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The UN Security Council in an Age of Great Power Rivalry[1]

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Introduction

As the United Nations approaches its 70th anniversary, the world is going through the most severe accumulation of serious international security failures in recent memory, challenging the UN Security Council's ability to address them effectively. Over the past four years, crises in Libya, Syria and Ukraine have precipitated a worrisome erosion of great power relations that has complicated Security Council decision-making on a number of trouble spots. Its inability to devise consensus responses to the escalating civil war in Syria has been particularly troubling, resulting in the regional spill over into Iraq and the emergence of Islamic State as a new threat to peace in the region and beyond. Meanwhile, the UN's often under-equipped blue helmets have struggled to carry out ambitious mandates while facing severe challenges in the Central African Republic, Mali, South Sudan and elsewhere, only thinly papered over by the international responses to date. In a number of regions, the growth in international drug trafficking and related violence, undermines democratic governance and the rule of law. The mass-outbreak of Ebola of 2014 has threatened to stall and even reverse over a decade of UN peacebuilding progress in West Africa. And around the world, the number of civil wars, battle deaths, and terrorist attacks are again on the upswing, after over a decade of decline.[2] Some observers go as far as to conclude that "a breakdown in world order is occurring."[3]

While this seems to us a premature assessment, it is undeniable that the Security Council finds itself in real difficulty, not unlike in 2003 when the US-led invasion of Iraq, absent Security Council authorization, triggered widespread concerns that the US drive towards unilateralism would lead it to turn its back on the United Nations.[4] Back then, it seemed like the key issue for the Council was "whether it can engage the United States, modulate its exercise of power, and restrain its impulses…" and, for the United States, "the extent to which [the Council] can serve as an instrument for the promotion of U.S. interests."[5]

Since then, the shift in power and policies of the five permanent members (P5), as well as the complex relations among them have significantly altered the dynamics of the body, giving rise to a new set of concerns. Today, the greatest threat to the relevance of the Security Council is the possibility of a stand-off between the newly assertive Russia and China and a US that is seen as increasingly unwilling to shoulder more international burdens than absolutely necessary after its spectacular misadventures in Iraq and its discomfiting experiences in Afghanistan. Compounding the sense of growing irrelevance is the fact that the UN's operational activities in peacemaking and peacekeeping are nowadays largely confined to Africa and the Middle East. This feeds the perception that it is has become a niche actor specializing in countries gasping for life-support. Finally, the UN faces growing skepticism regarding its ability to develop operational responses to new security challenges that arise out of the empowerment of nefarious non-state actors, whether in the form of organized crime, terrorist groups, or nuclear proliferation networks. And yet, the overall picture may not be as bleak as the above suggests. Bad news always crowds out the good, overshadowing the UN's several meaningful successes in stopping war, building peace and in developing global norms. Indeed, this paper intends to provide a nuanced assessment of the Council's record over the past decade or two, highlighting the Council's ability to adapt and innovate in the face of new challenges, explaining why even the most powerful countries continue to find it useful to work through it, and suggesting it will likely remain relevant beyond the current tension in great power relations.

Interests and Powers

Changing Power, Policies, and Perceptions of the P5

With the P5 deadlocked over Syria and Ukraine, there was a growing fear in 2014 that the Security Council might find itself sidelined soon by a newly emerging Cold War. This is somewhat ironic given that the election of President Barack Obama in the US in 2008 had promised to restore a central place for the Security Council in world diplomacy. Obama was ideologically inclined towards multilateralism and determined to improve the standing of the US in the world. He also promoted a "reset" of fraught relations with Russia and a courting of China, not least to enlist the support of both countries in strengthening Council-based coercive diplomacy vis-à-vis Iran. Along the way, he made important concessions to Moscow on missile defense in Europe and deemphasized democracy and human rights in the relationship with Beijing. Leading a nation that was exhausted after two costly wars in Afghanistan and Iraq, he was more preoccupied with extracting the US from military commitments rather than starting new ones. Initially, the Obama administration's approach paved the way for remarkable Council action, discussed in detail further below, strengthening sanctions on Iran and North Korea over their nuclear programs and authorizing the use of force for civilian protection in Côte d'Ivoire and Libya.

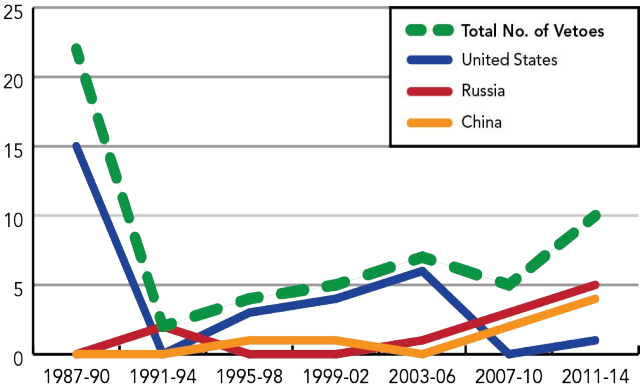
The upheavals of the Arab Spring ultimately proved divisive for the P5 who started to fall out over NATO's alleged overreach in implementing the 2011 Council mandate for intervention in Libya (Resolution 1973). The dividing line was between the P3 - the US, France, and the UK - on the one hand, and Russia and China on the other. The relations between the two camps deteriorated further over the question of how to respond to the escalating civil war in Syria, which was seen by both Moscow and the P3 through the lens of their competing interests in the wider region. China, meanwhile, seems to have stuck with Russia more out of tactical considerations, rather than due to Syria-specific interests. Subsequently, Russia's stealth invasion and subsequent annexation of the Crimea peninsula in the spring of 2014 led to a serious breakdown of East-West relations inside and outside of the Council, exemplified by Moscow's expulsion from the circles of G-8 summitry.

However, Libya, Syria, and Ukraine are more the symptoms than the causes of a divide that was some time in the making. Growing tensions in the Security Council have been a reflection of the growing power and assertiveness of Beijing and a newly muscular Moscow. China's dramatic economic rise - having become by 2011 the world's second largest economy and by 2013 the largest importer of oil – has affected its approach to a number of situations on the Council's agenda. This is a significant change from the 1990s, when China was mainly preoccupied with using the Council to enforce its policy of non-recognition of Taiwan. Meanwhile, since his return to the presidency in 2012, Vladimir Putin has increasingly perceived Moscow's interests as diverging from those of the West, which he casts as deliberately seeking to obstruct Russia's reemergence as a great power. Beyond the UN, however, Russia's relative economic decline and its antagonistic relations with the West since 2014 make it increasingly reliant on China for sale of its natural resources, at a time when China's economic potential and ability to invest far outstrips that of Russia in the former Soviet republics of Central Asia. Thus, for all the noise made by Russia compared to Beijing's preference for a relatively low profile within the Council, the relationship is an increasingly uneven one, favoring China.

Reinforcing the P5 divide in the Council is the fact that China and Russia have been increasingly working in tandem in the body. Having improved their relations since solving their remaining territorial disputes in the early 2000s, they share a common approach to the Council, which is guided by the strong attachment of both countries to the principles of state sovereignty and non-intervention - notions that seem to apply considerably less when it comes to Moscow's relations with the former republics of the Soviet Union, such as Georgia and Ukraine. Their shared and much invoked goal of "multipolarity" suggests that they see the Council in part as a convenient forum to constrain and "soft-balance" US power and to underpin their own claims to great power status.

Deepening Russian-Chinese cooperation in the Security Council is most starkly illustrated by the fact that they cast six joint vetoes between 2007–14: one on Myanmar in 2007, one on Zimbabwe in 2008 and four on Syria in 2011-14. This compares to just one joint veto in the preceding 36 years since the People's Republic of China replaced the Republic of China at the United Nations in 1971. Whether the relationship between Moscow and Beijing represents a significant new alliance beyond the UN – complemented also in the heterogeneous BRICS partnership with Brazil, India and South Africa, or simply a relationship of convenience for Security Council purposes is hard to assess as of now. Unlike the United States, whose 16 vetoes in the Council from 1990 – 2014 were all cast alone, with fourteen of them pertaining to the Israeli Palestinian conflict, China still appears reluctant to use its veto in isolation. Joining forces in the Council with Russia can be convenient for Beijing. Tellingly, however, China did not join Russia's vetoes on draft resolutions addressing the Georgian crisis in 2008 and the Ukraine crisis in 2014, given its own preoccupations with countering separatist tendencies at home.

Security Council Number of Vetoes 1987 - 2014



However, the body is still a long way from descending into Cold War-level paralysis. While P5 relations reached another low point in 2014, the Council has continued to show encouraging signs of vitality. Notwithstanding two vetoes, in 2014, the Council adopted 63 resolutions, 60 of which unanimously, including the 32 resolutions under Chapter VII of the UN Charter (which allows for enforcement action).[6] This confirms two remarkable trends of the post-Cold War era: first, that towards consensus decision-making in the Council, with at least 90% of resolutions since 2001 adopted by consensus;[7] and second, a trend towards the ever greater resort to Chapter VII of the UN Charter, with the share of such resolutions rising from 25% in 2000 to above 60% since 2010.[8]

This reflects the P5's continued recognition that the Council can serve their interests where these converge – and they still converge on a number of situations and issues. Chief among them is counter-terrorism, which, even though mostly driven by the US, has united the Council behind some highly consequential decisions, most recently in September 2014 when it adopted a far-reaching resolution under Chapter VII of the UN Charter aimed at preventing the flow of "foreign fighters" to terrorist groups in Syria and elsewhere. Noticeably, only mild protests were proffered by Russia or China when the US, without request from the Syrian government, a credible self-defense claim or an authorizing Council mandate, initiated airstrikes against the terrorist group "Islamic State" in Syria that same month. There is also general convergence among the P5 on peacekeeping, the UN's flagship activity. China, which has significantly increased its contribution to UN peacekeeping since the early 2000s as part of a broader effort to be recognized as a responsible stakeholder in the multilateral system, continues actively to support the endeavor.

Furthermore, when the US shows a determination to lead, as it did in spearheading a Chapter VII resolution on Ebola in the fall of 2014, there is still a general willingness in the Council

to rally behind the American banner. Indeed, even today, with US initiatives increasingly challenged by others, Washington's instincts and impulses continue to drive the Council more than those of any other single factor.[9]

However, the most significant signs of life in the Council in recent years have come from the two permanent members whose legitimacy in the club of veto-holders is most often questioned: France and – to a lesser degree - the UK. Keenly aware of their deteriorating claim to permanency, and often acting in concert, they tend to work hardest to justify their presence in the Council and are widely considered to punch well above their weight – even more so as the US is seen as being in retreat. The UK, for example, played a key role on Libya and continues to conduct business in the Council with an air of authority only rarely challenged by others.

The profile of France in the Council is particularly striking, especially with respect to Africa. There, Paris has led a number of recent military interventions in trouble spots, paving the way for the subsequent arrival or reinforcement of UN peacekeepers, as in Côte d'Ivoire, the Central African Republic, and Mali. While France's actions, like those of every other country, tend to be largely driven by its own interests (in this case stability in its former colonial dependencies), its recent multilaterally-supported interventions differ significantly from the unilateral ones it carried out in the 1990s and before. Meanwhile, none of the other Council members' interests are sufficiently engaged as to trigger opposition to France's initiatives in Africa, which have also mostly met with favor at the African Union.

Overall, the Council, by having provided for decades a framework for continuous consultation has instilled in the great powers the habit and instinct to debate international problems and seek constructive solutions thereto . Through the Council, the three major military powers of our era (the US, China, and Russia) are in constant contact with each other, exchanging views and messages. Moreover, the Council has repeatedly proven its value by offering a venue in which the great powers can find common ground even after highly divisive episodes like those in Kosovo (1999), Iraq (2003), and Libya (2011).

The P5, E10 and Broader Council Dynamics

Over the years, successive waves of elected Council members (E10) have attested to being frustrated at how little influence they wield in the Council in the face of the overbearing dominance of the P5. Indeed, the P5 benefit not only from the power of the veto (with the mere threat of a veto often enough to suppress any unwelcome initiatives by elected members) but also the often underestimated advantage of institutional memory and mastery of the Council's procedures. Delegates from powerful elected members, such as Germany or India, are particularly taken aback by P5 collusion and find their resulting second-class status doubly grating. That being said, Germany's close ties with France and, to a lesser degree, the UK during its Council membership in 2011-12 helped Berlin to be more "in the loop" than other E10 members.

The power differential between the P5 and the E10 determines Council dynamics to a large degree. Because of the need to reach a consensus among the P5 "vetocracy" for any decision to be taken by the Council, they tend to negotiate draft resolutions first among themselves, before submitting them to the full Council for discussion. And before a draft is negotiated by all of the P5, it has generally been discussed by the P3, one of which nearly always takes the initiative. Only after the P3 reach at least broad agreement among themselves can they begin the generally more difficult process of enlisting Russian and Chinese support. Indeed, among the more surprising aspects of Council dynamics for outsiders tends to be the near-absence of any attempt by Russia and China to proactively shape the Council's agenda. Only rarely are P3 drafts met by a counterdraft of Russian confection, as in the case of Syria, where Moscow was unusually active in tabling its own texts. Chinese draft resolutions, meanwhile, are virtually unheard of. Fashioning themselves as the guardians of state sovereignty and non-interference, Russia and China instead adopt a wait-and-see approach as the most promising strategy to ensure western-driven interventionism does not infringe upon their interests, knowing that, ultimately, they can always block a decision they view as inimical to their interests by a veto or its threat. It is thus only on rare occasions that deals are pre-cooked outside the P3. Notable examples include the 2013 chemical weapons resolution on Syria, which was the result of a bilateral agreement reached between the foreign ministers of Russia and the US; or resolutions on North Korea, drafts of which are usually negotiated directly between the US and China.

Once the P5 agree to submit a draft resolution for consultation to the wider Council, it tends to represent delicate compromises, with little room for any further changes by any of the E10 when the text is circulated to them. Indeed, it is not unheard of for draft resolutions to be shared with the E10 for the first time just hours before they are put to a vote., Draft resolutions also seem to be "strategically leaked" with increasing frequency beforehand by those in the know, usually to gain the upper hand in the fierce media battles waged around controversial Council files in the age of the internet, blogs and Twitter.

A noteworthy trend that has cemented the P3's grip on the Council agenda in recent years is the so-called penholder system, which emerged in the late 2000s. Around that time, the P5 began to claim a monopoly of the pen when drafting Council resolutions detailing peacekeeping mandates, sanctions regimes or other Council actions, with only rare attempts to wrestle this power away from them. As of 2014, the P5 served as penholders for 21 out of the 29 country-specific files on the Council's agenda.

Yet, the P5 tend to reject the often-heard criticism that they prevent and suppress engagement by elected members in the Council and instead criticize elected members for lacking initiative. On occasion, that criticism is warranted as some non-permanent members see getting elected into the Council as the centerpiece of their UN diplomacy, only to have little of substance to contribute once they get there, redoubling the condescension that the P5 rain down on their temporary cousins.

So what role, then, does this leave for the E10? While any combination of seven non-permanent members would constitute a blocking minority in the Council, they have only rarely managed to turn that fact into leverage over the P5. Potential openings occur for the E10 to take initiatives when the P5 find themselves divided on an issue. However, in those situations the E10 tend to either take sides to shore up the opposing camps of the P5 divide, as was the case with respect to the stand-off over Syria in 2011-13, or stay neutral, as was the case in the Iraq debate of 2002-03, when non-permanent members feared getting chewed up in the quarrel between great powers.

However, over the years, a significant number of elected members have played larger than life roles on the Council, leaving lasting imprints on its agenda. Sometimes, they manage to do so on country-specific files, such as Australia, Luxembourg and Jordan in 2014 when they introduced new momentum into the deadlocked Council discussions on Syria with an initiative – closely coordinated with the P3 - on humanitarian access to the conflict zones. The most significant change active elected members brought to the Council, however, is by pushing thematic issues that have come to occupy large parts of its work. It was the Council's non-permanent members who made issues such as children and armed conflict; women, peace, and security; sexual and gender-based violence; civilian protection; climate change; or the role of regional organizations fixtures on the Council agenda.

Another area in which non-permanent members can make significant contributions to Council business is in their role as chairs of Council committees overseeing individual sanctions regimes. Indeed, all chairs of these committees are nowadays drawn from the rank of the E10, although it is largely the P5 who decide which incoming elected member should chair which sanctions committee. There is some grumbling among E10 ambassadors that the tedious burden of running the day-to-day work of these committees draws their attention away from the key crises of the day, reinforcing P5 domination. However, the quality of a committee's chairmanship can make a huge difference in the vitality and effectiveness of sanctions. Elected members can also achieve influence by withholding consent in sufficiently large numbers, as they did on 30 December 2014 in abstaining on a resolution that held out the prospect of Palestinian statehood within a set time-frame.[10]

While the member states are those ultimately taking decisions, the Council has an additional de facto permanent member which plays an important role in shaping the body's dynamics: the UN Secretariat. Indeed, all Council meetings are attended and serviced by staff of the Department of Political Affairs' Security Council Affairs Division. Many Council meetings feature briefings by the Secretary-General or his Special Representatives, as well as senior Secretariat staff, most often the heads of the Political Affairs or Peacekeeping Departments but increasingly, to the chagrin of China and Russia, the High Commissioner for Human Rights. And often information or recommendations contained in such briefings as well as the written reports prepared by the Secretariat in the name of the Secretary-General play an important role in shaping the Council's decisions. It is partly because of this central role of the Secretariat that the P3 place great pressure on the Secretary-General to ensure that the three main "peace and security departments" are headed by nationals of their respective countries.[11] Nevertheless, the Secretariat has often been reluctant to resist the elaboration of clearly under-resourced mandates it will find impossible to implement fully. This was the case with the excessively optimistic (or arrogantly negligent) ones on safe areas in Bosnia-Hercegovina in 1993 and 1995 or, with less dramatic consequences, the hopelessly undermanned U.N. Supervision Mission in Syria (UNSMIS), which was supposed to oversee a ceasefire in Syria that never had much chance of holding. Already the famous 2000 Brahimi report on the reform of UN peacekeeping demanded clearer articulation of Secretariat resistance, if necessary publicly, to bad ideas being forced on it by Council members. It is easy to see why the Secretariat all too often quails: the Secretary-General's centrality and relevance to global diplomacy hinges in large part on his access to P5 members. Successive Secretaries-General (being dependent on the P5 for re-election and to get things done) have been desperate, sometimes too desperate, to retain good relations with all of the P5 to the extent humanly possible, and sometimes to the exclusion of more admirable objectives.

Working Methods

Despite pressure since the early 1990s from member states not serving on the Council for the body to become more transparent, there are persistent complaints about its autocratic and opaque proceedings. These complaints result not only from collusion among the P5 eager to maintain their privileged position but also from the fact that much of the Council's business continues to be conducted in "informal consultations," or "informals," closed to all non-Council members and most Secretariat staff and leaving no formal record (although some delegations, to the great annoyance of some P5 members, have made it a habit to "live-tweet" impressions from those informals). Non-members are thus often in the dark and continue to have to scramble for information, feeding off scraps in antechambers, a thoroughly humiliating experience. Many regional groups as well as the European Union have thus established the practice – frowned upon by the non-European P5s - that their respective representative in the Council debriefs the eager crowd of delegation experts

and interns waiting patiently in front of the Council chamber. Countries contributing troops to UN peacekeeping operations, in particular, have long argued that, if the Council expects them to provide national assets in support of Council decisions, greater consultations is required.

A number of innovations have been introduced over the years aimed at allowing participation of non-Council members. These include "Arria formula Briefings" (under which individuals with relevant information, such as NGO representatives, share with Council members real-time information from the field); Security Council missions to conflict countries on the agenda, which allows its members to engage in discussions with stakeholders on the ground; "Open Thematic Debates," which allow non-Council members to deliver statements on cross-cutting issues; "Wrap-up Sessions", which provides an opportunity for Council members – under the watchful eye of non-Council members - to reflect on the body's performance during the past month, with the rest of the membership allowed to follow the debate; and "Informal Interactive Dialogues," a format that allows for situations of concern that are too politically sensitive for formal meetings.

While these innovations attest to a certain creativity, "these tools have remained underutilized and applied very inconsistently."[12] Often times, it depends on the readiness of the monthly Council presidency whether these formats feature on the Council's monthly program of work, and, specifically in the case of wrap up sessions, how informative they are. Indeed, the most important contribution to improving the Council's transparency may have been brought to the Council from the outside with the establishment of the research NGO Security Council Report, which provides real-time information and contextual commentary on ongoing Council business. Often, useful information is also provided by some of those New York-based journalists and bloggers, who specialize in Council affairs and are cultivated by the press secretaries of the larger UN delegations.

Is this lack of transparency a necessary sacrifice on the altar of Council efficiency? Indeed, it has sometimes been argued that the fact that the Council pursues much of its business away from the glare of the public eye allowed it to engage in the type of frank exchanges that are necessary to hammer out common solutions to difficult problems. Unfortunately, this seems to be the exception rather than the rule. Indeed, incoming ambassadors are often taken aback by the scripted and formal nature of much of the Council's interaction – even when dubbed "informal". Even when it meets for its annual two-day retreats, which should be an opportunity for the Council to step back and reflect self-critically on its role in key areas of current concern, most ambassadors simply read written statements that have been cleared by their respective capitals. When controversies erupt in the Council chamber, chances are they are over procedure, not substance (although issues of substance are often clouded in procedure).

The remainder of this paper will analyze how these Council dynamics play out in the various substantive areas of the Council's work by looking at the its performance in conflict management, human rights, sanctions, and emerging threats before ending with concluding thoughts on Council reform efforts and the body's legitimacy.

Crisis and Conflict Management

Even though the Council was created primarily to respond to inter-state rather than intra-state conflict, it has proven adept and innovative in adapting its powers under the UN Charter to civil war contexts by engaging in norm-setting, mediation, investigation, the establishment of tribunals, sanctions, and peace operations, and by authorizing the use of force. Along the way, the Council has emerged as the central actor in the international crisis management system in addressing the intra-state conflicts that now occupy the vast majority of the Council's agenda. In the decade from 2003-12, roughly 79% of its resolutions fell into this category.[13] This section seeks to shed some light on why, when, how and where the Council intervenes in civil wars (or not).

While the Council's sustained engagement in civil wars has been primarily driven by the P3, it has generally been supported by Russia and China, albeit more passively. The Council's motivations in mandating interventions in civil wars vary from case to case. But one constant motivation has been that civil wars rarely remain strictly internal for long. They can draw in neighboring countries, as in the case of the Democratic Republic of the Congo, and they can also spill over into the wider region, in particular through refugee flows. Thomas Weiss has rightly noted that in these situations, "the humanitarian impulse" is a key motivating factor for the P3's leadership in this area.[14] However, as Bruce Jones has argued, what has united all of the P5 around the Council's interventionism is their shared attachment to the integrity of the state, which is all too often under threat in civil war conflicts, and the emergence of terrorism (and counter-terrorist strategies) as a major factor in conflict settings like Afghanistan, Lebanon, Mali and Somalia.[15]

While early post-Cold War interventions were spread across multiple continents, with major operations in Central America, the Balkans, Southeast Asia, and Africa, the Council's activities have since converged on Africa and, to a lesser degree on the Middle East. This is partly the result of demand factors, most importantly the fact that most of today's civil wars take place in these two regions. African countries are also – at least for now - more willing to accept UN interventions than those in Asia and Latin America, which display a strong attachment to the principle of non-intervention. At the same time, the new geographical distribution of Council interventions is a function of supply factors, given that the P5 can most easily agree on collective action in Africa, which does not fall into the exclusive zone of influence of any P5 member or any other major power.

France alone has displayed willingness to drive Council action to address crises there with significant numbers of its own troops. Although it has been supported by its P5 partners, all with varying interests in Africa, none of them have frequently or recently volunteered to deploy significant national military contingents of their own, except to fight terrorism and piracy, the latter mainly off of African shores.

It has been argued, most notably by consecutive Human Security Reports as well as the Secretary-General's 2004 High-level Panel on Threats, Challenges, and Change that the UN's, and in particular the Council's, increased activism in conflict management following the end of the Cold War played an important role in bringing down the number of armed conflicts by 40% in the decade from 1992 – 2002.[16] Indeed, taking advantage of the more cooperative environment created by the end of the Cold War, the Council provided a useful venue for the superpowers to facilitate their disengagement from Cold War-fuelled proxy conflicts in Namibia, El Salvador, Nicaragua, Guatemala, Mozambique, and Cambodia. But in a way, these were easy cases, as these conflicts were "ripe for resolution", both locally and in terms of the larger geopolitical context given that they took place in relatively small territories where a few thousand peacekeepers could tip the balance towards resolution. Where these factors were present in subsequent Council-mandated operations– as in Eastern Slavonia, East Timor, Sierra Leone or Liberia – the UN was able to replicate its early post-Cold War successes.

In contrast to these success stories, the Council has struggled to bring lasting stability to a number of conflict situations on its agenda since the turn of the millennium, with many of them experiencing recurring crises. Part of the explanation for this may be that the nature of conflicts is changing in ways that make them more intractable and less conducive to political settlements. One factor at play is the growing ease (thanks to globalization) with which parties to a conflict can tap into illicit markets - whether consisting of arms, oil, drugs, cocoa, timber or minerals. This reduces both the barriers to entry for disaffected actors into the market of organized violence as well as the incentives for conflicting parties to conclude peace agreements.[17] A second element is the significant rise of "internationalized civil wars," i.e. internal conflicts in which other states intervene militarily on one or both sides. Indeed, research shows that when external interventions in domestic conflicts do not lead to a rapid military victory, they are likely to make internal conflicts deadlier and longer.[18] A third factor is the growing presence of violent Islamist extremist groups in conflict settings where the UN operates, as their maximalist goals are often difficult to meet through political negotiation.[19]

Together with other factors, in particular the instability generated by the Arab Spring, this may go a long way in explaining why the number of major civil wars has almost tripled in recent years, from four in 2007 to eleven in 2014 (as counted by Uppsala University's conflict data program, the main reference point for conflict researchers) with a near-tripling of battle-related death along the way.[20]

Of course, the increase of civil wars is not necessarily an indicator of the Security Council's failure, as one could well argue that absent any Council action the number of violent conflicts and their death toll would be considerably higher in places like Côte d'Ivoire, the DRC, South Sudan and elsewhere.

Yet, the fact that nine of the eleven major civil wars of 2014 are on the Security Council's agenda (Afghanistan, DRC, Central African Republic, Iraq, Libya, Somalia, South Sudan, Syria, and Ukraine) obscures the important observation by Adam Roberts that the Council-centered system of collective security is more aptly described as "selective security."[21] The selective security system is one in which it is not objective criteria that determine whether, or how meaningfully the Council will get involved in a conflict, but rather the interplay of interest-based calculations of Council members, their allies, countries potentially contributing troops to peacekeeping operations, and often the conflict states themselves. And as Wallensteen and Johannsson have pointed out, the Security Council has failed to adopt any resolution on ten of the 25 most deadly conflicts of the post-Cold War.[22]

The Council's selectivity – due to P5 politics and interests, sovereignty barriers, or reluctance by key players to deploy the necessary resources for adequate action – will become clearer as we look in greater detail at the Council's performance in its responses to humanitarian crises, conflict prevention, peacekeeping, and peacebuilding.

The humanitarian impulse and the responsibility to protect

Concern over humanitarian distress – amplified by concerns over the destabilizing effects of refugees on host countries – remains a key driver of Council action. Given the Council's original design as an organ that would primarily address international conflict, it is remarkable that today much of global public opinion judges its effectiveness in terms of its ability to prevent genocide and other mass atrocities within state boundaries. The UN's failures in the early 1990s to avert mass killings in Angola, Bosnia, and Rwanda, despite having missions on the ground, constituted the ultimate atrocity prevention failures, generating much introspection at the UN and beyond on how to avoid such future disasters. The Council's inability to act in response to ethnic cleansing in Kosovo in 1999 triggered renewed controversies around the "right to intervene", leading to a reframing of the concept into the "Responsibility to Protect" (R2P).[23] This concept simultaneously reinforces and qualifies the notion of sovereignty by stating that the failure of states to live up to their inherent responsibility to protect populations would shift the onus onto the international community. At the 2005 World Summit, UN member states unanimously adopted the concept, while adding that only the Security Council acting on a "case-by-case basis" would have the authority to invoke it in practice.

Yet, in much of the global South, as well as in Beijing and Moscow, suspicion of the concept as a smokescreen for western interventionism has remained strong. And the World Summit's emphasis on "case-by-case" consideration foreshadowed the selective nature of its application. Weiss has noted that only "when humanitarian and strategic interests coincide" does a window of opportunity open for the humanitarian impulse to gain traction in the Security Council.[24] Indeed, the Council's painful dithering in the face of an unfolding mass killings in Darfur (where China's efforts to shield the regime in Khartoum from overly coercive measures was reinforced by the unwillingness of the P3 to invest the resources required to mount an effective intervention outside the Council framework), illustrated this reality early on. A few years later, when the Sri Lankan government's final military campaign against the Liberation Tigers of Tamil Eelam (LTTE) resulted in an estimated 40,000 civilian deaths, the Council failed to hold a single formal meeting on the situation due to opposition from Russia, China, and the Asian non-permanent members on the Security Council.[25]

However, this does not mean that R2P turned out to be a mere paper tiger. Indeed, since the early 2000s, UN peacekeeping operations have been routinely equipped with civilian protection mandates and the Council and UN Secretariat have also shown an increasing willingness to muster robust yet risky responses to crises in the DRC in 2003 and 2012, in Côte d'Ivoire in 2010, and in Mali in 2013. And after crisis broke out in South Sudan in late 2013, the UN Mission there saved countless lives by sheltering tens of thousands of civilians under threat. The R2P norm was very much behind the Council's mandating of the use of force to remove the Gbagbo regime in Côte D'Ivoire, which had refused to accept its electoral defeat a few months earlier. Where protective Council action was swift and robust, it usually resulted from a confluence of factors which tended to consist of an acute crisis in which large-scale loss of life was imminent, the absence of any major power objecting to UN action, and the willingness of at least one major power to take the lead in the international response.

While the killing in Darfur and the Council's failure to act was an early test to the R2P concept, the biggest controversy - and challenge to the R2P norm itself – has undoubtedly arisen from the 2011 NATO campaign in Libya. When the Council authorized an intervention against the Gaddafi regime in Libya in March 2011 in the name of R2P, it was the first time the Council had ever mandated the use of force against the *de jure* government of a UN member state for the purpose of protecting civilians.[26] While broader transformations in the Security Council's view of civilian protection facilitated the intervention in Libya, Bellamy and Williams have argued that it would not have been possible without a number of factors specific to the Libyan case, which suggests that such interventions will remain extremely rare.[27]

However, NATO's interpretation of the Libya mandate to cover not only the enforcement of a no-fly zone but also the bombing of retreating Libyan forces, the targeting of regime installations, the continuation of military operations after the fall of Tripoli and provision of material assistance to the rebels, has resulted in serious controversy. This was aggravated by the circumstances of Muammar Gaddafi's death, when his convoy was hunted down and attacked by NATO aircraft and a Libyan mob on the ground summarily executed him. Russia and China, as well as their fellow BRICS members who happened to sit in the Council at the time (Brazil, India and South Africa), and many other countries, accused NATO of having overstepped its mandate by pursuing regime change under the cover of R2P. Given the tendency of Secretaries-General not to take sides when the P5 are divided, it was noteworthy that Ban Ki-moon chose to weigh in on this dispute with his assessment that NATO had stayed well within the limits of its mandate. The biggest indictment of NATO's Libya intervention, however, does not relate to whether or not it stayed within the Council mandate but to the civil war it triggered in the country, casting severe doubts over the effectiveness of militarily-engineered regime change as tool to protect civilians.

It has been widely argued that the controversy around NATO's implementation of the Council's Libya mandate accounts to large degree for the Council's ongoing paralysis over Syria. While the controversy over Libya helped Russia and China rally support among some non-permanent Council members for their intransigent stance, and leaders in Russia, China and elsewhere were genuinely offended by NATO's direct involvement in precipitating Gaddafi's end, we ultimately agree with Jones who has contended that Russia's position on Syria was motivated by the desire to protect its last remaining ally in the Middle East, as well as genuine concern that destabilizing the Assad regime might lead to metastasizing Islamic radicalism.[28] That said, Russia condemning the Council to inaction may have turned that latter concern into a self-fulfilling prophecy.

But even absent the vetoes of Russia and China over Syria, Council action may have fallen short of what would have been needed to decisively affect the course of events on the ground, not least because of acute reluctance of the US to involve itself militarily in the confrontation. And the discrepancy between the US' stated goal of regime change in Syria (which fed Russian and Chinese suspicion, complicating the forging of a consensus in the Council) and the limited means it was willing to deploy to this end, were actively unhelpful.

Part of the reluctance of the US and others to forcefully intervene in Syria goes back to Colin Powell's famous warning with respect to Iraq, adapted from the Pottery Barn stores, that if "you break it, you own it", as well as the experiences in Kosovo, Afghanistan, Iraq, and Libya, which have proved the difficulty of establishing new order after forceful regime

change. It is thus likely that the issue of regime change may confront the Council less rather than more often in the coming years, although there remain real and potential regimes around the world that, in unpredictable circumstances, the P5 likely could agree on removing if the military and other risks involved were to be acceptably small.

Despite all of the disagreements in the Council over the responsibility to protect and regime change in Libya and Syria, Council members have shown over the years a remarkable ability to compartmentalize their differences, dealing productively on one issue while arguing bitterly over another. Indeed, crisis management interventions continue to unify the Council more than they divide it, especially as these interventions increasingly assume the form of defending states against terrorism or other transnational threats.

Conflict prevention

Unfortunately, general P5 unity around crisis response rarely translates into a willingness to address an emerging conflict before it erupts into widespread bloodshed. Despite the UN Charter's emphasis on early action and the preventive role of the Security Council,[29] the Council's record on conflict prevention remains poor. Indeed, absent a major crisis to mobilize collective action, the Council tends to stand back. The enduring prevalence of sovereignty concerns, P5 interests (with Russia and China viewing the concept of conflict prevention with particular suspicion), and the tendency of countries in conflict or experiencing unrest to resist their inclusion on the Council's agenda out of concern to be stigmatized as "conflict-prone" or fear of possible coercive measures, have prevented the Council from meeting the post-Cold War expectation that it would progressively move from reaction to early action.[30]

The Council's reactive nature and its tendency to become involved in conflict situations late has been a standing criticism of the body since the end of the Cold War, and recommendations on how to address this problem invariably center on Article 99 of the UN Charter, which gives the Secretary-General the authority to "bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security." Yet, as Simon Chesterman has noted, the insistence of the US, Russia, and China, to have exclusive control over the Council agenda, goes a long way in explaining why Article 99 has only explicitly been invoked twice in the Council's history although there have been a handful of implicit references to it over the years.[31]

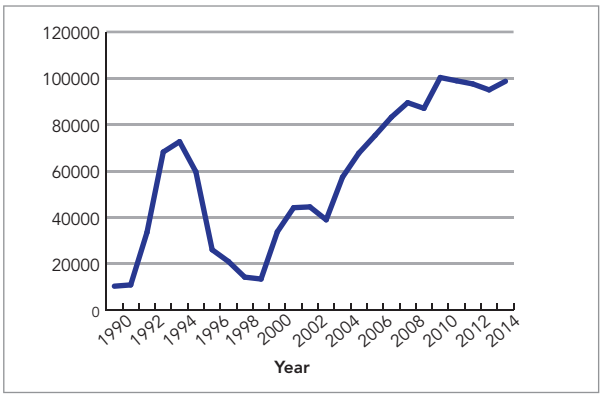
As Wenaweser and Weschler have noted, even modest attempts to improve the Council's ability to anticipate crises face an uphill battle. One striking example was the "Horizon Scanning" briefings introduced by the UK in 2011, in which the head of the UN Secretariat's political affairs department was invited to discuss with the Council, in closed session, emerging situations of concern that were not formally on the Council agenda. The briefings, which could be described as "Article 99 light" proved a difficult exercise from the outset, not least because the Council insisted on knowing in advance which topics would be raised. Once they got wind that they may be a subject of Council discussions, affected countries would often fiercely lobby the Secretariat to ensure they would remain unmentioned. And Russia, China, and, in particular, the US, were hostile to these briefings, out of concern that they could be used by others to raise issues that are sensitive for them. Their efforts to end the briefings were temporarily successful, although in late 2013 the practice was reactivated in a modified and weakened format (i.e. below ambassadorial-level participation and no longer taking place in Security Council premises).

Peacekeeping

Over the past decade, peacekeeping has become the main peace and security brand of the UN. Close to 60 years since it mandated its first peacekeeping operation, this form of international action has remained the Council's most visible and most discussed conflict management tool. However, the dynamics of "selective security" are at play in this area as well.

During the 1990s, peacekeeping went through a boom and bust cycle with the overall number of peacekeepers (troops, police and military observers) dropping to below 10,000 by July 1999. That same year, however, the Council embarked on a prolonged surge period deploying major new operations in Kosovo, East Timor, Sierra Leone and the DRC. In the following 14 years, the Council mandated 14 further peacekeeping operations, bringing the overall number of deployed troops to around 100,000 by the fall of 2009, the level around which peacekeeping forces have stayed for the following five years.

Overall Number of Peacekeepers*



* This number includes Peacekeeping Troops, Police and Military Observers; Source: UN Department of Peacekeeping Operations.

This resurgence in peacekeeping reflects the enduring utility of this tool to the P5, who see it as a cost-effective and politically expedient means of providing stability in situations where few vital national interests are at stake, while spreading the costs and risks of response. Yet, as Gowan has pointed

out, this resurgence has not been driven by a grand strategy devised by the P5, but rather represents a series of reactive responses to unforeseen crises, which in some cases (as in Sierra Leone and the DRC) needed to be reinforced dramatically after the initial deployment proved inadequate.[32]

Gowan has also illustrated how peacekeeping mandates are often not the result of rational planning processes but of diplomatic bargaining among the P5, with the P3 not always presenting a united front. Indeed, France and the UK – and to a lesser degree the US - tended to push the Council to direct attention and resources to the countries in whose stability they individually are most interested. Meanwhile, as we have seen in Lebanon, the DRC or Sudan (Darfur), reluctant host countries have often successfully resisted the P3s' preferred peacekeeping mandate and configuration.

The growth in peacekeeping has led to rising concerns of UN overstretch, not unlike that faced by the organization in the early 1990s. As Council ambassadors and their sometimes modestly-scaled staffs in New York are forced to split their time and attention among a growing array of issues, they are less able to focus fully on any one of them. There are also nagging doubts among governments, in the media and among experienced UN hands about the UN Secretariat's ability to provide adequate management and oversight of over 100,000 deployed troops. Raising and maintaining necessary troop levels and getting them on the ground quickly has also become a constant headache for the organization, forcing the UN to make compromises in quality in order to attempt to meet the quantitative desiderata of the Council on the one hand, while fully taking into account local conditions in the field on the other.

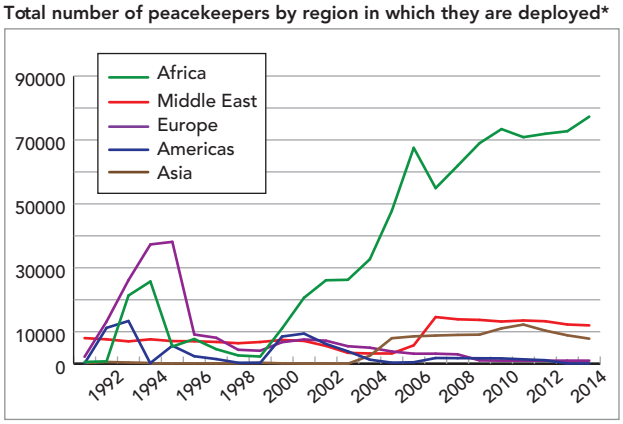
The onset of the global financial crisis in 2008 and the subsequent economic slowdown has compounded the growing sense, particularly among the P3, that the peacekeeping budget would need to be contained. By the late 2000s, they started exerting increasing pressure on the UN Secretariat to wind or close down missions.[33]

Meanwhile, so called "Special Political Missions" (civilian field-based operations, which had no uniformed personnel and were significantly smaller than peacekeeping missions) were increasingly seen by Council members, and promoted by the Secretary-General, as more cost effective alternatives to peacekeeping missions. Some of these political missions proved effective in supporting peace processes (e.g. UNMIN in Nepal in 2007–11), facilitating political transitions (e.g. Yemen, through the efforts of the Secretary-General's Special Adviser in 2011-12, although progress largely stalled subsequently), advancing longer-term peacebuilding (e.g. UNIPSIL in Sierra Leone in 2008-14) or serving as platforms for preventive diplomacy (e.g. the Regional Office in West Africa with respect to Guinea and Niger following coups). However, they soon started to be deployed to situations which, in hindsight, may have warranted significant peacekeeping or multinational stabilization missions, such as Libya, Mali and the Central African Republic (before just such a stabilization force was deployed). Indeed, the footprint of political missions proved to be too light at times. And erupting crises in these and other countries gave peacekeeping a new lease on life and reinforced the sense that growing robustness and an increasing focus on protection of civilians was necessary. It was against this backdrop that Ban Ki-moonbecame more focused on peacekeeping as he entered his second term, culminating in his initiation of a major review of peace operations in the summer of 2014.[34]

Indeed, such a review seemed timely in light of significant developments in peacekeeping since its last major review in 2000 by the so-called "Brahimi Panel". Among the most striking of these has been the changing geography of peacekeeping. As of July 2014, nine of the UN's sixteen peacekeeping missions and 87% of its blue helmets were deployed in Africa. By contrast, two decades earlier, over 50% of peacekeepers were deployed in Europe, where the upheavals in the Balkans consumed much of the Council's attention.

It was the UN's unhappy experience with the use of force in Somalia and the former Yugoslavia that led Western countries to withdraw from UN peacekeeping, reserving their troop deployments for NATO-led operations in Bosnia, Kosovo, and Afghanistan. In turn, NATO's travails in Afghanistan sensitized its member states to the difficulties the UN faces in carrying out stabilization operations in other difficult countries, especially considering the UN's cost-effectiveness relative to NATO's high-tech and sometimes gold-plated failures.

Total number of peacekeepers by region in which they are deployed*



* Source: UN Department of Peacekeeping Operations

The changing profile of blue helmets, with 80% percent of peacekeepers now coming from Africa or Asia while the P5 are near absent,[35] creates challenges for the Council, not least in equity and burden-sharing terms, with a common complaint being that the West pays for peacekeeping with its wallet while the global South pays for it with its blood. This chasm between the Council and its agents on the ground, has found expression in increasing instances of peacekeepers refusing to carry out the Council's orders, in particular in

relation to the rise in robust peacekeeping discussed further below. One important exception to this trend has been China, whose growing engagement in peacekeeping over the past twenty years is a reflection of both its desire to be seen as a responsible stakeholder in the international system, as well as, doubtless, its growing economic stake in Africa and the resultant need for stability there.

Starting in the early 1990s, the trend towards greater multidimensionality of missions has continued and mandates have grown ever broader. Along the way, mission models also grew more diverse in terms of mandates, posture, configuration, and cooperation arrangements with regional organizations.[36] In particular, the growth of police components in peace operations is remarkable.

In addition to security functions, blue helmets are now regularly tasked with supporting security sector reform and good governance; carrying out electoral assistance; promoting human rights; helping with the disarmament, demobilization and reintegration of combatants; delivering humanitarian assistance; and promoting national dialogue and reconciliation.[37] While the broadening of mandates reflected a deepened sensitivity in the Council towards the multifaceted nature of the root causes of conflict and the need for comprehensive political and socio-economic approaches toward peacebuilding, it also proved distracting and created a growing gap between mission tasks and what realistically could be achieved. Faced with such "christmas tree mandates", heads of UN missions have increasingly complained about the lack of focus and prioritization by the Council. Moreover, the Council's growing ambition does not seem to have resulted in greater peacebuilding success on the ground. Consequently, a process of rethinking seems to have set in, with the P3 in particular now insisting that the protection of civilians has to be the blue helmet's number one priority.[38]

Another remarkable trend in the Council's decision-making has been a marked increase in its willingness to have peacekeepers use force in the pursuit of their mandates. While peacekeeping doctrine, to this day, remains nominally based on its three bedrock principles of impartiality, consent of the host country, and limitation of the use of force to self-defense, there has been a growing gap between doctrine and practice, as peacekeeping mandates since the late 1990s have increasingly contained elements of peace enforcement.[39] Most strikingly, a 3,000-strong Force Intervention Brigade was established inside the long-standing peacekeeping operation in the DRC "to carry out targeted offensive operations" against armed groups, which placed the Council in uncharted territory. And in Côte d'Ivoire, the UN went as far as to use force not only at the tactical level against spoilers but at the strategic level against a de facto government.

This trend towards robust peacekeeping has been driven by a number of interconnected factors, including the Srebrenica and Rwanda legacies which led to the routine inclusion of protection of civilians provisions in peacekeeping mandates; the lessons from Sierra Leone in 2000 that peacekeepers, in order to succeed, need to have both the mandate and the resources to repel spoilers who have a vested interest in seeing a peace process fail;[40] and the Council's tendency to increasingly deploy peacekeepers into situations where there is no peace to keep.[41] UN peacekeeping doctrine evolved along the way, with self-defense being reinterpreted as "defense of mandate."

The move towards more robust peacekeeping elicits a great deal of unease among a number of member states and parts of the UN Secretariat, for several reasons. First, the traumatic Somalia experience, where the Council's peacekeeping operation mission soon found itself at war with a powerful militia, culminating in the 1993 "Black Hawk Down" episode which eventually led to the ignominious withdrawal of the mission,[42] had reaffirmed the lesson initially drawn following the UN's Congo mission in the 1960s that the UN should stay clear of enforcement operations. Second, the major non-African troop contributing countries – all members of the non-aligned movement and much attached to the non-intervention principle - remain deeply suspicious of robust peacekeeping and resent the prospect of seeing their soldiers placed in the line of fire in the pursuit of Council mandates that they have little input in formulating.[43] This partly explains the finding of a 2014 report by the UN Secretariat's Office of Internal Oversight Services that "force is almost never used to protect civilians under attack."[44] Third, robust peacekeeping by definition requires soldiers willing to die for the cause, naturally drawing neighboring countries with a stake in the conflict, with the risk of undermining the UN's impartiality or regionalizing civil wars as with the Force Intervention Brigade in the DRC.[45] Fourth, the UN's ability to deploy the necessary troop numbers to provide effective civilian protection or establish a credible deterrent against rebel forces in some of its larger host countries risks inviting spoilers to call the UN's bluff with terrible consequences – as happened in Srebrenica over two decades ago. Finally, enforcement action by UN peacekeepers such as the Force Intervention Brigade has significant legal implications, because – as the UN's Legal Counsel warned Council ambassadors to their apparent surprise at a retreat in 2013 – it makes them a party to the conflict, thus potentially depriving them of the special protections they normally enjoy under international humanitarian law.

Nevertheless, is it possible that the Force Intervention Brigade may become a model for future peacekeeping? On the one hand, it did play a role in defeating the March 23 (M23) insurrection, alongside increased international pressure on Rwanda to halt support to the group, thus helping at least temporarily to stabilize a deteriorating situation in eastern DRC, and to restore the UN mission's credibility. On the other hand, in the DRC, the UN has gone through repeated cycles in which crises were met with bouts of Council resolve, only to

be succeeded by new crises after periods of Council inattention. Enforcement action can serve as a shock-dispenser and shock-absorber. But it cannot create a new political order by itself. Indeed, the reliance on the use of force often detracts from the importance of nurturing the political processes that are ultimately required to resolve deep-seated political problems. As Napoleon said, one "can do anything with a bayonet except sit on it."

For the reasons outlined above, political solutions prove highly elusive in places like the DRC, Somalia, Haiti, Iraq, Darfur, Afghanistan, and the Central African Republic, in which the UN has been engaged for a decade or more. This poses great challenges as the UN's ability to influence the course of events in countries in which it has deployed long-term missions tends to diminish over time, as their leverage over the conflict parties dissipates and the support they tend initially to enjoy among the host country populations erodes. As Johnstone has pointed out, while transitional governments in the immediate post-conflict phase tend to need a UN presence for security and other assistance, this dependence declines as these governments establish control or gain legitimacy through elections, making them less willing to tolerate the involvement or interference of a UN peacekeeping or political presence.[46] It is partly this dynamic that explains why long-running UN missions are finding themselves increasingly challenged by their host countries, which in recent years have called for their premature withdrawal (Ethiopia/Eritrea, Chad, Sudan and Burundi), pushed for their downsizing (DRC), seriously obstructed their operations (Sudan), or have evicted heads of UN Missions (Sudan, Burundi, Sierra Leone). This worrisome trend is also a reflection of the declining respect and authority for the Security Council in Africa, which will be discussed in the following section.

Meanwhile, efforts to improve the Council's ability to advance longer-term peacebuilding once peacekeepers have left have had only limited success. At the 2005 World Summit, the General Assembly and the Security Council jointly established a Peacebuilding Commission, a new intergovernmental body that was tasked with devising long-term and integrated peacebuilding strategies for countries transitioning from war to peace with a special focus on reconstruction and institution-building efforts.[47] The creation of the Commission was a response to a high rate of relapse of conflict countries into violence and it also reflected a recognition of the Security Council's inability to remain focused on specific situations over an extended period of time while dealing with multiple crises. Yet, the Peacebuilding Commission has not been able to live up to expectations, consequently suffering potentially irreversible damage to its reputation, at least partly because the P5 were uninterested in working through an oversized body that was not established exclusively as its own subsidiary organ. This institutional quagmire was generated by a not untypical negotiating fix among Member states generally suspicious of the Council's tendency towards mandate creep.

Regional Organizations

Among the most important shifts in the Council's efforts to address civil wars are the deepening ties with regional organizations, recognized by at least some of the P5 as "the biggest strategic issue facing the Council today."[48] As Stagno Ugarte has pointed out, throughout much of the Cold War, regional organizations were locked in an intermittent struggle for primacy with the UN that gave way to tentative cooperative arrangements in the early 1990s (particularly in Bosnia and Liberia). Reliance on regional organizations grew from the mid-1990s onwards, as the UN scaled down its own involvement in peacekeeping following the Rwanda and Somalia disasters.[49] When UN peacekeeping revived in the early 2000s, Stagno Ugarte notes, regional and sub-regional organizations, especially those in Africa, had gained confidence and were "aggressively advocating for regional solutions to regional problems." In particular, the AU's Peace and Security Council, which was created in 2002, was increasingly demanding to be treated as the UN Security Council's equal partner.

Despite their rhetoric to the contrary, the P5 view this newfound assertiveness of the AU with alarm, perhaps fearing it will prove contagious with other regional organizations, and continue to insist on the UN Security Council's primacy. Playing in the Security Council's favor is the fact that regional organizations themselves are painfully aware that they continue to lack the financial and operational resources to realize fully and unassisted their ambitions, including the AU – the operationally and institutionally most mature regional organization other than the European Union. Indeed, most African non-permanent members on the Security Council wind up voting for Council solutions to African problems, rather than insisting on AU-led initiatives.

At the same time, the UN, like the AU, became increasingly overstretched as its peacekeeping engagements rose after 2000. In particular, where the Council, and in particular the P3, was unwilling or unable to take the lead in responding to a crisis, it was all too happy to defer to the AU, fuelling the notion of African self-reliance. As a result, the Council lost significant ground to African regional and subregional organizations in the area of conflict management.[50] This development was underpinned by the fact that African countries with powerful militaries were willing to deploy their troops to places where there was no peace to keep. Indeed, the AU fielded a Council-mandated peacekeeping operation in Somalia, which has suffered casualty figures that no UN operation would be willing to sustain. This has fueled AU demands that such missions be financed by the UN, which, to the AU's great chagrin, continue to be rejected by the P5. In Darfur, joining forces with the AU in the creation of the first ever hybrid AU-UN peacekeeping operation (UNAMID) was necessary for the Council to overcome the Sudanese government's opposition to the deployment of blue helmets.[51] Yet, the mission's operational limitations and political difficulties have prevented that model from being transferred to other settings

so far. Nitzschke argues that the Council, when faced with an acute crisis or divisions within the P5, had to rely on the AU to negotiate key agreements on the north-south issue in Sudan, reducing it to the role of "rubber stamping" outcomes that were reached without its involvement.[52]

Adding to the leverage of regional organizations is the fact that they can confer much valued legitimacy on Council action. In particular, this was the case for the Arab League during the Arab Spring, with the P5 finding themselves competing for the blessing or cover of the League to legitimize their preferred approach to given situations (e.g. in Syria) or even make their assent a sine qua non for action (e.g. in Libya). In these contexts, the Council occasionally benefits from political competition and disagreement among regional and sub-regional organizations themselves, allowing it to "forum-shop," that is to pick and choose which organization to partner with. This is precisely what happened with respect to Libya and Côte d'Ivoire, when the Council used the political cover of the Arab League and ECOWAS, respectively, for forceful action, in both cases pitting it against the AU, creating deep resentments and frustration especially with South Africa, then a Council member and the self-declared African voice in the Council (which Nigeria, obviously, saw otherwise). In spite of these disagreements, the "mutual dependence"[53] of both organizations, i.e. the realization that neither of them alone is able to cope with the multitude of peace and security crises on the continent, has forced them to set aside political disagreements in some cases (such as Libya) in favor of cooperation in others (such as Mali).

Human Rights, Accountability, and the Role of Civil Society

Throughout the Cold War, the superpower conflict along with absolute notions of sovereignty ensured that human rights issues would be kept outside of the Security Council chamber. In the 1990s, however, human rights began creeping onto the Security Council's agenda along with the realization that civil strife was not amenable to negotiated solutions as long as human rights continued to be massively violated. In the context of Iraq in 1991, the Council acknowledged for the first time that human rights violations, by causing refugee flows, could amount to a threat to international peace and security, and in a number of other settings the Council began to deploy human rights monitors, including in El Salvador, Guatemala, and Haiti.[54] However, lingering Chinese sensitivities, in particular, long prevented the Council from developing a systematic approach to human rights in its work.

It was the mass atrocities in Rwanda and Srebrenica that led to a more serious integration of human rights as a central element of the Council's conflict resolution efforts – although it took a few years before these lessons were fully reflected in Council decision-making. Towards the late 1990s, almost all new peacekeeping missions were equipped with a human rights component and a protection of civilians mandate and discussions started within and beyond the UN that laid the conceptual basis for R2P, discussed earlier in this paper.

Among the direct results of these incidents was the creation of the UN High Commissioner for Human Rights position in 1994. Although the first incumbent proved lackluster in this role, many of his successors, from Mary Robinson to Louise Arbour and Navanethem Pillay, adopted a more assertive approach to their responsibilities, not least in their dealings with the Council. However, direct interaction between the High Commissioner and the Council remained controversial for many years and successive High Commissioners were only sporadically asked to address the body. This began to change in 2009 when, largely thanks to Austrian efforts, the High Commissioner began to receive regular invitations to brief the Council, including on country-specific situations.[55] It is not clear that the later creation of the posts of Special Advisors on the Prevention of Genocide and R2P added much to the work of the High Commissioner, although they may have reinforced the Council's and the larger UN membership's focus on the worst human rights abuses.

Another key factor in making human rights a mainstay of the Council's agenda was its increasing interaction with nongovernmental organizations (NGOs), which both grew significantly and evolved in nature during the 1990s. The role of NGOs as major partners for the UN in humanitarian operations, as well as the mediagenic nature of some NGO activity encouraged the Council to display greater openness to NGO views and more generously recognize NGO achievements. One of the most practical early innovations in this respect was the so-called "Arria formula", which was introduced in 1992 by Venezuelan Ambassador to the Council Diego Arria. Under this arrangement, the Council continues intermittently to meet with civil society representatives or other individuals with relevant expertise or information to receive briefings outside the Council chamber, which often address the human rights or humanitarian situations in conflict countries. In 2014, the Council received seven Arria briefings.[56]

However, today, NGO influence over Council deliberations goes far deeper than just occasional appearances in Arria formula meetings. In particular elected members of the Council have come to rely heavily on NGOs such as the International Crisis Group, Human Rights Watch, CrisisAction, Enough, or Oxfam for information and analysis from conflict zones, ensuring that NGO concerns occasionally are reflected in Council mandates. Also, some of these NGOs, along with Security Council Report, increasingly act as a repository of institutional memory about certain files and peace missions thus helping the E-10 to balance the P5's home court advantage. Meanwhile, one relatively new UN-focused NGO, the Independent Diplomat, acts as specialist multilateral diplomacy consultant to very small countries, or entities wishing to achieve membership, such as the South Sudanese government, in particular related to Council-related activities.

In partnership with non-permanent Council members, NGOs were also instrumental in raising the profile of a number of thematic human rights agendas that have become central features of the Council agenda. These include the agenda items on the Protection of Civilians, established by Resolution 1265 (1999); Women, Peace and Security, established by Resolution 1325 (2000); and Children and Armed Conflict, established by Resolution 1539 (2004). As Whitfield has pointed out, the mechanisms established under these agenda items are remarkable in light of the strong initial skepticism of the P5 and many members of the Non-aligned Movement who were suspicious of the imposition of a liberal Western agenda that they believed was contained in these resolutions.[57] Whitfield has also explained how these agenda items were kept alive and further developed by groups of countries that coalesced around these three thematic agenda items and served as important coordination and advocacy mechanisms, often working closely alongside relevant Secretariat departments and NGO communities.

Of the three thematic issues, Children and Armed Conflict is the most procedurally advanced, with a well-established Security Council subsidiary working group since 2005 and an explicit Article 99 mandate for the Secretary-General to report on situations of concern not otherwise on the Council agenda. Protection of Civilians, albeit the oldest, only has an informal working group that has yet to capitalize on the benefits of informality (China does not participate at the working group-level). All three thematic issues, however, have generated country-specific improvements, with actions plans against recruitment of child soldiers or military use of schools arguably being the best example, and have been, despite ongoing pushback within the Council, substantively reflected in country-specific resolutions.

Along with human rights, the issue of accountability for war crimes and mass atrocities became increasingly prominent in the Council during the 1990s. The most striking manifestations of this trend was the Security Council's creation of the International Criminal Tribunals for the Former Yugoslavia (ICTY) and Rwanda (ICTR) in 1993 and 1994, respectively. This intensified calls for a more universal International Criminal Court (ICC), which was eventually established through a statute signed at a diplomatic conference in Rome in 1998.

The Rome Statute, which entered into force in July 2002, gave the ICC jurisdiction over genocide, crimes against humanity, war crimes and the crime of aggression,[58] and gave the Security Council the authority to refer cases to the court and to suspend investigations or prosecutions for a period of up to 12 months (known as deferral). The latter was particularly controversial at the time of the negotiations, but the P5 made it a non-negotiable pre-condition for agreeing to the Statute.

Even though three of the P5 (China, Russia and the US) have yet to become parties to the Rome Statute, the Council has so far used its right to refer cases to the ICC in two instances. Although the referral of the Darfur situation in 2005[59] and the later issuance of an arrest warrant for Sudanese President Omar al-Bashir led to considerable backlash in Africa, the Council used those powers again in 2011 in the case of Libya.[60] (A 2014 draft resolution that would have referred the Syrian case to the ICC was vetoed by Russia and China.) Both referrals were only possible because Washington's intense efforts to undermine the court in the early years of its existence eventually gave way to a more pragmatic approach, perhaps in realization that it could be helpfully instrumentalized in the pursuit of US foreign policy goals. However, the Council has refused to follow up on its referrals with any kind of support to the Court, whether diplomatically or financially.[61] Most disappointingly, Beijing's decision to host a visit by President Bashir in June 2011 signaled that it had little interest in the credibility of the court or its arrest warrants. Growing hostility to the ICC in Africa, due to cases against the leaders of Sudan, Kenya and Libya, is particularly unfortunate, but also meaningful, because African countries were the strongest group of supporters of the Court's creation.

Requests from the AU for the Council to exercise its deferral powers with respect to the indictments of Bashir as well as Kenyan President Uhuru Kenyatta and his Deputy William Ruto, were rejected by the Council to the great annoyance of African leaders who have increasingly denounced the ICC, along with the Council, as merely another tool through which Western powers impose standards on Africa that they would not accept themselves.[62] As if preemptively to underline this point, the Council, in 2002 and 2003, and again in 2011, used its deferral powers under intense US pressure to provide immunity to nationals of non-State parties to the Rome Statute participating in Council-mandated peacekeeping operations, illustrating the limits of the P5's interest in accountability. Partly because of the sensitivities and controversies surrounding ICC referrals, the Council has continued to consider establishment of specialized ad-hoc tribunals to try international crimes even after creation of the ICC, as evidenced by the Council's involvement in (or promotion of) the creation of hybrid courts in Sierra Leone, Lebanon and the Central African Republic.

Sanctions

Among UN scholars, the 1990s are often referred to as "The Sanctions Decade," in allusion to the title of an influential book on UN sanctions published in 2000.[63] However, this much-quoted reference obscures the fact that the Security Council has since continued to use an ever greater variety of sanctions for an ever greater variety of goals. Indeed, a total of 16 sanctions regimes were in place as of January 2015, eleven of which were established after 1 January 2000. Part of the reason why the sanctions tool is used with such frequency is the fact that it is one of the few coercive tools at the Council's disposal and is more palatable than the use of force. Another is that sanctions are initially cheap for those

who impose them with costs assumed to be borne mostly by the governments of targeted states and their enablers.

Over the years, the Council has displayed a remarkable degree of learning and adaptation in its application of sanctions. Most noticeable is the Council's abandonment of broad trade embargoes after their humanitarian impact became clear in Iraq, Haiti, and Yugoslavia during the early 1990s. The controversy around Iraq sanctions in particular "has colored in a negative way more positive changes that have occurred in sanctions, especially since the mid-1990s."[64]

Indeed, all sanctions regimes the Council has imposed since 1994 were of a targeted nature, either in terms of the individuals, entities, industries or goods against which they were applied. Over the years the Council has also become more inventive in devising different types of sanctions, imposing travel bans or financial and arms embargoes against certain individuals, groups of entities; flight bans against a country's aircraft; diplomatic sanctions against government representatives; or embargoes on commodities coming from a certain region. Most of these sanctions regimes were imposed for one of the following four objectives: ending civil wars (e.g. Liberia, Sierra Leone, DRC, Côte D'Ivoire, Sudan/Darfur); countering terrorism (e.g. Sudan, Libya, and individuals or entities associated with al-Qaeda); preventing or undoing nuclear proliferation (Iran and DPRK); or promoting human rights, including restoration of constitutional order and civilian protection (e.g. Haiti, Côte d'Ivoire, Guinea-Bissau, and Libya).

The move towards targeted sanctions required greater sophistication in their design and a number of international research and dialogue processes were launched to identify best practices in relevant areas.[65] In response to these processes, the Council established a subsidiary working group on sanctions, discontinued in 2006, which helped it improve its use of targeted sanctions. However, much of this effort to strengthen the effectiveness of sanctions remains a work in progress as it requires a high degree of coordination among Member states, UN agencies and a wide array of agencies ensuring international cooperation on matters such as police, civil aviation, transport, nuclear arms, conventional arms and dual use goods. It also increasingly implies heavier reliance on the private sector as an implementing partner of sanctions, for instance the diamond industry for the Kimberly process's certification regime to identify "conflict diamonds", or the banking industry for Council-backed anti-money laundering measures in the counter-terrorism context.

Targeted sanctions also required improvements in monitoring mechanisms, leading to the establishment of independent panels of experts, the first of which was set up in 1995 to address the conflict in eastern Zaire. A few years later, Canada provided creative and energetic leadership to the Council's Angola sanctions committee in 1999-2000, sponsoring a panel of experts which broke new ground in engaging for the first time in "naming and shaming" third countries as "sanctions-busters." Such panels of experts are now generally established along with a sanctions committee of the Council as part of any new sanctions regime.[66] While panels of experts have significantly improved sanctions monitoring, they have repeatedly become the object of criticism and controversy over the years, including with respect to the evidentiary standards they have applied, the inconsistency in evidence gathering methodology across panels, and the politicization of some panels, in particular those dealing with non-proliferation issues, which the P5 are keen to keep under their direct control. Meanwhile, China has reacted with particular sensitivity when panels of experts unearthed evidence of Chinese armaments in regions under arms embargoes, such as Darfur, Côte d'Ivoire, the DRC, or Somalia. Colum Lynch commented that "Beijing has responded to the disclosures not by enforcing regulations at home but by using its clout within the Security Council to claw back the powers of independent U.N. arms investigators. Those efforts have helped undercut the independence of U.N. panels that track arms trading with Iran and North Korea."[67]

Sanctions may have become more targeted over the years, but they certainly have not become less controversial. Indeed, Russia and China along with their fellow BRICS members tend to view sanctions with much skepticism, especially when they are imposed against sitting governments. (By contrast, they tend readily to support sanctions measures against non-state actors and rebel groups). Indeed, Moscow's and China's vetoes of proposed sanctions against Myanmar and Zimbabwe in 2007 and 2008, both of which had an only tenuous link to international peace and security and of a draft resolution threatening sanctions against Syria in 2011 indicate that this pushback may be getting more assertive. Similarly, China's aversion to sanctions, combined with economic interests, has led it to invest considerable effort in watering down sanctions measures imposed against North Korea, Iran, and Sudan.

It is largely this skeptical view that Russia, China and other sovereignty-conscious countries harbor against sanctions that has led to a move away from punitive sanctions against sitting government representatives to sanctions that are "protective" of the state and/or political transition processes. The latest case was Yemen, where the Council, in 2014, imposed sanctions against spoilers of the delicate transition led by former president Hadi. Indeed, of the sanctions regimes currently in place, only those imposed against Eritrea, Iran and DPRK are framed as sanctions only against state authorities and all recent sanctions resolutions envisage the states as willing partners. Given the nature of the states that are being sanctioned, this approach may appear overly optimistic at times.

Of course, an important question is whether UN sanctions actually work. In 2004, Cortright and Lopez estimated that about half of the Security Council sanctions regimes of the 1990s were partially effective. In Libya, Sudan, and Yugoslavia (up to 1995), sanctions provided bargaining leverage that

helped to produce negotiated agreements; in Cambodia, Angola, and Sierra Leone, sanctions combined with military pressure managed to weaken and isolate rebel groups; in Iraq and Liberia, sanctions contributed to the isolation and containment of the targeted regimes. However, in Liberia (until 2001), Rwanda and Yugoslavia (after 1998), and Ethiopia, Eritrea, and Afghanistan, sanctions had little or no impact.[68] Where sanctions did not work, it was often because they were used as a substitute for strategic action and without consensus about their purpose. Vendrell has illustrated this with respect to Afghanistan, where reinforced sanctions imposed against the Taliban in 2000 undercut the UN's mediation efforts without offering anything in terms of a political strategy to replace it.[69]

Another factor in the relative ineffectiveness of UN sanctions regimes is the fact that they do not receive the necessary institutional support and willingness to enforce them. Here the onus is particularly on active engagement by the chairs of sanctions committees, who are almost exclusively drawn from the elected members of the Security Council and who have all too often viewed their chairmanship as a nuisance. But ultimately, the effectiveness of actions is primarily a function of the readiness of relevant powers to place resources and political weight behind their implementation, a readiness that has been all to often in short supply. An intergovernmental High-level Review of sanctions, launched in 2014 by a number of governments together with two think tanks, was expected to infuse a new dynamic into sanctions implementation, but seems to have become a victim of deteriorating P5 relations in the wake of the 2014 Crimea crisis.[70]

Emerging Threats

One remarkable trend in the Council since the turn of the millennium is its increasing attention to transnational threats, particularly terrorism, nuclear non-proliferation, and transnational organized crime. Overall, the P5 display a remarkable degree of unity on these issues, with most resolutions on terrorism and weapons of mass destruction being adopted under Chapter VII. This reflects a convergence of interests among the P5 on these issues as well as a deepening concern among the wider membership around the growing threat emanating from transnationally operating non-state actors. At the same time the Council's legislative approach to these issues has generated a considerable backlash among much of the membership complaining about Council overreach. Meanwhile, the P3's faith in the UN's ability to organize effectively collective action against these threats has waned in recent years, leading the Obama administration to complement the UN architecture with important new counter-terrorism and non-proliferation initiatives outside of the UN framework.

Terrorism

The Council was much more active in addressing terrorism prior to the events of September 11, 2001 than is widely believed. In the 1990s, the Council imposed sanctions against Libya over its noncooperation with the investigation of two airline bombing incidents; against Sudan for harboring those responsible for the assassination attempt on Egyptian President Hosni Mubarak; and against the Taliban regime for harboring the al-Qaeda leadership. (The Libya and Sudan sanctions regimes have been credited in playing a significant role in ending the sponsorship of terrorist groups by both countries.)

However, the real game changers for the Council on terrorism was 9/11. The attacks led to the proclamation of the "Global War on Terror" as the United States' new grand strategy, which it prioritized in both its bilateral and multilateral engagements. The attacks of September 11 highlighted the increasingly transnational nature of the threat, making the Security Council a natural venue to lead the charge. Resolution 1368 was adopted on 12 September 2001 and established an important precedent by invoking – for the first time - the right of self-defense under Article 51 against terrorist attacks, providing an international seal of legal approval to the subsequent United States invasion of Afghanistan. The Council also extended what had originally been a set of sanctions (asset freeze, arms embargo and travel ban) solely focused on Afghanistan to all parts of the globe, vastly expanding the list of individuals and entities associated with al-Qaeda or the Taliban against whom the sanctions would be applied (the so-called "1267 sanctions" regime).

Less than two weeks later the Council adopted Resolution 1373, one of the most ground-breaking resolutions in the body's history. It imposed legally binding obligations on all UN member states to, inter alia, enhance legislation, strengthen border controls, coordinate executive machinery and increase international cooperation in combating terrorism. The Council also established, and later expanded and institutionalized a support structure underneath the Council to monitor member state implementation of Resolution 1373.

As Luck noted, the "rapidity, unanimity and decisiveness" with which the Council responded to the 9/11 attacks were "without precedent." And the new counter-terrorism architecture established by the Council was a remarkable development for an organization whose membership had been deeply divided on the question of the legitimacy of non-state violence in light of the fact that many liberation movements had at one point or another been labeled "terrorist" by former colonial powers. However, as Rosand and Einsiedel have written, "While the UN's pre-9/11 effort was ambivalent, the new focus on al-Qaeda allowed UN members to unite to condemn a specific terrorist group and thus enable the US to move terrorism near the top of the UN's agenda."[72]

As detailed by Romaniuk, the Council's counter-terrorism effort soon attracted growing criticism from a number of quarters, which began to erode its legitimacy and effectiveness.[73] First, the legislative nature of Resolution 1373, which created far-reaching and binding obligations on all member

states without their prior agreement, elicited much resentment. Second, the Bush administration's invasion of Iraq under the banner of his global war on terror delegitimized Washington's counter-terrorism endeavor in the eyes of many member states. Third, the resistance of the Council to include human rights issues relevant to terrorism in its decisions led to some outrage among the NGO community and beyond. Even more concerning, the complete disregard of due process in the 1267 sanctions listing procedures, which did not offer any recourse or review mechanism for individuals who argued they were wrongfully sanctioned, came under increasing criticism and were eventually deemed by the European Court of Justice (ECJ) to have violated fundamental human rights. In response, the Council reluctantly established, in 2009, an Ombudsperson to review requests for delisting from sanctioned individuals.[74] Meanwhile, the effectiveness of the sanctions themselves remained limited in terms of constraining the access to arms and funds by terrorists and preventing their ability to travel.

With the legitimacy of the UN's Council-centered counter-terrorism effort increasingly questioned, the Secretary-General in 2005 tabled a blueprint for a global counter-terrorism strategy that was meant to loosen the Council's exclusive grip on the issue and place greater emphasis on addressing root causes and respect for human rights. At the same time, he established an interagency counter-terrorism task force to ensure that the wide array of UN agencies would bring their combined strength to bear in the implementation of the strategy. The following year, the General Assembly followed suit, unanimously endorsing a modified version of the Secretary-General's strategy, which helped transform a previously acrimonious UN discussion on counter-terrorism into a comparatively constructive one. However, it is debatable whether either the strategy or the task force produced much in terms of concrete achievements on the ground, other than generating a cottage industry of meetings and expert workshops in New York and elsewhere.

As the decade drew to a close, the US had become increasingly disillusioned with what could be achieved in the fight against terrorism within a UN setting, whether based in the Council, the Secretariat or the General Assembly. It had even lost faith in its own creation, the Council's Counter-terrorism Committee, which was unable to name and shame countries believed to be hostile or unresponsive to Resolution 1373 and had become a largely process-oriented body that failed to deliver quality analysis on country needs and priorities or serve as an effective clearinghouse for technical assistance requests.

It was against this background that the US, under President Obama, in 2011 created the Global Counter-terrorism Forum, an "action-oriented" platform outside the UN framework to foster effective multilateral cooperation in counter-terrorism. While by doing so the US moved the locus of much of the action outside the UN, it continued to value the Council's norm-setting role in counter-terrorism. Thus, in September 2014, at a time of deep concern about thousands of foreign nationals from over 80 countries having joined extremist Islamist groups in Syria and Iraq, the US spearheaded the adoption of a Council resolution that obliged all member states to prevent, criminalize and prosecute international travel by their citizens to join terrorist groups. Adopted at a summit-level meeting of the Security Council that was chaired by President Obama himself (only the second instance ever that a US President has chaired a Council session), the "foreign fighters" resolution may well prove to have a mobilizing effect on member states. At the same time it will be difficult to implement and monitor, and its breadth and vagueness raise serious concern about the potential for abuse by repressive states against separatist or opposition forces branded as "terrorist".[75]

While the Council remains an important forum for the P5 to set norms (no matter how flawed they may be) and mobilize the wider membership around them, operationally the UN's main contribution in counter-terrorism likely lies in its conflict resolution and peacekeeping efforts in conflict countries in which terrorist groups take advantage of the widespread instability, such as Mali or Somalia. Vice versa, there has been a recurrent complaint that the UN's counter-terrorism regime has undermined the UN's conflict resolution and humanitarian roles, including by imposing sanctions on (and de facto outlawing) groups such as the Taliban, thus complicating efforts to enter into peace negotiations with them.

Weapons of Mass Destruction (WMD)

Similar to counter-terrorism, there has also been increasing convergence of P5 interests around the non-proliferation of weapons of mass destruction, which has, since the mid-2000s, led to far-reaching Council resolutions. This is all the more remarkable in light of the Council's deep divide in the relatively recent past over the question of how to pursue Iraq's disarmament. Imposed by the Council in 1990 and 1991 after Iraq's invasion of Kuwait and Kuwait's subsequent liberation by a US-led coalition, the inspections and sanctions regimes had come under increased criticism in the mid- to late 1990s by Russia, China and France who questioned their utility and legitimacy in light of the former's infiltration by the CIA and the latter's nefarious humanitarian consequences. The controversy around unilateral airstrikes in 1998 by the US and the UK to compel Iraqi compliance with Council demands presaged the even more contentious disagreements over the US-UK invasion of Iraq in 2003 in the face of strong Russian, Chinese, and French opposition.[76]

Bygone disagreements over Iraq notwithstanding, the P5 are united in their desire to see no expansion of the small club of nuclear weapons states and to achieve a diplomatic solution to the North Korean and Iranian nuclear crises. Indeed, in 2006, the Council imposed sanctions regimes against both North Korea and Iran, the former of which had carried out its first nuclear test that year after leaving the Non-Proliferation

Treaty in 2003, and the latter of which is suspected of harboring nuclear weapons ambitions after having failed to disclose the extent of its nuclear program.

However, in the following years, US efforts to strengthen sanctions in response to continued Iranian and North Korean defiance of Council demands ran up against the skeptical attitudes of China and Russia, both of which tended to advocate for a less confrontational and forceful approach. Partly, this reticence may have been motivated by important political and economic ties that Moscow, and even more so Beijing, maintain with Pyongyang and Teheran. More importantly, though, it reflected their general aversion to any Chapter VII measures, which was reinforced by the still fresh memories of the Bush administration's attempt to justify the 2003 Iraq invasion with reference to Baghdad's alleged non-compliance with previous disarmament demands made under Chapter VII. And the US's subsequent failure to find any WMD in Iraq later fuelled suspicions of US allegations against Iran.

Nevertheless, from 2009 onwards, the Council gained new momentum on these issues, progressively adding new layers of sanctions against both Iran and North Korea. This reflected growing concern from all of the P5 about the failure to make headway in resolving the twin nuclear crises, fuelled in the case of North Korea by its decision to carry out further nuclear tests in 2009 and 2013, leading in both cases to reinforced sanctions. With respect to Iran, the Council's newfound resolve was also the result of intense US diplomacy under President Obama (energetically implemented at the UN by his envoy Ambassador Susan Rice), who made nuclear non-proliferation, and in particular enlisting Russian and Chinese support for Council-based coercive diplomacy vis-à-vis Teheran, one of the top priorities of his first term. That effort yielded important results, when the Council in 2010 imposed a new round of sanctions on Iran. It is possible that the impact of those sanctions tipped the balance in Iran's 2013 presidential election in favor of moderate candidate Hassan Rouhani who seemed to offer the best hope for his country to overcome the nuclear dispute with the Council.

Even before the cases of Iran and North Korea ended up on its agenda, the Council, in 2004, embarked on an ambitious effort to keep weapons of mass destruction out of terrorist hands. That year, after the discovery of the clandestine nuclear proliferation network operated by Pakistani nuclear scientist A.Q. Khan, the Council unanimously adopted the far-reaching landmark Resolution 1540, which requires all UN member states to take legislative and regulatory steps to prevent terrorists and other non-state actors from getting their hands on weapons of mass destruction and their means of delivery.

Resolution 1540 was modeled after, and bore many similarities to the Council's counter-terror effort under Resolution 1373. Like Resolution 1373, it was legislative in nature (causing renewed unease among the member states about Council overreach), and led to the creation of a Committee and monitoring mechanism which could help states with implementation of the resolution's onerous obligations. And as in the case of the 1373 regime, the Obama administration eventually concluded that while Resolution 1540 provided a useful normative framework, it was operationally too slow, bureaucratic and tedious, leading the US government to establish a new initiative outside the UN framework, namely the Nuclear Security Summit process, meant to enhance international cooperation to prevent nuclear trafficking and terrorism.

Transnational Organized Crime, Drug Trafficking and Piracy

Transnational Organized Crime, including drug trafficking, is a more recent addition to the agenda of the Security Council and its treatment by the body exhibits a much lower degree of P5 consensus than in the fields of terrorism or weapons of mass destruction. Nevertheless, since the early 2000s, the issue started increasingly to appear in the Council's country-specific discussions and peacekeeping mandates, reflecting the growing realization that organized crime was a destabilizing factor in many of the post-conflict situations in which the Council was engaged. The US and Russia emphasized the role of drug trafficking in funding terrorist groups in Afghanistan, while France (along with African non-permanent members of the Council) played an important role in directing the Council's attention to the Europe-bound cocaine flows through West Africa, which also pose a serious threat to the UN's peacebuilding investments in the region.

It was also these concerns that led the Council, since 2009, to address transnational organized crime and drug trafficking as a thematic issue, delinked from any particular country, region or conflict. Between 2009 and 2013, the Council thus adopted a number of Presidential statements calling on the UN to pay increasing attention to the issue in its reporting to the Council as well as in its conflict prevention and peacebuilding strategies. The fact that these calls were never enshrined in a Council resolution reflected the growing suspicions of the more sovereignty-conscious member states inside and outside of the Council that it might once again start legislating on behalf of member states. These suspicions reached a boiling point, when the United States, in 2012, introduced into the Council the issue of illicit cross-border trafficking, which led China and the Non-aligned Movement to rebuke the US for its attempt to have the Council encroach on both state sovereignty and on the mandate of UN organs competent to deal with crime and justice matters.

Still, these concerns have not prevented the Council from developing innovative approaches to dealing with organized crime and trafficking in specific countries that, as Cockayne has pointed out, draw "increasingly on domestic criminal justice discourse and techniques," including engaging in direct law enforcement.[77] Depending on the setting this could take the form of fact finding (through panels of experts monitoring commodity sanctions), use of force by blue helmets against criminal groups (for instance MINUSTAH in the slums of Port-

au-Prince), or the imposition of punitive sanctions against government officials suspected in drug trafficking (as it did in 2012 with respect to Guinea-Bissau).

In no area of organized crime was Council action as robust as in its response to piracy off the coast of Somalia, where the Council, in 2008, authorized states and regional organizations to use all necessary means "within the territorial waters of Somalia" to repress acts of piracy. Since then, the Council has authorized measures to be taken onshore in Somalia, while also encouraging regional capacity building to ensure maritime and land-based security, prosecution, transfer and imprisonment of suspected and convicted pirates, and reiterated the need for targeting the financial and arms dealings of pirate gangs. Cockayne has explained that the Council's unparalleled resolve on this issue is, inter alia, due to the strong international consensus around the illegitimacy of piracy, the fact that acts on the high seas are not protected by sovereignty barriers, and the economic cost that piracy inflicts not only on the P5 but also on important members of the Non-Aligned Movement, such as India.[78]

Infectious Diseases

On rare occasions, the Council has also addressed infectious diseases as a potential threat to international peace and security. In 2000, AIDS was strongly promoted in the Council as a critical security threat in Africa by the U.S. permanent representative, the late Richard Holbrooke. Indeed, this saga reached its kinetic apogee when Al Gore, the US Vice-President and pursuing his candidacy for the US presidency, chaired a Council meeting in January 2000, pressing for more international action on the disease. In light of complaints from many delegations, which questioned the link to international security and the Council's competence on this issue, the resolution which the Council eventually adopted in July 2000 was anchored around "concern at the potential damaging impact of HIV/AIDS on the health of international peacekeeping personnel."[79] However the operational effect of the resolution remained limited.[80]

While the Council occasionally returned to the AIDS issue without adding much in terms of a response mechanism, many member states remained apprehensive of any effort to further broaden the Council's purview in this area.[81] Indeed, in November 2011, when the Portuguese Council presidency organized a thematic debate around the issue of "emerging security threats" including pandemics, organized crime and climate change, a number of Council members, including Brazil and India, refused to address the issues of pandemics and climate change in substantive terms, instead using their interventions to criticize the Council for even considering these issues in the first place.[82]

In light of these sensitivities, it is all the more remarkable that the Council, in September 2014, held an emergency meeting on the Ebola epidemic, in which it adopted a Chapter VII resolution, which declared Ebola a threat to international peace and security.[83] The fact that this resolution attracted the highest number of co-sponsors in the Council's history (134), was both a reflection of the seriousness with which the crisis was viewed by much of the world and a testament to focused, high-intensity American leadership, which had championed the resolution, the adoption of which coincided with a visit to the UN (and to the Security Council), by President Obama. Unlike the 2000 AIDS resolution, the Council's Ebola resolution was accompanied by an outburst of international activism, including the deployment of 3,000 US troops to the region to help with efforts to contain the spread of the disease as well as the establishment of the UN's first medical mission, the UN Mission for Ebola and Emergency Response (UNMEER).[84]

Reform

Security Council reform remains a live issue at the UN and, at regular intervals, generates much excitement and attention as it moves to the forefront of the agenda – only to recede again to the backburner after failure to achieve progress.[85] The need and pressures for reform are real, and if anything, the Security Council's failure in Syria has only added to these pressures, but inertia and P5 preferences have conspired against them.[86]

Most people – at least in the wider public – tend to equate Council reform with efforts to expand the Council's membership, and in particular the number of its permanent seats. This is also the reform topic that has absorbed most attention in New York and in capitals around the world. The central argument raised is that the composition of the P5, the victorious powers of World War II, no longer reflects today's distribution of power.

Arguably, however, the composition of today's P5 is not quite as anachronistic as is sometime suggested. Both the Charter and the Council's original conception indicate that permanent membership should be a reflection of a country's ability (and willingness) to maintain international peace and security. The existing P5 account for 60% of the world's total defense spending, and the P3 are the world's top three actors in terms of capability and readiness to project military power globally. Yet, as Jones conceded, "much of what the Council does falls in the domain of diplomacy, not military might," so economic weight and political power have become relevant factors.[87]

This is the case which is made by the so-called G4 grouping of four aspirants for new permanent seats, Brazil, Germany, India and Japan, all of which are among the world's top ten economic powers but each of which exhibits important limitations in its willingness or ability to deploy military power for UN enforcement action. The G4 tabled a reform blueprint in 2005 that also foresaw two permanent seats for Africa. The initiative, while attracting significant support among the wider membership, was aborted shortly thereafter, in part because

the AU – unlike the G4 – insisted on full veto rights for any new permanent members. As well, China at the time signaled strong opposition to close neighbor Japan's aspirations, thereby also scotching those of India, another neighbor with which China entertains significant boundary differences. The G4 continue to lobby for their proposal and see 2015 – the UN's 70th anniversary and the 10th anniversary of the 2005 World Summit, which agreed in principle on "early reform of the Council" – as a natural year for a review of the Council's structure. Most members and observers of the UN are not holding their breath for fast-moving developments, however.

While the G4 proposal represents a balanced effort (other than refraining from insisting on the veto right it included sensitive recommendations for the reform of working methods), it faces formidable political hurdles. First and foremost among them is the fact that the US, China and Russia (who on this issue have blocking power),[88] remain highly skeptical of adding new permanent members. Their combined lobbying power has arguably increased in recent years in light of China's growing influence in Africa. US opposition is strongly motivated by concerns over Council effectiveness and the increased difficulties it would face in enlisting the support of an expanded Council behind any of its endeavors. This concern only grew in light of strongly anti-interventionist positions displayed by India, Brazil, and South Africa (and, to a lesser degree Germany) during Council debates on Libya and Syria.

A second major hurdle to reform is the fact that a number of powers which are regionally influential but do not have a credible claim to occupy any newly created permanent seats (such as Italy, Spain, Pakistan, Mexico, Argentina, South Korea, Indonesia, and Turkey) oppose expansion of permanent membership, which they believe would result in a relative downgrading of their own status. Many of these states - along with others among the wider membership – object in principle to the very idea of permanent membership and feel the granting of permanent privileges in 1945 was a historical mistake that should not be repeated. They thus tend to support reform models that would create a new category of longer-term seats, occupancy of which could rotate among each region's key powers.

Meanwhile, Wenaweser reminds us that a significant majority of member states, who are too small to aspire to either a permanent or longer-term seat and who are only rarely elected as non-permanent members, have little to gain from reform of the Council's composition.[89] Yet, these states are often affected by Council decisions (e.g. as contributors of troops for peacekeeping operations or addressees of far-reaching "legislative" resolutions mentioned earlier). These states therefore tend to see an urgent need for reform of the Council's working methods and in particular measures to constrain the veto and increase the Council's transparency and to facilitate participation of non-Council members in the body's deliberations. The most significant such effort in recent years was the widely popular yet ultimately unsuccessful S5 initiative (referring to the "small five" countries leading it: Costa Rica, Jordan, Liechtenstein, Singapore, and Switzerland). The unqualified defeat of this brave "Lilliputian uprising"[90] by the P5 offers a telling case study of both the P5's enduring influence over large parts of the UN Membership and the UN Secretariat as well as their unity of purpose - even in times of rising great power tensions – when it comes to efforts to infringe on the P5's exclusive control over the Council's rules of procedure.

Legitimacy

The question of reform is often linked to the question of the Council's legitimacy, and the argument is often made that the former is necessary to maintain the latter. However, there exists a wide variety of views of the sources of the Council's legitimacy, partly accounting for differences in opinion on what perceived shortcomings reform should address. Legitimacy has been variously understood to be a function of the Council's representativeness, decision-making processes, respect for the rule of law, consistency, and performance in civilian protection.

The argument most often heard around the UN is that the Council's legitimacy is most endangered by the fact that its composition is no longer perceived to be representative of today's world. Yet, while representativeness matters in terms of how the Council is perceived among the wider membership, an enlarged Council is unlikely to gain in legitimacy if representativeness comes at the cost of its ability to act decisively in the face of crisis.

Others have argued that it is the Council's secretive decision-making and P5 collusion that eats away at the Council's legitimacy. This resonates with Ian Hurd's study on the sources of the Council's legitimacy, which located it in the Council's deliberative process in which the weaker feel their views have been adequately heard and considered.[91] In theory, Luck may be right that the Council gains much of its legitimacy from the fact that the majority of its members are non-permanent ones who are elected by a two-thirds majority of the General Assembly.[92] Yet, if they are consistently marginalized in Council decision-making, the Council's image and credibility suffer.

In terms of legitimacy, a particular concern is the fact that the Council has repeatedly violated due process, human rights norms or international law. Wenaweser has cited the example of Resolution 1422 (2002), providing immunity to nationals of non-state parties to the Rome Statute participating in Council-mandated peacekeeping operations, in a manner widely considered to violate both the Rome Statute and the UN Charter.[93] Equally, if not more worrisome, was the Council's disregard, mentioned above, of due process norms in the process of adding individuals to terrorism sanctions lists without giving them any legal recourse.

The Council's decisions are currently reviewed mainly by the media, scholars and, over time, history. But unless it works harder to craft better decisions and to make a better case for

them publicly, it could find itself facing more systematic judicial review, reluctant as the International Court of Justice has been to wade into these murky waters. Council dysfunction and mistakes create openings for other entrepreneurial international actors (like, recently, the ECJ). Any Council delusions of unlimited power, especially in the service of weak arguments and questionable decisions, will create their own comeuppance.

Another standard complaint about the Council that is said to erode its legitimacy is the lack of consistency in its decision-making. And indeed, its biased treatment of different conflicts and its occasional displays of double-standards are understandably grating to many member states. In particular, the more than dozen US vetoes since the end of the Cold War blocking Council resolutions critical of Israel have been a bone of contention for many member states. While greater consistency is certainly desirable (and laws and norms, as Johnstone has pointed out, work towards that end)[94], to expect the Council, as a political rather than a principled body, to act with perfect consistency would be naïve.

That said, one specific form of inconsistency is particularly damaging for the Council's legitimacy, namely its failure to respond to the worst mass atrocities. As Bellamy and Williams have noted, "global expectations about the UN's role in civilian protection have grown to such an extent that it is now commonly thought that the UN's legitimacy is determined by its performance in this area."[95] Relative to this view, nothing has damaged the Council's legitimacy more than its inability to take appropriate action when genocide or mass atrocities were unfolding in Srebrenica, Rwanda, Kosovo, Darfur, Sri Lanka and Syria. A French proposal, tabled in 2013, for the P5 to adopt a voluntary code of conduct to renounce the use of the veto in R2P situations where no vital interests are at stake, seems admirable, but it is highly unlikely to ever be supported by the US, China or Russia.[96]

Why does legitimacy matter? The perception that the Council's decisions are legitimate ensures that member states respect and implement them. Failure to implement and respect Council resolutions in itself has a delegitimizing effect on the body. As Hurd has pointed out, this tends to be of great concern to the P5 who "rely on [the Council's] legitimacy to reduce their reliance on coercion to manage the international system." When their strategies and decisions ultimately fail to gain the respect of key member states – as when the Organisation of African Unity, the AU's predecessor, decided to ignore UN sanctions against Libya in the 1990s – the P5 have often shown a willingness to readjust their strategies as their "desire to defend the Council's legitimacy ultimately trumped their initial policy preferences."[97]

However, in other instances, some of the P5 individually or jointly with one or two others have been willing to incur severe damage to Council legitimacy in pursuit of their policy preferences. How the P5 strike a balance between pursuing their own interests and preserving the Council's legitimacy will, to a large degree, determine the UN's relevance in peace and security in years to come.

Frozen Files

We have not in this paper written much or at all about the Arab-Israeli conflicts, Kashmir, the Democratic People's Republic of Korea, Cyprus and several other situations that are or have been on the Council's agenda and which, while at times showing some promise of resolution or alternatively flare up every now or then, are essentially "frozen". The reason is that few in the Council, particularly among the P5 believe they are, in fact, ripe for resolution and thus that new Council measures and decisions (rather than routine PKO renewals) are likely to be effective (even assuming they were desirable).

Notably, while acquiescing in sanctions and occasionally betraying impatience with Pyongyang, China has not been willing to consider more drastic measures. The same is true of the USA vis-à-vis Israel. And Pakistan's frequent attempts to internationalize its dispute with India over Kashmir find few takers in the Council. Indeed, China, sometimes described as Pakistan's "all weather friend" and in some respects a close ally, has acted prudently, indeed responsibly, in face of Pakistani adventurism at Kargil in 1999 and after evidence emerged of the of the Pakistani origins of the Mumbai terrorist attackers in 2008.

Envoi

The UN's credibility is under ever greater strain as new threats to global health, to our ecosystem, and in other spheres beyond the security preoccupations at the heart of the Council's mandate, meet a shrinking purse of those countries that have overwhelmingly funded UN activities since 1945. The slow-moving global financial and economic crisis since 2008, sparked in the West, has taken a heavy toll on the ability and willingness of those countries to take on additional international burdens, while emerging powers have not yet fully stepped up to help meet these challenges.

Whether and how the "status quo" powers can recognize and accept a different new balance of power holds the answer as to whether the post-World War II framework of multilateral institutions centered on the UN, but also including the International Monetary Fund (IMF), the World Bank and the International Trade Organization can continue as central actors in international relations. Breakthroughs on new approaches to governance, key in rebalancing such institutions, are more likely to be achieved at the IMF and World Bank first, but then the onus will be on the P5 to allow change within the Council as well. Are they up to it?

On this conundrum, as well as improved decision-making drawing on greater consensus-building within the Council on key challenges, the continued relevance of the forum appears to hinge as of early 2015.

Endnotes

[1] This paper draws heavily on the chapters, and in particular on the concluding chapter of the forthcoming volume on *The Security Council in the 21st Century* (Boulder, Lynne Rienner, 2015). The authors would like to thank Louise Bosetti, Rahul Chandran, James Cockayne, John de Boer, Chantal Doran, Heiko Nitzschke, and Anthony Yazaki for helpful comments on this paper. Responsibility for any mistakes and shortcomings lies solely with the authors.

[2] Sebastian von Einsiedel et al, "Major Recent Trends in Violent Conflict", UNU Center for Policy Research, Occasional Paper, December 2014.

[3] Robert Kagan, "Superpowers Don't get to Retire", *New Republic*, 26 May 2014.

[4] See the concluding chapter in David M. Malone, *The International Struggle over Iraq: Decision-Making in the UN Security Council, 1980-2005* (Oxford, Oxford University Press, 2006).

[5] David Malone, "Conclusions", in David Malone (ed), *The UN Security Council: From the Cold War to the 21st Century* (Boulder; Lynne Rienner Publishers).

[6] United Nations Department of Political Affairs, "Highlights of Security Council Practice 2014," Security Council Affairs Division, January 2015, http://www.un.org/en/sc/inc/pages/pdf/highlights/2014.pdf.

[7] Security Council Report, "Non-Consensus Decision-Making in the Security Council: An Abridged History", SCR Report, (New York, January 2014).

[8] Peter Wallensteen and Patrik Johansson, "The UN Security Council: Decisions and Actions," in: von Einsiedel, Malone, Stagno Ugarte (eds), *The Security Council in the 21st Century*.

[9] Bruce Jones, *Still ours to lead: America, Rising Powers, and the Tension between Rivalry and Restraint* (Washington, DC: Brookings Press, 2014).

[10] Together with the United States and Australia, which voted against the resolution, the abstainers, four of them from the E10, denied the resolution's supporters the nine positive votes they would have needed, even to trigger a veto by the USA. See UN Document SC/11722 of 30 December 2014.

[11] Since the late 2000s, the Department of Political Affairs is headed by a US national, the Department for peacekeeping operations by a French national and the Office for the Coordination of Humanitarian Affairs by a British national.

[12] Christian Wenaweser, "Working Methods: The Ugly Duckling of Security Council Reform," in: von Einsiedel, Malone, Stagno Ugarte (eds), *The Security Council in the 21st Century* (Boulder: Lynne Rienner Publishers, 2015).

[13] Data maintained by Uppsala University and covering the years 2003 – 2012 provided to the authors by Peter Wallensteen and Patrik Johannsson shows 404 resolutions on intrastate conflicts over control of government plus 93 on intrastate conflicts over territory adding up to a total of 497 resolutions on civil wars, which comprises 78.89 % of the total of 630 resolutions adopted during the period.

[14] Thomas Weiss, "Humanitarian Action and Intervention", in: von Einsiedel, Malone, Stagno Ugarte (eds), The Security Council in the 21st Century (Boulder: Lynne Rienner Publishers, 2015).

[15] Bruce Jones, "The Security Council and the changing distribution of power", in: von Einsiedel, Malone, Stagno Ugarte (eds), *The Security Council in the 21st Century*.

[16] UN High-level Panel on Threats, Challenges and Change, A More Secure World (New York: United Nations, 2004); Human Security Report Project, *Human Security Report 2013: The Decline in Global Violence: Evidence, Explanation, and Contestation* (Vancouver: Human Security Press, 2013); Page Fortna, *Does Peacekeeping Work? Shaping Belligerants' Choice After Civil War* (Princeton: Princeton University Press, 2008); James Dobbins and Laurel Miller, "Overcoming Obstacles to Peace," *Survival*, vol. 55, n. 1 (Feb 2013). Michael Doyle and Nicholas Sambanis, *Making War and Building Peace* (Princeton: Princeton University Press 2006.

[17] James Fearon, "Why Do Some Civil Wars Last So Much Longer than Others?" *Journal of Peace Research* May 2004 vol. 41 no. 3 275-301. See also Karen Ballentine and Heiko Nitzschke (eds), Profiting from Peace: Managing the Resource Dimensions of Civil War (Boulder: Lynne Rienner Publishers, 2005); Sebastian von Einsiedel et al "Major Recent Trends in Violent Conflict," UN University Occasional Paper, December 2014.

[18] See figures from: Human Security Report 2013, Human Fraser University, p.90; Also Cunningham D. (2010), "Blocking resolution: How external states can prolong civil wars", *Journal of Peace Research* 47(2): 115-127.

[19] Sebastian von Einsiedel et al "Major Recent Trends in Violent Conflict," UN University Occasional Paper, December 2014.

[20] Ibid. See also Lotta Themner and Peter Wallensteen, "Armed Conflicts, 1946-2013", in *Journal of Peace Research*, vol. 51 (4) (July 2014), p.p. 541-554. Themner and Wallensteen's data only covers events up to 2013, at which point they counted seven major civil wars: Syria, Afghanistan, Iraq, Pakistan, Nigeria, South Sudan and DRC. Since then, civil war s broke out in Ukraine, CAR and Libya, with well above 1,000 battle deaths by mid-2014, which is why they were included in above-cited figure.

[21] Adam Roberts, "The Use of Force: A System of Selective Security" in: von Einsiedel, Malone, Stagno Ugarte (eds), *The Security Council in the 21st Century*.

[22] Peter Wallensteen and Patrik Johansson, "The UN Security Council: Decisions and Actions," in: von Einsiedel, Malone, Stagno Ugarte (eds), *The Security Council in the 21st Century*.

[23] International Commission on Intervention and State Sovereignty, The Responsibility to Protect (Ottawa: International Development Research Centre, 2001).

[24] Thomas Weiss, "Humanitarian Action and Intervention."

[25] "Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka," November 2012. See also Security Council Report, "Update Report No. 5: Sri Lanka", 21 April 2009.

[26] Alex J. Bellamy and Paul D. Williams, "Libya," in: von Einsiedel, Malone, Stagno Ugarte (eds), *The Security Council in the 21st Century*. In its his-

tory, the Council has authorized offensive military action against the consent of seven sitting governments, but never before for the protection of civilians): Korea (1950); Iraq (1990); Somalia (1992); Haiti (1993); Bosnia (1995); Eastern Slavonia (1997); and Cote d'Ivoire (2011).

27 Alex J. Bellamy and Paul D. Williams, "Libya".

28 Bruce Jones, "The Security Council and the changing distribution of power" in: von Einsiedel, Malone, Stagno Ugarte (eds), *The Security Council in the 21st Century*.

29 Edward Luck, UN Security Council: Practice and Promise, p. 21 – 23.

30 See Elizabeth Cousens, "Conflict Prevention", in David Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century* (Boulder: Lynne Rienner Publisher, 2004), p. 105.

31 Simon Chesterman, "Relations with the UN Secretary-General," in: von Einsiedel, Malone, Stagno Ugarte (eds), *The Security Council in the 21st Century*.

32 Richard Gowan, "The Security Council and peacekeeping," in: von Einsiedel, Malone, Stagno Ugarte (eds), *The Security Council in the 21st Century*.

33 The UK, for instance, started pushing the Council around that time to ask missions to develop benchmarks measuring peacebuilding progress in host countries as a tool to argue for withdrawal.

34 UN Secretary-General, "Statement on appointment of High-Level Independent Panel on Peace Operations," New York, 31 October 2014, http://www.un.org/sg/statements/index.asp?nid=8151.

35 While in 1994, there were 9 NATO members among the top 20 troop contributing countries, that number had shrunk to zero in 2014, by which time 19 of the top 20 troop contributing countries were Asian or African (with 4 of the top five being South Asian). By implication, the P5, too, have turned their backs on peacekeeping. While in December 1994, France, the UK, Russia, and the US were all among the top 25 troop contributors, none of them ranked among the top-40 twenty years later.

36 The UK, for instance, counts seven distinct models, but others have their own count. See Security Council, "Records of 7196th meeting", S/PV.719 6, Wednesday, 11 June 2014, p. 12.

37 According to a 2010 internal analysis of the UN Department of peacekeeping operations, these tasks were given to at least nine of the 17 peacekeeping deployed at the time.

38 The French Permanent Representative to the UN, Ambassador Arraud, at a Council debate on peacekeeping in June 2014 insisted that "peacekeepers' operational priority must always be the protection of civilians."

39 According to an internal and unpublished DPKO analysis, the mandates of UNTAET, MONUC, UNMIL, UNOCI, MINUSTAH, UNAMID, MONUSCO, UNISFA, and UNMISS all contained more enforcement elements than all but four UN Peacekeeping missions established between 1945 and 1999 (ONUC, UNPROFOR, UNTAC, UNOSOM II).

40 Brahimi Report and Report of the High-level Panel on Threats, Challenges, and Change.

41 By mid- 2014 two-thirds of peacekeeping personnel were deployed in five theatres of operation that experienced significant levels of active violence: Darfur, South Sudan, Mali, the Central African Republic and the Democratic Republic of the Congo. See UN Secretary-General Ban Ki-Moon, Speech to UN Security Council at thematic debate on peacekeeping, S/PV.7196, 11 June 2014.

42 See John L. Hirsch and Robert Oakley, *Somalia and Operation Restore Hope: Reflections on Peacemaking and Peacekeeping* (Washington D.C: United States Institute for Peace Press, 1995); Mark Bowden, *Black Hawk Down: A Story of Modern War* (New York: Atlantic Monthly Press, 1999); Simon Chesterman, "Blue Helmet Blues," *Security Dialogue*, vol. 34 no. 3 (September 2003), pp. 373-374.

43 At a thematic Council debate in June 2014 on UN peacekeeping, the member states who took the floor to voice their concern over the trend toward robust peacekeeping and the mandate of the Force Intervention Brigade, in particular, included India, Pakistan, China, Guatemala, Thailand, Philippines, Peru, Uruguay, Indonesia. See S/PV.7196, 11 June 2014.

44 Office of Internal Oversight Services, "Evaluation of the Implementation and Results of Protection of Civilians Mandates in United Nations Peacekeeping Operations," A/68/787 (New York, 7 March 2014).

45 For instance, at a thematic Council debate on peacekeeping in June 2014, the Chilean ambassador suggested "Should the use of force be authorized, we believe that neighboring countries and countries of the sub-region should not undertake the tasks that involve the use of force." See S/PV.7196, 11 June 2014.

46 Ian Johnstone, "Managing Consent in Contemporary Peacekeeping Operations", in: *International Peacekeeping* 18, No. 2 (April 2011), 168-182.

47 S/RES/1645 (2005)

48 Address by UK Ambassador Lyall Grant at IPI conference on "The Security Council in the 21st Century", Greentree Estate, NY, 14 June 2013.

49 Bruno Stagno Ugarte, "Collaborating with Regional Organizations," in: von Einsiedel, Malone, Stagno Ugarte (eds), *The Security Council in the 21st Century*.

50 Fabienne Hara, "Preventive Diplomacy in Africa: Adapting to New Realities", in International Peace Institute (ed), *Preventive Diplomacy: Regions in Focus*, December 2011, pp. 4-14.

51 Heiko Nitzschke, "Sudan," in: von Einsiedel, Malone, Stagno Ugarte (eds), *The Security Council in the 21st Century*.

52 Ibid.

53 Arthur Boutellis and Paul Williams, "Peace Operations, the African Union, and the United Nations: Toward More Effective Partnerships" IPI Policy Paper, April 2013.

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ment (in exile) and the military junta that had displaced it, and cobbled together from disparate sources and financial resources, demonstrating that multilateral organizations can be both nimble and creative with the right leadership, member state support and incentives. See David M. Malone, *Decision-Making in the UN Security Council: The Case of Haiti* (Oxford: Clarendon Press, 1998, pp. 79-80).

55 Joanna Weschler, "Human Rights", in: von Einsiedel, Malone, Stagno Ugarte (eds), *The Security Council in the 21st Century*.

56 United Nations Department of Political Affairs, "Highlights of Security Council Practice 2014," Security Council Affairs Division, January 2015, http://www.un.org/en/sc/inc/pages/pdf/highlights/2014.pdf.

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69 Francesc Vendrell, "Afghanistan", in: von Einsiedel, Malone, Stagno Ugarte (eds), *The Security Council in the 21st Century*.

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71 Edward C. Luck, "Tackling Terrorism," in Malone (ed.) 2004, p.85.

72 Eric Rosand and Sebastian Einsiedel, "9/11, the War on Terror, and the Evolution of Multilateral Institutions" in Jones, Forman, Gowan (eds), Cooperation for Peace and Security (Cambridge: CUP, 2010), p. 145.

73 Peter Romaniuk, "Terrorism", in: von Einsiedel, Malone, Stagno Ugarte (eds), *The Security Council in the 21st Century*.

74 See Juliane Kokott and Christoph Sobotta, "The Kadi Case: Constitutional Core Values and International Law – Finding the Balance?", *The European Journal of International Law*, Vol. 23, No. 4.

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78 Ibid.

79 Security Council Resolution 1308 (2000).

80 Non-conventional security issues first reared their head in the Council in the late 1980s when the UK, represented by Sir Crispin Tickell, a keen environmentalist, argued that the Council should concern itself with ecological threats. This was coolly received by other delegations, not least those of the G-77 and the NAM, which considered environmental protection as squarely within the ambit of the Economic and Social Council and of the General Assembly.

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