helicopters – making mobility incredibly difficult.

Over the course of the Security Council’s dealings with the problem of the DR Congo three countries have arguably acted as leaders – the United States, France and South Africa. France

has sought (and continues to seek) the continuance of momentum on the DRC, even throughout a period of ‘DRC fatigue’ in mid-2009. The French were also critical to involvement of the EU in the Congo through EUFOR Artemis and RD Congo (and the subsequent EUPOL and EUSEC RD Congo missions).

**The Situation in East Timor**

The situation in East Timor and the issue of Timorese independence has appeared on the agenda of the UN Security Council in two different eras of the Council’s history. In 1769 the colony of Portuguese Timor was established. Following the fall of Portugal’s Caetano dictatorship in 1974, East Timor was set for independence. However, a short civil conflict broke out between two of the leading independence parties – Fretilin and the Timorese Democratic Union (UDT). On 7 December 1975 the Indonesian Army (TNI) launched a full-scale invasion of East Timor and subsumed the territory as a province of Indonesia (27th).

The Council responded to the invasion with the adoption of two resolutions (resolutions 384 and 389) calling for the withdrawal of the TNI from East Timor. These calls were ignored and the Indonesian occupation continued.

In May 1998, the Suharto regime (New Order) collapsed as a result of the turmoil of the Asian economic meltdown (among other causes). Although the TNI retained much power, a new progressive leader, B.J Habibie (1998-1999) took office. The change in Indonesia’s Timor policy was instantaneous. Habibie entered into an agreement (‘The Agreement between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor’) with Portugal to allow for a ‘popular consultation’ (referendum) on the subject of the granting of special autonomy within the state of Indonesia. The Council responded to these developments by first, welcoming the agreement second, establishing the UN Assistance Mission in East Timor (UNAMET) to conduct the ‘popular consultation.’

On 30 August 1999, a delayed popular consultation was conducted, with an overwhelming majority of Timorese (78.5%) opting for independence from Indonesia. The vote was followed by a ‘September kelabu’ (Black September) of violence and widespread destruction

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69 The French military provided 1,000 troops for both operations. Of the E-10, various African [see figure x – South Africa (2011-12 and 2007-8), Uganda (2009-10), Congo (2006-7), Tanzania (2005-6), Angola (2003-4) and Namibia (1999-2000)] and European states (Belgium, Austria and Denmark) engaged, to varying degrees on the DRC issue.


of property and infrastructure, perpetrated by pro-Indonesian militias. The Indonesians had failed to uphold their commitments to provide security in the wake of the vote. The Council was therefore forced to consider the deployment of a multinational force for the purpose of providing security and restoring order in the short term. Following a period of fervent negotiations Habibie consented to the deployment of the International Force for East Timor (INTERFET) – authorised under resolution 1264. 72

The Council recognised the need for a post-independence peacekeeping operation to support the creation of a viable state. The Council opted for the establishment of a virtual trusteeship arrangement [UN Transitional Administration in East Timor (UNTAET)], similar to that instituted in Cambodia (UNTAC), Kosovo (UNMIK) and Eastern Slavonia, Baranja and Western Syrmia (UNTAES). UNTAET operated as a civil administration, a peacekeeping force and a reconstruction coordination body, under the leadership of the SRSG, Sérgio Vieira de Mello.

UNTAET suffered as all international protectorates have with the problem of external imposition. Throughout 2000, Timorese criticism was regularly levelled at UNTAET, forcing the SRSG to adapt the model of the UN protectorate – “a political model, whereby the Timorese people would also share responsibility for government in coalition with UNTAET and hold several portfolios in the interim government.” 73 UNTAET established a 33-member National Council and later the Cabinet of the Transitional Government in East Timor (ETTA) to fulfil this function. The set–up, although not ideal, delivered the country through its transitional period without major crisis.

Measure of Effectiveness

Following the violence of the Indonesian departure from East Timor, the Council’s first goal was to establish peace and then maintain security in the newly independent country. The Council mandated INTERFET for this task and achieved the goal soon after its arrival. The Council’s next task was to help establish a functioning state. To these ends, the Council was relatively effective. In terms of government effectiveness, rule of law and corruption the

trends were positive until 2005. After this time, the positive gains made have been lost. However, in human development terms, the country has improved its position of the HDI and strongly improved its GDP per capita to over $3,000. Therefore, it can be concluded that the Council was relatively effective in Timor-Leste from 1999-2002.

Why was the Council effective in East Timor?
The Council’s intervention in East Timor was clouded by post-independence violence and post-UNTAET violence. It is, therefore, difficult to ascribe the label of either effective or ineffective to the efforts of the Council. During the time frame under examination, the Council advanced the conditions of positive peace in the country, principally through the transitional administration – UNTAET. The entire enterprise was underpinned by the key actors’ recognition of the legitimate right of the Council to impose a temporary protectorate system of government on the small island nation. Although, the East Timorese expressed a desire for self-determination, they accepted UNTAET’s authority. Apart from the enabling force of conferred legitimacy, the second enabling element was also present in the case of East Timor. Throughout the intervention, the P-5 were in alignment. With the Cold War consigned to history, the P-5 were able to forge a consensus on issue of East Timor – “there was consensus on the basic nature of the problem, and debates were not acrimonious.” As the Indonesia government consented to all operations, the Chinese were also agreeable.

East Timor’s transition to independence was managed by three successive operations – UNAMET, INTERFET and UNTAET. The initial operation, UNAMET, was concerned about the possibility of violence, however, but was hamstrung by provisions that placed security in the hands of the Government of Indonesia. The Council did not anticipate the outbreak of widespread violent reprisals following consultation and had not developed adequate contingencies in the event of such violence. This failure resulted in large loss of life and the decimation of the counties’ infrastructure. In spite of these initial problems, INTEFET laid a strong security foundation for its successor, UNTAET. Of the three operations, this mission was certainly the most critical to East Timor’s long-term stability. Modelled on the UNMIK administration in Kosovo, UNTAET established a UN protectorate in East Timor. Under the leadership of the SRSG Sérgio Vieira de Mello, UNTAET

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74 World Bank, 'The Worldwide Governance Indicators'.
75 Howard, UN Peacekeeping in Civil Wars., p. 271.
encountered a range of problems emanating from the East Timorese concerns about ‘the lack of local ownership and the level of external imposition.’ UNTAET adapted its operations in an effort to address these concerns.

The Core Group on East Timor (Timor-Leste) was a key coalition for the maintenance of political will on the case of East Timor. The United Kingdom acted as the drafter and was able to push six resolutions through the Council in 1999 (May to October). The Council also sent a mission to East Timor and Indonesia at a critical moment in the post-election cycle of violence - a mission that contributed to the galvanisation of political will and allowed for the deployment of INTERFET. The Australian government was placed under immense public pressure to act. This pressure translated into diplomatic energy and increased the availability of political will.

The initial INTERFET operation involved 22 countries providing 11,000 troops, with Australia providing the backbone of the force – 5,500 troops. The operation was carried out with US logistical support (lily-pad operations from USS Mobile Bay). INTERFET’s successor, UNTAET was mandated with a strong strength of over 9,000 and 1,600 police. The bulk of force was maintained until the eventual withdrawal and transition to UNMIS in 2002. The Core Group on East Timor has lead action since 1999. The group includes the United Kingdom (leader on drafting), Japan (leader on aid and financing), Australia (leader ‘on the ground’), Brazil (‘pen-holder’ while in the Council), Portugal (former colonial power and signatory to the Agreement on Popular Consultation), the Philippines, South Africa, France, Malaysia and the United States.

The Situation in the Sudan (Darfur)

In Sudan’s western region of Darfur during the first decade of the twenty-first century, the UN Security Council would find one of its most significant challenges. Mass atrocities stemming from a long-running insurgency consumed the province and threatened to destabilise the entire sub-region (Chad and the Central African Republic). The conflict in Darfur had been running throughout the 90s. The intensity of this conflict increased in the early 2000s after the publishing of The Black Book: the Imbalance of Power and Wealth in Sudan. This book gave the rebel groups of Darfur a concept from which the battle lines between the resistance and the government could be drawn. A number of Darfur rebel groups emerged – the Justice and Equality Movement (JEM) and the Darfur Liberation Front (DLF)
later became Sudan Liberation Movement/Army (SLM/A). In early 2003, the DLF launched an attack against government installations. The Government of Sudan in coordination with militia groups known as the Janjaweed retaliated in force – killing and displacing large numbers of civilians (100,000 to 300,000 killed and 2.5 million displaced).

The Council first acknowledged the situation in Darfur through a presidential statement adopted in May 2004. However, the first substantial resolution on the matter was adopted in July of the same year. Resolution 1556 specified a number of enforceable demands attached to an unspecified threat of article 41 measures (i.e. sanctions) against the GOS. The resolution also imposed an arms embargo on all non-government entities, later expanded to include the GOS. The panel of experts (attached to committee 1591) told of “blatant violations” by all parties and concluded that the embargo remained without discernable impact. Targeted sanctions were also imposed in resolution 1591, but the provisions lay dormant for over a year (until the passage of resolution 1672 in April, 2006). Only four individuals were placed on the consolidated travel ban and assets freezes list. These sanctions had negligible effect, as the individuals “had little foreign assets and did not travel.” Moreover, the GOS did not “recognise the legitimacy of the resolution” and therefore failed to implement the sanctions regime.

In the peacemaking arena, the Council and international intermediaries (including the US and the UK) placed undue pressure (‘deadline diplomacy’) on the parties to conclude an agreement in known as the Darfur Peace Agreement (DPA) in Abuja, 2005. Overall, the hastiness by which the DPA was concluded fatally undermined the agreement. The final product was not ‘owned’ by the parties and eventually collapsed. To verify the implementation of the DPA and ‘protect civilians’ the Council envisaged an expanded UNMIS to replace AMIS. The deployment of UNMIS was, however, conditional on the consent of the GOS. As GOS consent was not forthcoming, a re-imagined UNAMID did not begin deploying until a year after the force was proposed. Despite these setbacks,

80 Prendergast & Sullivan, 2008; annex p. 9
UNAMID was deployed with a mandated troop strength of 19,555 supported by an annual budget of $1.8 billion. The Council efforts and intervention in Darfur did not substantively contribute to the maintenance of international peace and security. The reign of terror, which prevailed in Darfur throughout 2003-5 is evidence of a rapid deterioration in the security situation – a deterioration the Council was incapable of arresting.

*Measure of Effectiveness*

The Council’s goals in Darfur relate to the building negative peace and the protection of civilians. As it currently stands, negative peace does not exist in Darfur and the situation is still tenuous for civilians. According to the Uppsala Armed Conflict Database, battle-related deaths in Darfur have been constantly at above 200 deaths (recorded since 2006). The ineffectiveness of the Council was most striking between 2003 and the deployment of UNAMID. During this timeframe many hundreds of thousands of people were killed; and as argued above, Council action did little to stem the tide of violence. It can, therefore, be concluded that the Council has been ineffective in Darfur from 2003 to the present.

*Why has the Council been ineffective in Darfur?*

The belated Council intervention in Darfur is an example of agency circumscribed by a whole gamut of elemental problems. Firstly, the Council was never recognised by the GoS as having the legitimate right to intervene in Darfur. The other parties to the conflict have also disregarded Council remonstrance on occasion, which seems to denote a lack of legitimate recognition of the Council and UNAMID. Secondly, the Council was not strongly aligned on the matter of Darfur. The Chinese possessed the greatest ability to leverage the GoS, by virtue of a variety of commercial interests it maintain in the country. Nevertheless, there was a reluctance and shyness on the part of the Chinese to assert Council positions, and exert pressure on the GoS over issues of non-compliance. Instead, China primarily and Russia secondarily, acted to water down resolutions, soften their language and undermine the credibly of sanctions threats through the practice of abstention. Unhelpful Chinese and Russian abstentions were registered in relation to all key resolutions on Darfur (resolutions 1556, 1564, 1591, 1593, 1672 and 1706) with two exceptions (resolutions 1679 and 1769). Both China and Russia also generally opposed the imposition of sanctions, the strengthened and widening of the arms embargo and the deployment of UNMIS without GoS consent.

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When the panel of experts provided a list of seventeen individuals recommended for targeted sanctions, China and Russia were able to trim the list down to only four names. 85

The Council applied a solution to the situation in Darfur, which was both weak and largely ineffectual. Most notably, the Council employed solutions that lacked assertiveness in the face of GoS’s contempt and non-compliance. Instead, the Council prevaricated, unable to accrue sufficient leverage or exercise what leverage it was able to accrue. Consequently, non-compliance became the norm as the situation continued to deteriorate. Moreover, the Council applied ‘deadline’ diplomacy to pressure the parties into signing the Darfur Peace Agreement (DPA). In this instance, the Council was concerned with the deployment of a peacekeeping force over the construction of a credible and inclusive peace agreement. The DPA, however, was null-and-void even before the peacekeeping force was able to deploy. Founded on a substandard peace agreement, the peacekeeping force, UNAMID, has been an inferior peacekeeping force. The force itself was deployed too late to affect civilian protection duties at the height of the mass atrocities. Once deployed, UNAMID has been only been able to undertake small-scale protection efforts.

No P-5 member took the lead or helped generate the sufficient critical mass required to break initial Council inertia and build the political will. The US and Britain were concerned about the worsening fate of their interventions in Afghanistan and Iraq, while the French appeared more concerned about the stability of neighbouring Chad and the CAR (than Darfur). Nevertheless, public pressure generated through advocacy based non-government organisations necessitated limited government action (U.S, U.K and France).

The resources allocated to Darfur throughout the life the African Union’s ceasefire monitoring mission (AMIS) were inadequate. AMIS was insufficient for the task – lacking in numbers, mobility, air support, special capacities, intelligence, logistics and expertise in the areas of planning and management. Later AMIS was provided a UN assistance cell86, a light and heavy support package. AMIS transitioned to UNAMID in 2007, which deployed with a troop strength of around 23,000 (April 2012). However, despite these enhancements UNAMID is still remains a problematic operation for the Council, because it operates within a geographically large zone of insecurity and is without a peace to keep.

86 Actual material support was not afforded until resolution 1769 in July 2007
The United Kingdom is the lead country on Darfur in the Council. On the ground, the African Union has taken the lead with Nigeria, Rwanda, Tanzania, Ethiopia and Egypt contributing the bulk of the troops, while the South Asia troop contributors, Pakistan and Bangladesh also contribute sizeable detachments. Aside from these contributions, the situation in Darfur has suffered a general lack of leadership and direction throughout – with no one country ‘owning the politics’ or the implementation side of the equation.

North Korea Non-Proliferation

On June 25 1950, the UN Security Council authorised the use of military force to repel the invasion of the Republic of Korea (South Korea) by the Democratic People’s Republic of Korea (DPRK or North Korea). The war for the unification ended with the negotiation of an armistice agreement in 1953 and a permanently divided Korean Peninsula. Following the conflict the US deployed nuclear weapons to South Korea (Matador cruise missiles and Honest John missiles). North Korea, under Kim Il-Sung sought the development of a nuclear weapons programme after the Cuban missile crisis, the installation of a military government in South Korea and the normalisation of relations between Japan and South Korea.

In 1985, North Korea ratified the Nuclear Non-Proliferation Treaty (NPT). However, in 1992 the Council and the International Atomic Energy Agency (IAEA) became concerned about plutonium production and the North Korea’s intention to withdraw from the NPT. In 1994, the US and North Korea entered into an agreement, which sought to replace North Korea’s nuclear reactors with light water reactors. The agreement’s implementation progressed until 2003, when North Korea withdrew from the NPT. Soon after North Korea’s withdrawal, a new set of talks was established with the aim of resolving the proliferation impasse – the Six Party Talks.

North Korea tested a nuclear weapon in an underground location on October 9, 2006 and again on 25 May 2009 (the second test likely 4 kiloton or smaller). Delivery systems tests have also been conducted, though it is certain that North Korea is unable to launch a credible ICMB. A series of Council resolutions have been adopted on the subject of ‘Non-
proliferation/Democratic People’s Republic of Korea’ and in response to the various tests conducted by North Korea.

Following the first nuclear test in 2006 the Council adopted resolution 1718, which established a commercial and economic sanctions regime coupled with a de facto arms and a ‘technologies of proliferation’ embargo. 89 The resolution invoked remonstrance - decrying the nuclear test 90 and demanding that no further tests (nuclear or ballistic missile) be conducted. 91 Prior to the test the Council issued a presidential statement (S/PRST/2006/41) urging North Korea to reconsider the nuclear test - a call that the North Koreans evidently ignored. The North Korea Permanent Representative, Pak Gil Yon, walked out of the UN after stating that the resolution was “unjustifiable.” 92

In foreign trade terms, the sanctions have had negligible impact. Marcus Noland states that, “the imposition of these sanctions (resolution 1718) has had no perceptible effect on North Korea’s trade with the country’s two largest trading partners, China and South Korea.” 93 Overall, the 1718 sanctions regime has failed in the accomplishment of its substantive goal – that being the de-nuclearisation of North Korea. In spite of the measures imposed by 1718 and 1874, North Korea has been able to attain highly sophisticated nuclear technology including “hundreds and hundreds of centrifuges” used for the enrichment of uranium. 94 Moreover, the sanctions have failed to change behaviour by disincentive-incentive, as the North Korean regime remains seemingly impervious to the ‘pressure’ applied by Council sanctions.

Measure of Effectiveness
Disarmament (level 0) and the termination of the DPRK’s non-peaceful nuclear programme have remained the goals of the Council since 2006 (in relation to the issue of DPRK weapons proliferation). To these ends, the Council has been ineffective. DPRK has continued to test weapon systems and has conducted a nuclear test in defiance of the Council’s demands. It is

91 Ibid., para. 1.
93 M. Noland, 'The (Non-) Impact of UN Sanctions on North Korea', asia policy, /7 (2009), 61-88., p. 62. Noland, 2009; p. 62
believed that North Korea maintains an arsenal of between 6-18 weapons according to an IISS report. It is clear from this evidence that the goal of disarmament has not been achieved. Therefore, the Council’s actions in respect to this issue can be said to be ineffective.

*Why has the Council been ineffective in relation to DPRK’s Non-Proliferation Activities?*

The DPRK is the most enigmatic regimes in existence. It appears almost impervious to external pressure and also consistent in its so-called erratic behaviour. On the issue of nuclear proliferation the DPRK has challenged the Council and publicly questioned its legitimacy. Although, the Council somewhat aligned on the matter of North Korea’s nuclear weapons programme, problems of alignment remain. Three (Russia, United States and China) of the P-5 are parties to the six-party talks on the matter. Generally, the P-5 have been “resolute” and “united” on North Korea. Even China, North Korea’s strong ally, has allowed the passage of strong resolutions. On North Korea’s recent missile test, the US and China “seem to have worked closely in reaching agreement on the 16 April presidential statement.” This statement condemned the launch and made “explicit reference to tightening sanctions.” However, there is a noted divergence in the attitudes of the P-5. While China favors a “proportional response and emphasises that engaging the DPRK in dialogue is more likely to yield positive results,” the Western powers have sought to continue to exert pressure when they feel it is necessary.

The Council’s solution to the DPRK proliferation problem has invoked the instruments of remonstrance and sanctions (targeted and proliferation technologies embargoes). These measures have failed to bring about North Korean compliance or even break the impasse, which has stalled the Six-Party Talks. The DPRK’s possession of banned proliferation technologies, as well as their persistent non-compliance and ‘game playing’ is evidence that

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98 Ibid.
the sanctions regime has been ineffective. The regime appears impervious to threats, condemnation and sanctions. Moreover, the 1718 Sanctions Committee has been gridlocked, making any designations difficult.

Nevertheless, the level of political will expended on North Korea has been considerable. The issue garners significant media attention across the world and is always the top talking point on the North-East Asia security agenda. The Council has adopted numerous resolutions and presidential statements on the matter, usually following an act of North Korean non-compliance. The enforcement of the 1718 sanctions regime is considered to be lax. China has been accused of not properly enforcing the regime on its side of the border, allowing Chinese manufacturers to sell missile technology and parts to the DPRK. The United States has taken the lead on the North Korean topic in the Council. However, due to the nature of China’s relationship with the regime in North Korea, Chinese leadership would almost certainly prove more fruitful.

Conclusion
This chapter has broadened the empirical base on which the study is founded. By expanding the number of cases included in the study, this chapter has contributed to generalizing the various thematic threads that emerged from the two more detailed case studies. Overall, the chapter has confirmed that the Council’s effectiveness is largely context specific.

The context in which the Council involves itself is important in two regards. Firstly, the conduciveness of the context to UN interventionism determines the amount of effort that is required to bring about a positive outcome. For instance, a situation like the DRC is more difficult to bring about a positive outcome, on account of the conditions and complexities of the situation. Secondly, context is important in the determination of an effective solution. As has been emphasized through this chapter, if the Council does not generate its solutions in accordance with a close reading of the facts on the ground it is not likely to be effective. As seen in all almost the cases in this chapter, the degree of compatibility between solution and context (problem) almost always determines the effectiveness of the Council. Finely tuned,

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adaptable, well supported, adequately resourced interventions, which enjoy the legitimate recognition of key actors, will be effective.

In summary, this chapter has assessed the effectiveness of the Council across a range of contexts. The following chapter is the final concluding chapter of this study. Its aim is to provide a bookend for the study - a summary of the conceptual model and the measure of effectiveness. The chapter will provide a wide-ranging discussion of the significant dilemmas that have emerged as challenges to the Council’s effectiveness. In addition, a final post-script will examine the current Security Council reform decade from the perspective of Council effectiveness.\textsuperscript{101}

\textsuperscript{101} A few possible reforms will also be suggested
Part III: Challenges,
Opportunities and Reform
Chapter 8
Challenges to Effectiveness and the Reform of the UN Security Council
This study has focused on the effectiveness of the UN Security Council across its post-Cold War history. The Council’s narrative is one written on the contradictions of power and law. As highlighted in this study, the Council is a fallible institution, its effectiveness shaped by a number of dilemmas and challenges. The present chapter seeks to shed light on these issues, by discussing those salient challenges and dilemmas in considerable detail. The dilemmas under consideration in this chapter emerge from both a practical and theoretical reading of the Council’s work.

The second section and aim of this chapter is the all important topic of Council reform. As this study has addressed the question of effectiveness, its logical end-point is that of reform. The second section will examine the current reform debate (working methods and membership expansion) from the perceptive of effectiveness; asking the question: do current reform proposals address issues of ineffectiveness? This question will be used as a point of departure for a range of recommended reforms, based on the conclusions of this study.

Challenges to the Effectiveness of the UN Security Council
The challenges to the Council’s effectiveness are numerous, as this study has noted. As demonstrated in the thesis, the Council as a multilateral institution regularly struggles to solve problems, because of a lack of political will, resources and leadership, as well as the inadequacies of its solutions and the political alignment of its most powerful members. Eleven key challenges, dilemmas and contradictions of the Council – from its hyperactivity to its inconsistency - are listed and then briefly discussed as part of this section.

A Problem-Solving Institution and a Political Institution
This study has framed the question of effectiveness through the lens of problem solving - suggesting that the Council itself is a problem-solving institution. This proposition is not presented, however, in defiance of the fact that the Council is also a political institution. The Council is both a political and a problem-solving institution, and it this very contradiction which will be explored in the following section. In situations where interests are not at stake, the Council’s most powerful will often remain lethargic and disinterested. Under these circumstances the members are unlikely to expend political will or allocate resources to enact a solution. An example of this scenario was UNAMIR deployed to Rwanda in 1993. Rwanda
was of little strategic interest to the great powers; hence the level of political will spent in support of the mission was low.

On the other hand, in situations where the interests of one or more permanent members are at stake, interested members will seek to shape the Council-based solution to suit their desires. However, often in these situations a contest over the nature of the solution will occur, and as a result P-5 alignment becomes more unlikely. Action may even be thwarted by the use of a veto or action might be watered down through compromise – ‘lowest common dominators.’

The concept of lowest common dominators (a term used by Robert Fowler during an interview)\(^1\) is an impediment to Council effectiveness, as the search for alignment can adversely affect the quality of a solution. Lowest common dominators are the product of the veto and the often-endless search for compromise. Modest compromise does not usually adversely distort a solution. Lowest common dominators, however, created through regressive negotiations produces unhelpful ambiguity. This is particularly dangerous when negotiations concern the wording of a peacekeeping mandate. Paul Heinbecker explains the process of regressive negotiations:

> It tends to be a case of regressive negotiations. In any negotiation, it is going to come down on that which people can agree on. Things become vaguer, which becomes a problem...it comes down to difficult negotiations, often very late at night and you do the diplomatic thing, which is to find words that mean what you want them to mean, everybody agrees with that, and there you hand it to the military and say do something. The military loathe ambiguity. They like clarity. \(^2\)

**Factors Outside of Council Control**

- Actor Dependent Effectiveness: this study has concluded that the effectiveness of the Council is best judged on its ability in solving problems. The independent affects of the Council are the ‘quality’ being judged. However, it should be noted that in almost all situations, the key actors hold ultimate influence over whether an outcome is achieved and the nature of that outcome. If the parties to a dispute want to make

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\(^1\) Fowler, 'Interview with Author'.

\(^2\) Heinbecker, 'Interview with Author'.

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peace, the situational conditions are made more conducive to a Council conceived solution to verify that peace. If the parties, on the other hand, want to continue their conflict by means of war, then the Council has a limited range of options.

- Quality of the Peace Agreement: It stands to reason that if a good quality agreement is negotiated; establishing a solid foundation for a sustainable peace, the Council’s support for implementation of the agreement is likely to be easier. A good quality agreement is inclusive, and does on paper what the parties envisage a realised solution will look like in reality (i.e. Mozambique's Rome Peace Accords). Certain peace agreements might provide considerable detail and cover a range of areas of concern. Others may be limited in detail, and might be problematically vague or on the other hand might be constructively ambiguous. On the whole, more comprehensive peace agreements accompanied by clear interpretations and understandings are best. With the UN usually in a position of verification, clarity in this respect is required in order to allow the UN to objectively access the parties’ commitment and follow through on their commitments.

- Independent Sources of Income and Support: provide parties with the confidence in the status quo. An actor’s adoption of this philosophy is determined by an actor’s relative reliance on exploitable natural resources and other independent sources of income and support – usually garnered from sympathetic neighbouring states or transnational networks. For example, in Sierra Leone, the RUF, a creation of the Liberian president Charles Taylor, occupied the eastern alluvial diamond fields. These separate streams of income and support provided the RUF with a payback, which could only be maintained through the continuation of the insurgency against the government and the resistance of the peace process.

- Personalities and Personal Interventions: although, states inhabit international organisations, individuals carry out the actual processes of diplomatic problem solving. It is argued by Connie Peck that:

  Effective dynamic leadership can make the difference between a cohesive mission with high morale and effectiveness despite adverse circumstances and
one that struggles to maintain any of those attributes. That is, the tenor of an entire mission can be heavily influenced by the character and ability of those who lead it. ³

The style and substance of UN interventions are contingent on the capacities, talents and fervour of those in positions of power and leadership. Much can be said for strong, creative and flexible diplomats, SRSGs mediators and interlocutors. ⁴

Too busy to be Effective

The Council’s purview extends far and wide, encompassing threats to the peace in Africa, the Middle East, Europe and Asia, as well as non-geographically specific threats such as international terrorism. In its role as maintainer of international peace and security the Council is required to deal with multiple crisis situations at the same time, whilst ensuring that each solution is crafted with due care and attention. Since the end of the Cold War, the Council has dealt with a total of 50 subjects, excluding thematic and long-standing subjects (such as Cyprus and the Question of Palestine). The number of meetings held, both formal and informal has multiplied, along with the Council’s adoption rate for resolutions and presidential statements. Often the Council’s monthly agenda comprises over a dozen items and might include a Council mission (to a part of the world), multiple mandate expirations, a high-level event or the presentation of reports by the SG or briefings by the DPA (monthly ‘horizon scanning’ briefing).

The intensity at which the Council conducts business has led many to argue that “the Council is simply too busy to be wholly effective.” The basis of this argument is the notion that the intensity of the Council’s work leads to reactive decision-making. This argument is given credence when considering the events of 1992-1993 and 1999-2000. In 1992-1993, the Council was overseeing the situations in Bosnia, Croatia, Cambodia, Rwanda, Somalia and Angola. In 1999-2000, the Council’s work was compounded by new peacekeeping enterprises in Sierra Leone, East Timor, Kosovo and the DRC.

⁴ Examples include Aldo Aiello (in Mozambique – ONUMOZ), Jacques Paul Klein (in Croatia – UNTAES) and Sergio Vieira de Mello (in East Timor – UNTAET), Robert Fowler of Canada (as Angolan Sanctions Committee Chairman) and Jeremy Greenstick of the United Kingdom (as Chairmen of the Counter-Terrorism Committee), James Earl Carter Jr. (in Haiti, the Middle East, Sudan-Uganda and the Former Yugoslavia)
**Temporise**

The Council tends to temporise by mandating operations for short-periods of time (usually between six to twelve months). As David Malone argues:

> The Council has a tendency, like many bodies that combine decision-making and deliberation, to temporise. So it will extend mandates by six months, rather than give a peacekeeping mission on the ground or some other UN staff, the time frames necessary to be effective.  

Temporising means mandates are constantly being renewed, which wastes the Council’s valuable time. Considering the transformation of societies takes long-term commitment from five years on-wards, temporising instils a near-sighted approach to UN interventions.

**Under-Resourced – the Cost Issue**

The Security Council currently fields 16 peacekeeping missions, 2 special political missions and controls 13 sanctions regimes. Although, the sanctions regimes are inexpensive, both the peacekeeping and special political missions cost the United Nations approximately $7billion (USD) annually. Two of the largest missions, UNAMID and MONUSCO, cost in excess of 1 billion (USD) each – and together comprise 40,000 personnel. Cost is a constant issue particularly for the United States (22.00% of the regular budget and P-5 surcharge for peacekeeping operations). The issue also extends to the rest of the membership, as only a handful of countries (19) pay their dues, in full and in a timely fashion. The pressure placed on deliberations by austerity concerns has undoubtedly compromised the effectiveness of certain Council-based solutions.

**A Backburner**

The Council regularly deals with problems, which are outside of the concern of the great majority of countries, and particularly the powerful. A disinterest and a ‘lethargy’ towards certain problems ultimately compromises the Council’s subsequent response to these problems. The Council is a place where member states can consign problems of marginal or

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5 Malone, ‘Interview with Author’.
less import, in order to satisfy the ‘do something criteria,’ aforementioned. As Zaum and Roberts suggest:

The Security Council in particular, continues to play the role of a convenient dustbin into which states can throw issues on which they do not have the will or capacity to act. 7

This ‘weakness’ is symptomatic of the general lack of interest displayed by the majority of members on certain strategically peripheral problems, which rarely garner significant media attention or arouse the interest of domestic constituents.

The Secretariat Dysfunction
The Secretariat in one of the six principle organs of the UN; it is the organ that operates as the international bureaucracy, serving the various forums of the institution, including the Council. The Council interacts with the Department of Political Affairs (DPA), the Department of Peacekeeping Operations (DPKO) and Field Support (DFS), as well the Executive Office of Secretary-General (EOSG), the Office of Legal Affairs (OLA) and the Office of Disarmament Affairs (UNODA). These departments and offices operate in service of the Council in the feedback loop. The Secretariat generally provides information to inform decision-making (in the form of reports and briefings). Once a decision is made, the Secretariat might also implement that decision, depending on the type of decision made and the instrument invoked. In this process, the Council is highly dependent on the Secretariat and vice versa. The Council acts as the de facto directorate of the Secretariat.

Nevertheless, the Secretariat operates with independence under the administrative direction of the Secretary-General. The Council also on occasion affords the Secretariat (including SRSG) considerable flexibility in the interpretation of resolutions and mandates. Therefore, the role of the Secretariat is important to consider in relation to the effectiveness of the Council’s activities, which are predominately implemented by the Secretariat (i.e. peacekeeping). In many cases, the Secretariat has acted incompetently – by failing to provide the adequate information to inform decision making (in Rwanda) or allowing peacekeeping operations to become overwhelmed and without contingency (in the DRC and Sierra Leone).

Problems – Regionalisation (One-System of Conflict)

Many contemporary conflicts are interlinked, that is they are not separate conflicts, limited by borders, but rather they constitute one-system of conflicts. The Security Council rarely takes a regional approach to situations. Yet, if one views the various conflicts on its agenda many are interlinked. The conflicts across the Former Yugoslavia involved several distinct parts seeking independence from the whole – the conflict was certainly of the one system. In Darfur, Chad and the Central African Republic (CAR), peaceful trans-border ethnic and tribal ecology was disturbed by large refugee flows and cross-border incursions. While throughout the 90s and early 2000s, Liberia, Cote d’Ivoire and Sierra Leone were all brought into an interconnected web of conflict. In Central Africa, the Rwandan Genocide brought the entire region into a conflict in the DR Congo.

The regionalisation of conflict is evident in these cases. As products of colonialism, national borders often contradict ethnic population concentrations. Refugee flows also place enormous strain on neighbouring governments capacities to deal with the needs of both their citizenry and refugee populations. The Security Council, without denying completely the regional dimensions of various conflicts, has frequently compartmentalised conflicts (the tragic triplets of West Africa), and failed to prevent crisis spill over (Rwanda to the DR Congo). Compartmentalisation occurs because the regions of the world are compartmentalised.

The “Do Something” Philosophy - Sanctions as an “Alibi”

Concerned for its public image the Council often seeks to convey a sense that it is ‘doing something,’ even if its actions are ultimately futile. The Council’s penchant for sanctions is evidence of the Council’s concern for public appearances. The logic of sanctions is relatively simple. A sanction is a non-military means of coercion, designed to ensure compliance with some demand of the Council. The application and continued imposition of the sanction exerts a deal of pressure on the sanctioned actor, pressure exerted in order to modify behaviour. On the other hand, the promise of a sanction lifted provides an incentive for the sanctioned actor to modify their behaviour in accordance with the conditions of the promise. Sanctions can work both as an incentive and a disincentive at the same time – a stick and a carrot.
The simplicity of the logic of sanctions is their downfall. The sanctions equation, put in simple terms, is: hurt=compliance. This logic is based on the assumption that the sanctioned actor will be sufficiently affected by such pressure so as to comply. This is often not the case. Being that the utility of sanctions is somewhat limited, why does the Council continue to readily apply their use? The Council likes to be seen to be ‘doing something’. Sanctions serve this purpose. They send a signal. They represent more than simple remonstrance, which is often ignored by parties. They give weight to the Council’s words and they set apart sanctioned actors as deviant. Former Angolan Sanctions Committee (Res. 864) Chairman Robert Fowler explains:

I believe that sanctions are grossly overused, and they are as grossly ill-considered as they are articulated. The Council is desperate to do something. ‘Okay we’ve done three presidential statements and guess what nobody noticed, so we’re now going to do something. We don’t want to pay much, and we don’t want to risk much, certainly not our own commerce...we don’t want to send your troops, that’s expensive and dangerous – we’ll do sanctions. It’s just so damned easy. And we keep making the same mistakes again, and again and again. Sanctions will only work, when everybody is absolutely committed to making them work, and that is bloody rare. Sanctions can be an effective instrument, if they are appropriately managed and only enacted when you know people will play ball.  

*Mandates – ‘as the floor, not the ceiling’*  
UN interventions derive their authority from three sources, a peace agreement, the mandate and relevant UN Security Council resolutions. A peace agreement will usually invite external verification, or alternatively the parties will invite a trusted agency like the UN to oversee the implementation of the agreement. The peace agreement itself will usually establish a theoretical ceasefire to which the UN will hold the parties accountable. As mentioned earlier, the agreement might also establish a power-sharing arrangement known as a transitional government. Ensuring stability during the transition is the principle focus of a UN intervention, in the near term. UN interventions authorised by the Security Council are

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9 Fowler, ‘Interview with Author’.
provided a mandate, which sets out the tasks to be undertaken by the operation while in the field. The mandate is the platform on which the entire UN intervention is based. Mandates are a reflection of the overall political strategy. It has been stated in the Brahimi report and follow-up DPKO reports, that peacekeeping should used as “part of a political solution, not an alternative.” Unity of purpose amongst the P-5 provides for clarity of purpose, which in turn should lead to clear articulation of political objectives.

The danger for the Council is the obfuscation of the political objective; as the “obfuscation of the political objective leads to ambiguity in the mandate.” Simon Chesterman in his book *You, the Peoples* uses a comparison between the convoluted, directionless and constantly evolving mandate of UNPROFOR and crisp and precise mandate of UNTAES to prove this point. Chesterman quotes Jacques Paul Klein SGSR for UNTAES description of the comparison, which is worth requoting here:

> In contrast, the mandate of UNTAES contained just thirteen sentences that could be distilled into six quantifiable objectives...My point here is twofold: if you start out and don’t know where you want to go, you will probably end up somewhere else. And secondly, the mandate is the floor (but not the ceiling) for everything the mission does. If the mandate is vague for whatever reason – including the inability of Security Council members to agree on a political end state – dysfunction will plague the lifespan of the Mission.

Clarity and brevity of mandate are a rarity. It is now not uncommon for peacekeeping mandates to run for several pages, and include up to 45 separate tasks. These “laundry list” mandates, which currently guide such operations as MONUSCO in the DRC include tasks such as the monitoring of arms embargoes. These non-core tasks only serve to distract peacekeepers, taking them away from their priority core tasks – especially those related to security. A strong argument can be made for more formulation of more realistic mandates. Pragmatic mandates are more obviously going to be more achievable, as they place downward pressure on the expectations of the host-country and the local population.

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13 Ibid., p. 241.
14 Johnstone, 'Interview with Author'.

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Conflated expectations not met, only leads to a loss of credibility. Furthermore, the Chapter VII mandates authorised by the Council tend to have “enough ambiguity to leave room for differing interpretations as to when force should be used and for what purposes.” 15 This ambiguity is unhelpful in implementation terms; disunity can be created within a UN force, as a result of commanders holding to interpretations of their mandate and the rules of engagement (ROE).

As previously mentioned, the mandate should be reflective of an “active political strategy”. Strategy formulation is a case of ‘thinking before doing’. However, the Security Council, usually under pressure of events on the ground, infrequently formulates a strategy before entering a situation. Instead, most missions are forged out of the “political and organisational pressures” of the day “created a culture of ad-hoc decision-making in a climate of constant crisis.” 16 This is beginning to change through the writing of peacekeeping doctrine. However, despite the proliferation of guiding doctrine, state-of-the-art practices and lessons learned [Agenda for Peace, Supplementary to the Agenda for Peace, Brahami Report, Capstone Doctrine, New Horizon for UN Peacekeeping, Peacekeeping 2010 reform] the United Nations Security Council has continued to operation in a reactive fashion. The P-5 still prefer to keep a flexible, interest-based approach to deciding on the entry and exit of UN peacekeeping operations. Doctrine will be swept aside in the name of political expediency as witnessed with the creation of the UN Interim Security Force in Abeyi (UNISFA) and the abortion of the 1863 resolution peacekeeping force for Somalia.

Resolution 1863 signalled the Council’s intention to establish a UN peacekeeping operation in Somalia: to support the implementation of the Djibouti Peace Agreement; support the work of the Joint Military Commission on the monitoring of ceasefire arrangements; facilitate humanitarian assistance; and support the reestablishment of the Somalia security forces. The Secretariat in-line with the recommendations of the Brahimi report opposed the creation of such a force as there was “there was no peace to keep in Somalia and no countries willing to send troops.” 17 Fortunately, the force was not deployed. The Council has a propensity to take

a relatively benign view of a situation at the outset. This leads the Council to authorise operations without sufficient robustness of mandate and capacity. In Sierra Leone and the DR Congo, the Council underestimated the potential of spoilers and needed to ratchet up the mandate and the size of the force. The Council does not intervene with a worst-case scenario all conceivable contingencies mindset; this is due largely to the pressures of cost.

The Limitations of External Interventions (Parachute Interventionism)

The UN Security Council manages peacekeeping through the Secretariat [Department of Peacekeeping Operations (DKPO) and the Department of Field Support (DFS)]. While General Assembly input into peacekeeping processes is focused through the Special Committee on Peacekeeping Operations (C-34), a reporting committee of the Fourth Committee of the General Assembly. It is inherently difficult to separate the effects of the policy formulation and implementation bureaucracy from the effects of the Security Council, the authorisation body. The dominant paradigm on intervention, dictates a dangerously formulaic approach to generating sustainable peace. This approach is centred on democratisation brought about through the technical task of elections. UN interventions to stabilise, transform societies, and consolidate peace, generally follow a process.

A focal point of the transition is the elections. Whereby, the “violent contest is replaced by a non-violent contest.” 18 Elections, once runoff, provide legitimate government – perceived as legitimate both domestically and internationally. Once a legitimate government is established responsibility for peace is in the hands of the people (driver’s seat). State authority can be extended across the entire territory and peace can be consolidated. UN interventions will support and assist this consolidation process, from the ‘back seat’. After a period of time any residual peacebuilding tasks will be undertaken as the UN operation is drawdown, and or transitioned to a peacebuilding support office (under the direction of the General Assembly and the Peacebuilding Commission).

The logic of intervention is generally, peace agreement leads to transition leads to election=democracy=peace=UN exit. What is often sought when an intervention is authorised is radical transformation of society, involving aspects of security, governance, human rights, rule of law and economic recovery. The transformative approach adopted by

the UN Security Council, supported by the UN Secretariat and other international institutions, is the liberal peacebuilding approach. This approach establishes, as its end-state, market democracy. The culture of liberalisation is, nonetheless, problematic. 19

Roland Paris rightfully challenges the underpinnings of this approach to peacebuilding. Paris argues that hastily organising elections in combination with economic liberalisation has the potential to undermine peace, rather than build it. He promotes, as an alternative, the idea of institutionalisation before liberalisation. Institutionalisation involves the building of effective state institutions, which can provide civil administration and consolidate state authority. The fixation on the technical task of holding elections is often centred as the first priority of a UN intervention; even before the state possesses the actual institutions to support electoral democracy or any higher form of democracy. The liberal democracy peace theory, which currently holds sway, may not actually be the most appropriate or effective guide to transformative interventionism. Parachute democracy is inherently problematic, as sometimes the parachutes fail to open and the outcome maybe the perpetuation of de-facto one-party rule or competitive autocracy. Democracy, historically speaking, requires a greater period of fermentation, a vibrant civil society, a free media and the construction of various functioning and credible state institutions, held accountable through a system of ‘checks and balances’. 20

Severine Autesserre challenges peace-building approaches from a slightly different perspective. In her study of peacebuilding in the Democratic Republic of Congo, she argues that the “dominant peacebuilding culture shaped an intervention strategy which precluded action on local conflict.” 21 Her study challenges the widely held understandings of violence and interventionism, by focusing on grassroots violence (predominantly situated around the issue of land). In her view, the UN, by taking a top-down view and approach (national and regional approach) neglected a bottom-up (local) view of violence, and failed to build an approach reflective of this view. A more nuanced understanding of the motivations of the various actors, an understanding developed through the creation of a knowledge base. Knowledge, thereby, informs and shapes intervention strategies and acts as the primarily tool used for the adjustment of mandates.

20 Ibid.
In the ‘post-conflict space’ in the DRC, many actors were involved in providing support to the transition; many other groups subverted the process, while many others ‘walked both sides of the street.’ Institutional actors included the World Bank, Southern African Development Community, the African Union, the European Union and a galaxy of UN agencies. Bilateral actors included, notably, South Africa, France, the United States, Burundi and Belgium. Clear coordination across the post-conflict space is difficult with the number of actors involved; without a clearly defined division of labour, the transition will likely flounder. The Council should work as the hub to ensure the clearly defined political strategy is articulated, and has first been worked out between the P-5.

The Council should prepare itself and its interventions under a worst-case scenario formula. There should be an expectation of a great deal of instability existing throughout the period of the transition and the so-called post-conflict phase. A peace agreement and elections cannot paper over the cracks present in war-torn societies. Moreover, as Paris concluded hasty elections might undermine progress. To construct a state, essentially from scratch, there needs to be an acknowledgement of Max Weber’s fundamental principle: "a 'state' if and insofar as its administrative staff successfully upholds a claim on the monopoly of the legitimate use of violence in the enforcement of its order." 22

Internal security is the key to upholding internal sovereignty, and extending state authority and consolidating peace, at least in the short term. UN peacekeepers are limited in their capacity to provide total security in a period of a transition. A professional and accountable nationally owned internal security force is a requirement. DDR, SSR, rule of law and human rights reforms bundled together, as part of an absolute focused priority on state security, may well improve the effectiveness of peacekeeping operations, writ large. In the DRC, an utterly confusing DDR and SSR process, led to the formation of an ineffective army. This army charged with internal security actually accounted for a great number of human rights abuses perpetrated against the civilian population. As a result, the entire idea behind Congolese internal security was torpedoed, both in terms of credibility and legitimacy.

The integration process involved the creation of eighteen multi-ethnic brigades made up of former government troops and ex-combatants from a range of armed groups. The various

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units would be required to enter *brassage* to be trained as an integrated force for a period of 45 days. Unlike other processes undertaken elsewhere, with the UN in the lead, MONUC was charged with contributing only “to the disarmament portion of the national programme” of the DDR and provision of security in some sensitive locations. Instead, the Government of the DRC was made to be primarily responsible for all of the processes described above. Yet, there was exhibited a general reluctance on the part of Congolese actors to drive the processes forward. Moreover, the power-sharing arrangements of the transitional government were not conducive to favourable SSR and DDR outcomes. International donor coordination was fragmented and at various times fatigued.

**Reform**

The third section of this chapter will discuss the matter of Council reform. The discussion will circulate through several reform topics within the current debate – from enlargement to working methods. Following this discussion a range of prescriptions and potential reforms will be outlined, as they organically emerge from this study of effectiveness.

**Enlargement**

Reform of the UN Security Council is a vexed issue and has yet to be definitively settled. Although article 109 includes a provision for the convening of a conference “for the purpose of reviewing the present charter,” no such conference has ever been held. The Council has essentially remained in stasis throughout its history. In 1965, the Council underwent an enlargement, increasing its membership from 11 to 15 (with the addition of four elected member seats). This enlargement occurred in recognition of the increased membership of the organisation. Since then, the Council’s membership has remained numerically the same – fifteen (P-5 and E-10)

The reform debate returned to UN once again following greater Council activity in early 1990s. However, contorted by politics, reform debates circled endlessly, without any prospect of conclusion. With the creation of the ‘Open-ended Working Group on the Question of the Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council’, the debate became formalised. The plans for enlargement proliferated, as various coalitions began to coalesce. The first notable plan was

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the Razali Plan. Ismail Razali of Malaysia, the then-president of the General Assembly (1996-7) submitted a plan for a 24-member Council, which would include 5 new permanent members without veto, and four new elected seats (non-permanent). Moreover, the P-5 would retain their veto, but would be circumscribed as to its use.

Razali’s plan accompanied the plans of the aspirants, the Group of 4 (G-4), and their opponents, United for Consensus [UfC (or the Coffee Club). The G-4 plans envisaged a Council with a total membership of 25, including six new permanent members (Brazil, Japan, Germany, India and two Africa countries) and an additional three elected seats. The opposing United for Consensus plan was introduced to the General Assembly in 2005 at the Millennium Summit + 5. The plan sought to increase the Council’s size to 25, and provided for 15 new elected seats. Allan Rock Canada’s Permanent Representative remarked that the UfC reforms “would add no permanent members to the Council, but would rather create new permanent seats in each region, leaving it to the members of each regional group to decide which Member States should sit in those seats, and for how long.” (GA/10371)

Prior to the Millennium Summit + 5, the report of the High Level Panel on Threats, Challenges and Change entitled ‘A More Secure World’ captured the two opposing proposals (with minor differences) in their presentation of two models for reform – Model A and B. The G-4 concept was presented by Model A. Although Model A does not name names, it does outline in broad terms a 24 member Council with six addition permanent members and three elected members. The UfC’s equivalent was presented by Model B of the High Level Panel’s reforms. This 24-member model of the Council created a new category of elected seat, to which 8 members would be elected for four-year renewable terms, while 1 new elected seat was also included.

Several other models emerged following the Summit, including two models proposed by the UfC known as the Green and Blue Models. The African Bloc also made their position clear

26 Ibid.
27 Seat distribution: 6 Africa, 5 Asia, 4 Latin America and the Caribbean, 3 Western Europe and Other and 2 Eastern Europe
regarding permanency and veto. Although, the G-4 countries have offered to forego use of the veto (for at least 15 years), African representatives have insisted (although Nigeria and South Africa are flexible on the issue) that any African permanent members be given the power of veto – placing them on the same tier as the current P-5. Therefore, in spite of the many schemes, reform in the form of enlargement is at an impasse. The thrust towards reform has dissipated and so the expected reformation is unlikely to occur any time soon.

The most probable, yet still unlikely models for enlargement increase the Council’s membership to 24 seats (a comparison of model A and model B is offered in table 8.1). A 24-member Council increases representation in the Security Council from 7.77% to 12.44% of the overall membership (193). Several groups would continue to be over-represented (in pure numerical terms), while other groups would marginally improve their representation, yet would still be under-represented. Expansion also encompasses the issue of permanency. Under the Secretary-General’s Model A, there would sit 13 elected members (E-13) and 11 permanent members (P-11) on the Council. The eternal question is which countries receive permanent membership? Brazil, India, Japan, Germany, Nigeria and South Africa are the most likely to assume permanent seats on the Council.

While questions relating to the issue of enlargement have been asked, perhaps the most important questions have been left largely unanswered – Is enlargement of the Council a reform? Will the inclusion of countries such as India, Germany, Japan, Brazil, South Africa and Nigeria make for better outcomes? Few have actually subjected the claims of the ‘reformers’ to scrutiny. Thomas Weiss, Ed Luck and Ian Hurd are some of the few who have scrutinised the claims of the reformers - the following section endeavours to build on their work.

Firstly, what is meant by reform? In general terms, reform is “the amendment or altering for the better, of some faulty state of things.” Working from the premise that the Council is defective, reforms should repair defects, thereby improving the Council’s effectiveness. As

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29 At the time the Council (11 seats) first sat the UN had a total membership of 55 (20%), while in 1966 at the time the Council was enlarged the UN had a total member of 122 (12.3%).
30 Only GRULAC would move from being under-represented on the Council to being over-represented.
31 How many new members? Which countries should be included? Should there be a new category of member? Should the veto be extended to new permanent members?
the Council’s agency is dependent on the membership, the inclusion of additional permanent members (as a reform) must result:

- in an enhancement in the Council’s legitimacy (in the eyes of its audience)
- in an improvement in the Council’s ability to craft effective solutions
- in the increased availability of political will and resources to enact solutions

Moreover, any additional permanent members must be ‘effective members’ of the Council and capable leaders. The argument the ‘reformers’ use as support for the candidacy of the aspiring permanent members relates to enhanced legitimacy. The arguments for membership are based on the following logic. The current Council is not representative of the wider membership. The United Kingdom, France and Russia are no longer considered great powers, judged against most indexes, yet they continue to serve as permanent members of the Council. Emerging (Brazil and India) and established powers (Germany and Japan) alike argue that this power imbalance must be addressed by their inclusion on the Council. The argument being that only through the restoration of power equilibrium can the Council be considered legitimate in the eyes of its audience.

Ian Hurd has hypothesised as to the nature of the link between legitimacy and enlargement, in his article *Myths of Membership* (2008). 33 This article challenges the view that the enlargement of the Council enhances its legitimacy. The arguments for enlargement on the basis of the overarching narrative of legitimacy are often couched in terms of democracy, representativeness and the dilution of power. Aspirant countries understand the value of permanent membership, each has an interest in their own election, and each uses the rhetoric of representativeness in support of their claims. Adding India, Brazil, Germany, Japan, South Africa and Nigeria is not an exercise in representativeness, nor is it an act of dispersing power. Including the powerful on the Council is representativeness, in so far as it is representative of the distribution of power in the world, as decided at that particular moment in history.

In terms of other forms of representation, the argument can be made that the aspirants are representative of their region or of the wider developing world. Does this mean that a Portuguese speaking Brazil represents Spanish-speaking Latin America? Or does India

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represent Pakistan, Nepal, Sri Lanka and Bangladesh in South Asia? The answer is most certainly no. Members of the Council, whether they are permanent or elected, are representative of themselves, first and foremost. Giving permanency to members who are already powerful does not disperse power, but rather reinforces already existing patterns in international politics.

The fear of many effective member-states (Singapore, Costa Rica and Canada) is that adding permanent members will merely reduce their ability to make a positive impact. There is a significant difference in the attitudes of responsibility and privilege. Certain member-states view a seat on the Council has a responsibility, while others view a seat as a privilege. The more effective members are those which approach their seat with an attitude of responsibility. This attitude is evidenced in constructive behaviours.

The composition of the 2011 Council provides an excellent test case for the hypothesis of so-called representativeness (power) equals improved effectiveness. The Council included all aspirants (Brazil, India, Germany, South Africa and Nigeria) except for Japan. In terms of output (in resolutions) the Council adopted 65 resolutions, which is around the 10-year average output (61: 2000-10). There is no evidence, which suggests that compliance with Council edicts has improved markedly throughout the term of the current Council (i.e. Iran and North Korea are still pursuing Nuclear weapons programmes). A Secretariat insider also remarked that the current Council was “terrible,” citing consensus issues, wrangling and a general lack of leadership (certain countries were neither ‘good leaders nor good followers’) from some aspirant members (i.e. big countries have a tendency to throw their weight around). It appears that the eternal maladies of the Council persist regardless of its membership.

Another argument, aside from the inequality argument, is an argument founded on the notion that if you get the regional hegemons and the ‘heavy lifters’ in the room, Council outcomes will be improved. This was the original rationale for the institutionalised privilege afforded the permanent members. A lack of evidence exists to support the capacity hypothesis. On no occasion has the Council failed to act, because of the absence of one of the aspirant countries

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54 Source (Undisclosed)
55 Those nations with large economies and capable militaries
– India continues to contribute to peacekeeping, while Japan continues to contribute to the budget regardless of their membership status. Moreover, an increase in the membership by 9 inevitably creates efficiency problems. For arguments sake, a typical informal meeting with an average speaking time of 4-minutes, might last for an hour, if every representative offers their country’s position on the matter at hand. For a Council of 24, a typical meeting length might be 96 minutes.

If the new permanent members received a veto, the effectiveness of the Council would almost certainly be diminished. The League of Nations Council is a historical precedent, which should be avoided at all costs. Perhaps, the League’s fundamental handicap allowed any member of the Council, great or small, to prevent “effective action” on the part of the Council by the “imposition of its veto.” A veto wielding P-11 would limit effective action, by virtue of the inherent difficulties of alignment – i.e. ‘getting all the ducks in a row.’ If permanent members were added to the Council without veto, this would create, by de facto, a new stratum of membership; a P-5 (with veto) would exist alongside a P-6 (without veto) and an E-13. Would this set-up enhance the legitimacy of the Council? Allowing permanent non-elected members to sit on the Council indefinitely is problematic.

‘Permanent is a long time’ - a quote attributed to Ed Luck is also a reminder of the changing nature of international politics. Power in international politics is not a constant. The rise and fall of empires throughout history is testament to this fact. The once powerful are no longer powerful, and once weak are now strong. A reformed Council will not represent the ‘end of history.’ In 50 years time, new emerging countries will advocate for permanent membership, and so the ‘reform process’ will begin again.

Model B, although unattractive to the membership, is more inclined to provide for a more effective membership formula. 4-year renewable members are more accountable, as the membership has an opportunity to access that member’s performance on the Council - favourably or unfavourably. If the wider membership accesses the member’s performance favourably, that member would likely be re-elected to the seat for a further 4-year term. Obviously, the membership judge the member on other criteria, other than mere contribution (i.e. effective member), nevertheless, the formula allows for the involvement of wider

membership in elections. Once a member is permanent, they are permanent and unaccountable.

Working Methods
The Council’s working methods are based on the ‘Provisional Rules of Procedure’ (1982) and a range of ad-hoc and evolved practices. As reforms to the working methods of the Council are not subject to Charter amendment and domestic ratification, this area of reform presents as the most fertile ground for meaningful improvement. Through the work the Small-Five (S-5) comprising Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland and ‘the Informal Working Group on Documentation and Other Procedural Questions and other subsidiary bodies of the Council’, a number of reforms have been instituted. Most notable among these reforms has been the ‘Note by the President of the Council’ (under the Presidency of Japan - 19 July, 2006), also known as Note 507.

Note 507 sought to “enhance the efficiency and transparency of the Council’s work, as well as the interaction and dialogue with non-Council members.” The note focused on non-Council members, their input and the information they receive through the conduct of briefings, meetings, informal consultations and programmes of work. The note also briefly alludes to the participation of major stakeholders in meetings, “in order to foster closer cooperation between the Council and those actors.” The increased involvement of major stakeholders is a necessary reform, as these stakeholders are the actors most involved in the implementation of Council resolutions. In the note, consultations and interactions conducted with Troop and Police Contributing Countries, Regional Organisations and the parties to a conflict are all flagged as imperative in terms of cooperation.

The Council’s adoption of working method reforms envisaged in Note 507 has been inconsistent. The Council, nevertheless, has continued to innovate, as it always has. In recent years, the Council has introduced a range of new meeting formats in an effort to improve the processes and outcomes. The first such innovation occurred in 1992, when Diego Arria of Venezuela invited a Bosnian priest to ‘testify’ to the Council over coffee in the delegates lounge. The Arria Formula sessions were born from this informal setting and allow

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38 Ibid., para. 48.
39 Ibid.
private individuals, experts and non-government organisations to provide information concerning a matter before the Council. Other formats have also emerged including wrap-up sessions, informal interactive discussion/dialogue, the “Kosovo model” and the important informal dialogue.

On the issue of formal veto, reforms are highly unlikely. Complete or partial abolition of the veto lies beyond the realms of possibility at the present time.\(^{40}\) S-5 proposals suggest that the P-5 explain the reasons behind a resort to the veto. Other reforms relate to the Responsibility to Protect and necessitate a refrain from the use of a veto to block Council action in situations of mass crimes and genocide. Although, these suggestions are noble, their enactment is unlikely, as the P-5 will always argue for the retention of the prerogative to veto, without limitations. The other proposals of the S-5 appear promising and many of the reforms could bear fruit, in effectiveness terms, if introduced.

**Possible Reforms for Enhanced Effectiveness**

This study has identified six elements of Council agency, the application of which determines the effectiveness of the Council in any given context. Any reform, therefore, should address inconsistencies and weaknesses in the quality of Council agency, in relation to solution, alignment, political will, resources and leadership. Moreover, reforms should also consider the contradictions and dilemmas identified in the discussion section of the previous chapter. At present, the reform agenda does not directly address the elements of Council agency identified in this thesis.

Inevitably discussion about quality of agency leads back to the capacity and willingness of the membership to craft compatible solutions. In this area reforms should focus on gaining quality understandings of the problem-contexts. On the other side of the equation, the reforms for the improvement of solutions must seek to overcome the issues raised throughout this study.

**A Close Reading**

This study has emphasised the notion that a close reading of context informs effective policy making. Consequently, any reforms should seek to empower the Council through the

\(^{40}\) The last British and French veto was exercised in 1989 on the matter of Panama (along with the US).
provision of high quality information and analysis. This would require the creation of a “single, co-located team dedicated to managing information, tracking multiple crisis and conflict trends, recommending preventative action based on those trends, or anticipating UN international requirements for either peacekeeping or peacebuilding.” 41 Such a team would straddle the Secretariat and specialised agencies – including OCHA, DPA, DFS, DPKO, the Joint Office of the Special on the Prevention of Genocide and the RtoP, UNHCR, WFP and UNDP.

A centralised UN field-analysis agency would map conflict and crisis dynamics to aid in decision-making for the Council and other principle organs. The creation of such an agency is highly unlikely and would not be readily welcomed by the membership, as it would require an increase in budget and staff, and would provide the UN with a limited but independent intelligence agency. However, the benefits outweigh the potential costs; as such an agency would prove useful in both the prevention of conflict (early warning) and restoration of peace.

Committees for Solution Implementation
The political will to carry solutions to fruition is difficult to sustain, especially considering the length of most interventions. Political will is strongly determined by member-states’ assessments of their interests (i.e. if a member views a problem as important, the political will to deliver an outcome will likely be present). Reforms should seek to more effectively channel political will, particularly at critical junctures and in crisis situations, as inertia at these moments can result in poor outcomes – as in Rwanda and Darfur.

A high level of political will is often evidenced in the coalescence of interested actors in constellations such as ‘Groups of Friends’ or ‘Core/Contact Groups.’ In the case of East Timor, a Core Group comprising Australia, Brazil, Japan, New Zealand, Portugal, and the United Kingdom formed for supporting the UN in the conduct of the popular consultation and the subsequent state-building mission. Each country had a role 42 to play in support of the

42 UK: Drafted Resolutions; Australia: provided the backbone of the INTERFET force; Portugal: was the former colonial power and a signatory to the popular consultation agreement with Indonesia; Japan: provided substantial funding for the state-building and reconstruction efforts; Brazil and New Zealand: lent additional support
activities of the Council, although only the UK and Brazil (1998-1999) were serving on the Council, at the time of its creation.

In order to improve interaction, dialogue and input with non-Council members, the Council should consider the inclusion of non-Council members on subsidiary bodies. The subsidiary body format would be radically overhauled using a model adopted by the Peacebuilding Commission (PBC) known as country-specific configurations. For instance, the 1533 Sanctions Committee concerning the DRC might include Uganda, Rwanda, Burundi, Tanzania, the Republic of Congo, South Africa (SADC), South Sudan, Zambia, Angola and the Central African Republic, among others.

The Council currently oversees activities across many situations, while oversight of sanctions implementation is provided by sanctions committees (13 sanctions committees) and implementation progress for peacekeeping/special political missions [14 peacekeeping missions, 1 special political missions (DPKO) and 7 field operations (DPA)] is reported via Secretary-General’s reports. Although, these operations are managed on a day-to-day basis by the Secretariat, and Security Council interference would be unwelcome, the establishment of implementation committees could assist in the focusing of international efforts.

These subsidiary bodies, established under article 29 of the Charter, would act in a similar matter to groups of friends or contact groups. They would include non-members of the Council, similar to a group of friends, but they would act in a formal capacity. By involving non-members in the process, the implementation committee model, decreases the deliberative deficit, and provides for a more inclusive forum. The benefit of allowing non-members to contribute allows for creative and effective members’ greater input than they otherwise would have. The load of elected members of the Council is lessened, while the influence of the P-5 is weakened.

A committee might include neighbouring states, regional players, lead countries, key donors, troop & police contributing countries, representatives of involved regional organisations. The

43 17 (peacekeeping and political missions)+2 Non-proliferation+2 war crimes+12 sanctions committees number of working groups+1540 and the Counter-terrorism committee

44 Elected members could potentially administer the work of the committees as chairpersons and would act as the Committee-Council conduit. Elected members could potentially serve on the committees after their term had ended, allowing for continued input.
Secretariat, UN specialised agencies and civil society (including academics and policy analysts) would also offer significant input. The size of the committees would vary according to the situation, but would work best in terms of committee dynamics with 8 to 15 members. The permanent five members would most likely need to be involved in each committee, which is unfortunate, but necessary considering the nature of the veto. The committees could potentially operate on the basis of a simple majority or a super majority (60%).

The committees would act as part of a feedback loop, with all final decisions being made by the full Council subject to the Charter voting procedures (article 27). The process is designed to be more akin to the policy formulation processes of national governments, which provides for consistency of outcomes, implementation evaluation and mechanisms for adjustment. At present, the resolution drafting processes are insular in nature. Consultation with the broader membership, as well as with the key actors on the ground, is designed to enhance the legitimacy of the Council final outcome document – the resolution. The argument being that, a well thought-out and inclusive resolution is more likely to be implemented, if the parties and member-states which are actually directly implementing the resolution are involved in the fermentation process.

The inclusion of potentially belligerent and unhelpful member-states on committees might be a necessity in certain cases. Allowing such members access to the committee, but limiting their ability to subvert the processes of the committee is critical. The strength of positive members should always significantly outweigh the potency of the negative. In the end, the committee may be required to confront these members. It can be argued that including rather than excluding certain member-states on this basis, could lend legitimacy to the process.

The committees would act as a focal point for UN engagement; administering sanctions implementation (and panels of experts), reporting compliance with Council demands (through regular compliance reports), and managing the various often completing demands of radically transforming war-torn societies. An implementation committee would develop a strategic concept and a range of contingences. Once a relatively clear strategic concept is developed, committee members would be responsible for generating sufficient political will to fuel the implementation of the concept.

45 The consensus model might not be appropriate considering the likelihood of unhelpful and belligerent member-states on the committee.
The committees would have the authority to convene ‘future focused conferences’ (summit level), similar to those undertaken by the International Contact Group on Afghanistan – in Bonn 2011, London 2010, The Hague 2009. These conferences could offer world leaders and foreign ministers the opportunity to elevate the profile of marginalised situations in the consciousness of domestic constituents.

Security

As aforementioned, security is the central building block of the state. The Council, however, rarely pursues the security agenda with any amount of vigour, often leaving the tasks of SSR to host governments or bilateral donors. In the DRC, the Belgians have managed SSR, while in Sierra Leone the British led efforts to professionalise the SLA. The Council should emphasise security above all else, in order to prioritise the goal of negative peace. All too often, the Council will begin the pursuit of the positive peace, before having achieved negative peace. If the Council more readily adopted a peace-support model its operations might be better able to provide security, train local security forces and undertake critical infrastructure projects.

Peace support missions are designed to undertake a range of civilian and military tasks, including the maintenance of public order, policing, SSR mentoring, infrastructure reconstruction and national reconciliation. The peace support model operates on the basis of flexibility, allowing the mission to adapt its posture between peacekeeping and peace enforcement depending on the compliance of the parties. 46 For this operations to work effectively the commitment of western governments would be required (i.e. the deployment of troops from western countries). This issue will be discussed in greater length below.

Resourcing for Peacekeeping Operations

Although, the malaise of the early 90s has lifted, western countries have yet to return to peacekeeping. Meanwhile, the UN-authorised NATO-led International Security Assistance Force (ISAF) in Afghanistan continues. Approximately, $120billion is being spent on the Afghan invention per year, by the US alone. The force has a considerable troop strength

46 Bellamy, Williams, and Griffin, *Understanding Peacekeeping*, p. 281.
(currently 132,000) and is relatively well equipped (armoured vehicles, utility & attack helicopters and close air support).

At present, the troop contributions to UN peacekeeping by NATO member-states and capable other states (Japan and Australia) are incredibly low. If one removes the troop contributions to the United Nations Interim Force in Lebanon (UNIFIL), the numbers are even lower. On the whole, these members have supported observer missions, such as UNFICYP in Cyprus, rather than the complex missions across Africa, such as MONUSCO in the DR Congo. Although, there is an argument for increased contributions from western countries, an increase in the level of specialised support (logistics and intelligence) is perhaps the best starting point for reform along these lines.

Nevertheless, the Council would be better served if western countries contributed actual combat troops to UN operations. Western armies are better trained and have a higher degree of sophistication in terms of weaponry and materiel (Light Utility Vehicles, Attack Helicopters). There is evidence to support the argument for increased western contribution to UN peacekeeping. This evidence is found in the cases of EUFOR Artemis, DR Congo, Tchad/RCA and the British operation in Sierra Leone (Operation Palliser). These deployments were all considered effective in the accomplishment of their limited mandates. It can be hypothesised that the deployment of western armies would give western governments a ‘stake’ in the effectiveness of the operation (more than simply voting ‘yes’ or providing funding through the peacekeeping budget).

This does not mean that western armies should dominate UN peacekeeping, as this could prove counter-productive in ideological terms (post-colonial and neo-colonial). It does mean that UN peacekeeping should be representative of the UN itself. At present, three South Asian countries, Bangladesh, Pakistan and India, contribute 27,916 personnel (police and military), which constitute almost 30% of the total number of UN peacekeepers world-wide (97,982). The top 10 countries (56,901), all of which are developing, contribute almost 60%.

Moreover, securing funding for peace support tasks remains unstable across most interventions. On occasion strong leadership by certain members has secured the necessary funding, but in most cases funding shortfalls affect the delivery of programmes. In East Timor, Japan provided $100 million to support reconstruction efforts. In Sierra Leone, trust funds for DDR and the Special Court were chronically underfunded. Reforms must attend to these issues, to ensure consistency of funding for important peace support functions. Consistency of funding would require the allocation of funds in the UN’s general or peacekeeping budget, or alternatively the creation of a central peace-support fund to cover shortfalls.

Sanctions Enforcement and Monitoring

When member-states invest will and capacity in enforcement, the outcomes in terms of effectiveness are obviously going to be higher. Enforcement and monitoring of the Yugoslav sanctions regime is given often as an exemplar. In this case, EU/OSCE sanctions assistance missions (SAMS) provided more than 200 customs officers and experts based in neighbouring countries (7 locations), to assist in the implementation of sanctions – reporting violations to Brussels and the sanctions committee in New York. As Staibano suggests that:

> Clearly, they contributed to the success of the sanctions against Yugoslavia and actually placed them among the more rigorously enforced UN sanctions. 49

The Multinational Interception Force (MIF) for Iraq and the NATO Operation Unified Protector for Libya (2011) were examples of naval interdiction taskforces whose objectives were the enforcement and monitoring of sanctions imposed on both those countries. Enforcement, in the form of interdiction taskforces, naval or customs, requires the allocation of significant resources, which in turn requires the requisite outlay of political will. Member-states will only provide such resources when the willingness to provide such resources exists. In most sanctions cases, particularly in Africa, this is not the case.

The problems of porous borders and the inadequate customs regimes of many countries continue to act as capacity constraints for sanctions regimes. The problems of international

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48 Japan’s Peace Building Diplomacy in Asia, p. 47
regulation and national legislation for sanctions violations also presents as a challenge to effective sanctions enforcement. The lack of control over airspace, the lack of standardised end user certificates, and the need for the criminalisation of sanctions violations, are representative of only a few of the regulatory puzzles. The Kimberly Process for the Certification of Diamonds has gone some way toward the regulation of diamond trading. There are significant weaknesses in the process, in light of classification of Zimbabwe as conflict-free. In the area of arms control, the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects is still to give birth to a small arms control treaty. Such a treaty would assist in the implementation and enforcement of arms embargoes.

Within the DPA there should be established a permanent sanctions unit (peacekeeping mandates should not cover enforcement tasks). This unit would provide general guidance on sanctions related issues including those relating to member-state sanctions enforcement and regulation. The unit would also oversee the activities of all UN sanctions enforcement operations – including the deployment of regional airspace radar systems and sanctions assistance missions (SATS). An improved enforcement capacity would require a small INTERPOL team to be based alongside the DPA sanctions unit in New York (INTERPOL is headquartered in Lyon). The unit would also provide support to various independent panels of experts to aid in the conduct of their work. The sanctions unit would also advise the Security Council on the viability of sanctions in particular cases (i.e. whether or not the target is likely to respond positively to sanctions).

Regionalisation

Regionalism of peace and security arrangements was an idea originally hinted at during the preparations for the conferences on international organisation. Franklin Delano Roosevelt was a proponent of the idea, while his Secretary of State Cordell Hull was an opponent. Regional arrangements are contained within a short three-article chapter of the Charter (VIII). Reforms to address the regional interaction shortfall should be carried through. These reforms should begin with the reorganisation of the UN regional groups for elections. Currently five regional groups elect 10 members to the Security Council to serve two-year terms\textsuperscript{50}. The only group whose membership can be overlaid with an existing regional group is the African

\textsuperscript{50} The Human Rights Council and the Economic and Social Council, as well as the appointment of the General Assembly President all rely on same the regional groupings for elections
Group – and the African Union (both with 54 members). The profile below provides a suggestion for changes to the current groupings and informal guarantees regarding the allocation of seats on the basis of sub-region (Table 8.2).

<table>
<thead>
<tr>
<th>Electoral Groups</th>
<th>Number of Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Union + 12 (EU+12)</td>
<td>38 Members</td>
</tr>
<tr>
<td>Commonwealth of Independent States (CIS)</td>
<td>16 Members</td>
</tr>
<tr>
<td>African Union (AU)</td>
<td>54 Members</td>
</tr>
<tr>
<td>East African Community (EAC)</td>
<td></td>
</tr>
<tr>
<td>Economic Community of West African States (ECOWAS)</td>
<td></td>
</tr>
<tr>
<td>Economic Community of Central African States (ECCAS)</td>
<td></td>
</tr>
<tr>
<td>Southern African Development Community (SADC)</td>
<td></td>
</tr>
<tr>
<td>Arab League</td>
<td></td>
</tr>
<tr>
<td>Asia</td>
<td>49 Members</td>
</tr>
<tr>
<td>Arab League</td>
<td></td>
</tr>
<tr>
<td>Association of South East Asian States (ASEAN)</td>
<td></td>
</tr>
<tr>
<td>Latin, Central America and the Caribbean (GRULAC)</td>
<td>33 Members</td>
</tr>
</tbody>
</table>

Western Europe and Other (WEOG) should include all 27 European Union (EU) members. At present, 11 members of the EU are members of the Eastern Europe Group, which means that there have been times when up to 5 EU members have been members of the Council.\(^{51}\) A reorganised WEOG (renamed EU+12) would comprise of 27 EU members plus 12 ‘others’.\(^{52}\) The total membership of the group would be 38 up from 28, providing the group a more appropriate representation ratio. The Eastern Europe Group would obviously lose 11 members, while the Asia Group would lose Cyprus. A reformed Eastern Europe Group could

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\(^{51}\) In 2006-7 during Slovenia’s term, Denmark (2006), Greece (2006), Belgium (2007, Italy (2007), United Kingdom and France were all members of the Council.

\(^{52}\) Australia, New Zealand, Canada, Turkey, Israel, Andorra, Monaco, Switzerland, Norway, Iceland, San Marino and the United States (as an observer)
potentially include current Asia Group members Kazakhstan, Kyrgyzstan, Turkmenistan and Uzbekistan all of whom are members of the Commonwealth of Independent States (CIS).

Since the signing of the Treaty to establish an African Economic Community (‘the Abuja Treaty’), the various sub-regions have developed their own Regional Economic Communities (RECs), eight of which are recognised by the AU. Many of these RECs have also extended their purview to include matters of peace and security. The Africa Group already elects members to the Council on the basis of informal sub-regional representation. Any regionalisation reforms should formalise sub-regional representation by including a member from each of the regional economic communities. According to this logic, the Africa Group should be given a further two non-permanent seats on the Council. The African Union and its various recognised sub-regions would also be encouraged to participate in Council activities and deliberations.

The Asia Group is a particularly diverse group, encompassing the Pacific islands, South-east Asia, South Asia, North-East Asia, the Middle-East and Central Asia. Two seats are allocated to the Asia Group at present. Seats roughly circulate through South-East, North and South Asia, while an Arab Middle East country sits on the Council once in every two rotations.

The Council must also learn to take a wider view in respect to the regional dynamics of conflicts. As previously mentioned, conflicts are never contained neatly within the borders of a state. The Council’s response to conflict should reflect this reality. The UN has made considerable progress in relation to the regionalisation of conflict, with the establishment of UN Offices (UNOWA, UNOCA and UNRCCA) and with Council missions visiting sub-regions on a regular basis (i.e. the West Africa Mission in May 2012).

Conclusion

53 The East Africa Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC).

55 Never has a Pacific Island Forum member-state (other than New Zealand and Australia) sat on the Security Council – of 10 Pacific Island countries. In Latin, Central America and the Caribbean, the GRULAC group of 33 members, nominates members to two seats.
The Council’s effectiveness is tied to a wide reaching set of challenges and dilemmas, which were outlined at the beginning of this chapter. These challenges and dilemmas, briefly summarised, lie ‘outside’ and ‘inside’ the Council. Firstly, the Council is often beholden to the whims and vagaries of the parties to a conflict; and in the end, the effectiveness of any external intervention relies on the peaceful intentions of the parties. Moreover, the Council relies on the Secretariat, which has in the past offered unreliable advice and bungled the implementation of Council decisions. Secondly, the Council has often adopted a liberal peace-building approach, which neglects institutionalisation. Furthermore, the Council displayed a tendency to mandate stabilisation missions with a ‘wish list’ of ambiguous tasks and objectives, which only serves to overload missions and limit their effectiveness. Thirdly, as emphasised throughout this study, the Council’s solutions are frequently not well matched to the context in which they are applied or the actors they are meant to be dealing with. This issue sorely limits the already limited reach of external interventionism.

In the second part of the chapter the issue of reform was discussed. The reform agenda and the many proposals for reform were subjected to a brief test of their validities. It was shown that the current models for enlargement of the Council do not meet the effectiveness test – that is their claims to improved effectiveness are dubious. Overall, it was suggested that a range of reforms aimed at strengthening the availability of alignment, political will, leadership and resources, could theoretically improve the effectiveness of the Council. It is suggested that future work might provide further practical proposals for proper reform of the Council. In the following short chapter the conclusions of this study will be made. This brief chapter will summarise the measure of effectiveness and concept of agency developed by this study.
Chapter 9
Conclusions
Although, academics and practitioners have long pondered the broad utility of the UN Security Council, no academic studies had been completed or commissioned on the topic of Council effectiveness. The inherent and profound incoherence of the subject matter presented as the most significant challenge in the conduct of such research. Even so, there is need to evaluate the effectiveness of all of society’s institutions, the Council included - especially considering Council’s role as the guardian of international peace and security is of such importance. Understanding effectiveness, leads to a better understanding of the Council’s defects and deficiencies. Diagnosing these maladies then provides the basis for meaningful reform. ¹ As such, this work offers a point of departure for further research and policy evaluations

In order to conclude this study effectively, it would be prudent to undertake a summary of the study’s key features. This summary will be conducted using the three core research questions presented in the introduction (Chapter 1). Those questions being: what is effectiveness? What factors determine the effectiveness/ineffectiveness of the Council? How do the identified factors interact to determine the effectiveness/ineffectiveness of the Council?

What is effectiveness?
This study borrowed the goal model of organisational effectiveness and adapted it for use as the measure of effectiveness used to judge Council effectiveness. It was suggested that the goal model is akin to the idea of problem solving. It was argued, therefore, that an effective Council was one that solved problems, while an ineffective Council was one that did not.

In order to establish the goals of the Council, the study relied on the line of inference, which could be drawn from the Council’s responsibility (for the maintenance of international peace and security), to the Council’s purpose (to fulfil its purpose) and onto the Council’s goals. As a result of this process, the goals of the Council were

¹ Note: The study has endeavoured to present a qualitative, rather than a quantitative study of effectiveness. This was done, because of the limitations of a mechanical quantitative approach to this question. Along with the central concept, many of the models’ elements are simply too difficult to measure quantitatively.
established. The principle goal of the Council, in any given context, is the maintenance or restoration of international peace and security. This overarching goal was translated into the specific goals for the three situation types, which the Council typically deals with – international conflict, intra-state conflict and CBRN weapons proliferation.

Indicators of goal attainment were attached to each of the goals, for each situation type. Each desired goal state, for each situation type was divided into two goal phases (b1) and (b2). For international conflict, the cession of direct violent conflict (b1) and the normalisation of relations between the conflicting parties (b2) were established as the goals of Council action. Indicators of goal attainment included the complete reduction in battle-related deaths, the reduction in the number of displaced persons and the restoration of external relations between the parties to the conflict. For intra-state conflict, negative (b1) and then positive peace (b2) were established as the goals of Council action. Indicators for negative peace included the complete reduction in the number of battle-related deaths, the reduction in the number of displaced persons and an improvement in the absence of violence index of the World Governance Indictors. The indicators of positive peace included 21 of the indictors used by the PPI report of 2012. For CBRN weapons proliferation, the goal of Council action was a complete reduction in stockpiled weapons and the verified decommissioning of the weapons programme.

What factors determine the effectiveness of the Council? How do the identified factors interact to determine the effectiveness of the Council?

It was argued in this study, that the effectiveness of the Council is determined by a complex interaction that takes place between a set of six elements. These elements instil the Council with a capacity to act in the world, also known as agency. The six elements of Council agency were outlined in chapter 4, they included: (1) legitimacy, (2) P-5 alignment, (3) solution, (4) political will, (5) resources, and (6) leadership. When the Council responds to a problem it applies its agency, to affect a positive outcome. The Council, however, must be enabled. Two elements work to enable the

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2 Apart from CBRN Weapons Proliferation
3 Goal attainment indictors can be taken from various sources.
Council. First, for the Council to operate it must be seen as legitimate in the eyes of its audience – the membership of the UN and the key actors involved in the situation. If the key actors do not believe that the Council is legitimate, then the Council has little capacity to act, albeit a resort to cohesive action. A belief in the legitimacy of the Council creates an enabling environment from within which the Council can operate. The marker of a legitimate belief is consent (or acquiescence). The existence of consent can be qualitatively ‘read’ through reference to the rhetoric, the policies and most importantly the actions of the consenting actor (i.e. cooperation is evidence of consent).

Second, the Council is enabled by the alignment of its permanent membership. If the P-5 are not strongly aligned, the political vagaries of the P-5 will almost certainly undermine the Council’s effective response. For instance, in Darfur, Chinese obstructionism prevented the adoption of concrete measures against the GoS. Instead, the Council was forced to defer to the sovereign prerogatives of the GoS concerning the deployment of UNMIS and later UNAMID.

Once enabled, the Council has both the right and the ability to generate solutions. Central to this model of Council agency is the element of solution. It is argued that the compatibility of the Council’s solution with the context, in which it is applied, is central to the effectiveness of the Council. In essence, the Council’s effectiveness is highly context specific. Understood by the methodology of conflict ethnography the context is a complex mosaic of cultural, political, historical, economic, social and geographical facts. For the Council to develop and implement effective solutions, it must match and shape these facts, as it desires to ensure its goals are attained. To attain its goals the Council utilises a range of instruments. These instruments are among the most recognisable products of the Council. The Council’s toolbox includes high profile instruments such as peacekeeping and sanctions; as well as instruments such as remonstrance and peacebuilding. The Council uses these instruments, often in combination, in order to affect a positive outcome.

Supporting the solution is a trio of elements: political will, resources and leadership. It is certain that these elements are required both during the generation of a solution and during its implementation. Political will is about the motivation held by member-
states to carry a solution through to fruition. If member-states are motivated to solve a problem, they will expend resources – allocate funds, deploy troops or apportion material. The allocation of requisite resources is both a marker of political will and a separate element of the model of agency presented by this study. Without tangible resources a solution cannot be implemented. In many cases (i.e. Rwanda), the Council has lacked sufficient resources to be effective; while in other cases (i.e. Somalia and Bosnia), sufficient resources have not necessarily ensured a positive outcome. The final supporting element is leadership. In many Council interventions, focused and productive leadership has contributed to the mobilisation of political will and resources. Positive leadership has also often contributed to formulation of effective strategies and solutions, as exemplified in East Timor by the Contact Group (Australia, the United Kingdom, New Zealand, Japan, Brazil and Portugal).

It has to be said that transitions are not always exclusively affected through the application of Council agency (and instruments). This study recognised the significance of a range of extraneous factors, which often lie outside of the realm of the Council. An exhaustive catalogue of extraneous factors cannot be made. However, several factors are seen across numerous contexts; they include: the personalities and attributes of key interlocutors, diplomats, mediators and special representatives (envoys), the quality of any agreements and the existence of independent support for spoilers or potential spoilers (patronage, materiel and financing).

In summary, the central arguments of this study are attached to the model of Council agency presented in chapter 4. The model was used to explain the empirical phenomena contained in chapters 5 through 7. This exercise sought to validate the model; and furthermore, allowed for the confirmation of the Council’s effectiveness and ineffectiveness in relation to twelve cases. Overall, this study has framed effectiveness through the lens of the goal model, allowing for the establishment of a measurement for effectiveness. The UN Security Council is effective in so far as it achieves its goals. 4

4 Many might argue that the standards set in this study are too exacting. Nevertheless, the measure is still the first such measure of effectiveness applied to the work of the Council; and further work should be undertaken to improve the measure and its accompanying model.
This study is the first of its type. It has delved into the amorphous concept of effectiveness and attempted to provide definition. The study, however, has not only provided a measure, but also a model for understanding the institution of the UN Security Council – how it acts in the world to achieve its goals? This model is not a perfect, unproblematic explanatory tool. It is however, a model that can be used to view the Council and its activities. In essence, this study has attempted to shine a light on the Council and instruments – to answer the fundamental questions: how does this institution of international peace and security work? And does it work? In the end, one cannot conclude by issuing sweeping statement about the effectiveness of the Council. This study has established a set of standards by which the Council’s work can be judged; and by these standards, one can conclude that the Council has been effective in certain cases and ineffective in others. More importantly, this study has sought to ask the question why? Why was the Council effective in El Salvador and not in Rwanda? Why has it been ineffective in the Democratic Republic of the Congo and effective in Sierra Leone? These questions are the more important questions and this study has sought to answer them.
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**Appendices**