

# **THE SECURITY COUNCIL IN THE 1990'S: INCONSISTENT, IMPROVISATIONAL, INDISPENSABLE?**

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In discussing the UN's role in Global Governance in the new millennium, it may be useful to look back on the record of the UN Security Council during the 1990s. The question mark is the most important item in the title of this paper, which seeks to address the Council's performance in recent years. My central thesis will be that through its decisions over the past ten years, largely improvised and inconsistent though they may be, the Security Council has, for good or ill, eroded the foundations of absolute conceptions of State sovereignty and fundamentally altered the way in which many of us see the relationship between State and citizen the world over.

## **Introduction**

One important signal of the thaw in the Cold War was a noticeable improvement in the climate among the Permanent Five (P-5) members of the United Nations Security Council (UNSC). The first evidence of the relaxation in East-West tensions within the Council was the cooperative manner in which these countries discussed options for the position of UN Secretary General as Javier Perez de Cuellar's first term drew to a close in 1986. As it turned out, the P-5 agreed without much difficulty to a second term for the incumbent who, in January 1987, challenged them publicly to tackle resolution of the murderous Iran-Iraq war.<sup>2</sup> As of mid-1987, Security Council proposals for a cease-fire, monitored by a small UN observer mission, were making serious headway. The post-Cold War era, initially such a hopeful one, had started at the UN.

The ability and disposition of the five permanent members, those holding veto power, to cooperate with each other seriously diminished the margin for maneuver of other Council members. Some of them had in earlier times developed skills and occupied political space as "helpful fixers" or, in the case of some developing nations had learned how to play the permanent members off against each other, greatly amplifying the voice and enhancing the apparent influence of the Non-aligned Movement (NAM) within the Council. Now non-permanent members were grumbling that they were systematically marginalized, a complaint lent more weight by a tendency of the Secretariat to consult privately with some or all of the P-5 before advancing recommendations to the Council as a whole. This tacit collusion between the P5 and the Secretariat was aggravated, from the perspective of other members, by the growing resort to "informal consultations" for decision-making purposes rather than the open Council meetings which had served as the principal forum for Council decision-making in earlier decades. Non-permanent members of the Council on the whole made little impression and rarely sought to challenge the P-5's cozy new arrangements.<sup>3</sup> However, where a non-permanent member had an activist, coherent and compelling agenda to pursue, as is, for example, the case

with Canadian Foreign Minister Lloyd Axworthy's human security agenda, and when it is also well represented in New York, as is the case with the current Canadian Permanent Representative, Robert Fowler, new ideas can be introduced into the Council and advanced incrementally.<sup>4</sup> However, such efforts are never easy and rarely progress fast.

This address attempts to assess the Council's objectives and performance during the turbulent, frequently hyperactive years it experienced in the 1990s. The decade was marked by the Council's disposition to tackle many more conflicts than it had been able to earlier, when it was stymied by Cold War animosities and the plethora of vetoes (cast and threatened) by the Permanent Members. The 1990s witnessed a sharp drop in the use of the veto, accompanying the introduction of a culture of accommodation among the Permanent Five, and momentous shifts in the Council's approach to conflict and its resolution. Factors held by the Council as constituting a threat to international peace expanded to include a range of humanitarian catastrophes, particularly those generating large exoduses of displaced persons and refugees, internally and internationally.<sup>5</sup> This, in turn, allowed the Council to address a range of conflicts, mostly internal in nature, which it most likely would have avoided in the past when the Cold War antagonists often played out their hostility through regional proxies and were prepared to frustrate Council involvement. The Council's decisions in the 1990s proved highly innovative in shaping the normative framework for international relations and stimulated several radical legal developments at the international level, notably the creation of International Criminal Tribunals for the Former Yugoslavia in 1993 and Rwanda in 1994. This in turn greatly intensified pressure for a more universal international criminal court, a statute for which was adopted at a diplomatic conference in Rome in 1998.

Nevertheless, late in the decade, serious tensions resurfaced in the Council over issues relating to state sovereignty, legitimation of the use of force and the growing incidence of unilateralism by some major UN members. Differences crystallized in 1998 and 1999 over conflicting objectives and approaches among the P-5 to Iraq and Kosovo.

A number of characteristics mark the Council's record in the 1990s, under several broad headings.

### **The nature of the conflicts addressed by the Council and of its decisions**

The Council's willingness to involve itself in a broad range of *internal conflicts*, encompassing inter-communal strife, crises of democracy, fighting marked by a fierce struggle for control of national resources and wealth, and several other precipitating causes or incentives for continuation of war, forced it to confront hostilities of a much more complex nature than the inter-State disputes with which it had greater experience. International efforts to mitigate and resolve these conflicts required *complex mandates* significantly more ambitious than the modalities of "classic" peacekeeping were designed to meet.<sup>6</sup> The most striking features of "new generation" peacekeeping operations (PKOs) launched by the Council in the 1990s were not so much the large numbers of military personnel involved - several earlier PKOs. e.g. in the Sinai, Congo and even Cyprus had featured large deployments of Blue Helmets - but rather the important role

and substantive diversity of their civilian and police components.<sup>7</sup> Civilian functions discharged by PKOs or otherwise mandated by the Council included civil administration (most notably in Namibia, Cambodia, the Former Yugoslavia); humanitarian assistance; human rights monitoring and training; police and judicial support, training and reform; and even a degree of leadership on economic revival and development.<sup>8</sup> The ambitious objectives served by these activities proved significantly more difficult to attain in many circumstances than the Council seems to have anticipated. Even Council-mandated military activities encountered significant resistance by frequently shadowy belligerents, leading to incidents involving heavy loss of life peacekeepers (in Rwanda, Somalia and the Former Yugoslavia). The UN Security Council's inability to induce compliance with its decisions fueled two apparently contradictory, but all too frequently complementary responses: on the one hand, it moved to enforce decisions which had failed to generate consent in the field, notably in the Former Yugoslavia<sup>9</sup>, Somalia<sup>10</sup> and Haiti<sup>11</sup>; on the other, in the face of significant casualties, it cut and ran, as in Somalia and at the outset of genocide in Rwanda<sup>12</sup>.

***Resort to the provisions of Chapter VII of the UN charter*** and to enforcement of Council decisions was not new: Council decisions were enforced in Korea and to a much lesser extent in the Congo during the UN's early years. Nevertheless, the extent to which the Council adopted decisions under Chapter VII during the 1990s was wholly unprecedented. At first, it was hoped that the UN would prove capable of launching and managing enforcement operations. In the face of disappointing, occasionally catastrophic results in the former Yugoslavia and Somalia, it became clear to Member States - as many within the secretariat, notably Under-Secretary General Marrack Goulding, had argued all along - that transition from peacekeeping to peace enforcement represented more than "mission creep". The two types of operations were, in fact, fundamentally different, one requiring consent and impartiality, the other requiring international personnel to confront one or several belligerent groups, even if in defense of a Council mandate conceived as neutral relative to the parties to the conflict. UN Secretary-General Boutros Boutros-Ghali concluded by 1994 that the UN should not itself seek to conduct large-scale enforcement activities. Consequently, the Security Council increasingly resorted for enforcement of its decisions to "coalitions of the willing" such as Operation Uphold Democracy (in Haiti, 1994-95); IFOR and then SFOR in Bosnia since 1995; MISAB in the Central African Republic, 1997, and INTERFET in East Timor in 1999.<sup>13</sup> It also alternately both worried about and supported in qualified terms enforcement activities by regional bodies, notably ECOMOG, the military arm of the West-African economic cooperation arrangement ECOWAS, in Liberia and Sierra Leone. One enforcement technique, employed only once previously by the Council, against Rhodesia, was the resort to naval blockades to control access of prohibited goods to regions of conflict. Such blockades were mandated and occurred with varying success against Iraq in the Persian Gulf and the Gulf of Aqaba, against various parties in the Former Yugoslavia on the Danube and in the Adriatic Sea and against Haiti.<sup>14</sup>

More common than military enforcement decisions by the Council was the resort to mandatory economic (and, increasingly, diplomatic) sanctions under Chapter VII of the Charter.<sup>15</sup> While arms embargoes remained in vogue, imposition of comprehensive trade

and other economic sanctions, seen as more gentle than the resort to force, faded noticeably once the humanitarian costs of sanctions regimes against Haiti and Iraq became widely known late in the decade. The ability of government regimes in countries struck by sanctions to enrich themselves greatly by controlling black markets in prohibited products also took some time to sink in. By then, more targeted sanctions, such as the ban on air flights to and from Libya aimed at inducing Libyan cooperation with Council efforts to address several terrorist aircraft bombings, and diplomatic sanctions, such as the reduction in the level of diplomatic representation mandated by the Council against the Sudan further to an assassination attempt in Addis Abeba against Egyptian President Hosni Mubarak, were more in favor.<sup>16</sup> Another example of targeted sanctions (addressing financial transactions and air links) went into effect on 14 November 1999 against the Taleban in Afghanistan over the protection they have provided to the alleged terrorist Osama Bin Laden.<sup>17</sup> Some advantages but also the difficulty of designing and implementing effective financial sanctions were brought to light by a useful research and dialogue initiative, the Interlaken process, sponsored by the Swiss Government in 1998-99. The German Government launched a similar project on arms embargoes and other forms of targeted sanctions in 1999<sup>18</sup>, while Canada that same year focused attention within the Security Council more broadly on the need for more effective, less counter-productive sanctions regimes<sup>19</sup> Canada also provided creative and energetic leadership to the Council's Sanctions Committee for Angola, pressing for more rigorous application of its mandate to suffocate UNITA's ability to fund its war effort through the sale of diamonds.<sup>20</sup> This has resulted, inter alia, by the decision of the De Beers corporation to close down its operations in Angola.<sup>21</sup> A Commission of Experts on sanctions in Angola, chaired by Ambassador Anders Mollander (of Sweden), will doubtless articulate further recommendations.<sup>22</sup>

Beyond issues of enforcement, the Council in the 1990s increasingly confronted, shaped and adapted to the *role of regional organizations* in seeking to prevent and resolve conflict.

The Council initially did not seek a lead role on crises in the Western Hemisphere, such as those of Central America and of Haiti, preferring to leave the Organization of American States (OAS) in the driver's seat.<sup>23</sup> Nevertheless, in circumstances in which the OAS proved incapable of achieving a negotiated settlement alone or in which parties to conflict and affected regional powers displayed greater confidence in the United Nations, the Council, sometimes reluctantly, did move to center stage, generally continuing to reserve some place for the OAS in its strategies.<sup>24</sup>

The Organization of African Unity experienced a disappointing decade, sometimes claiming the lead role in addressing the many conflicts bedeviling the continent, but unable to deliver any major settlements. The weakness of the organization was not due so much to its Secretariat, led by the widely respected Salim Salim, but rather to the difficulty its member states had in agreeing on political strategies to favor conflict resolution, in spite of the creation of an OAU conflict prevention "mechanisms" mid-decade.<sup>25</sup> Its relations with the UN were characterized by resentment over its own lack of

resources and political support from Member States and by justifiable demands that the world body not slough off responsibility for some of the worst conflicts of the decade on an under-resourced and divided regional body.

In a rather different vein, the Council and UN staff found themselves contending with an array of regional actors in the Former Yugoslavia, including European Community monitors (and some from further afield, such as Canada) within the ECMM mission, European Union civil administrators in Mostar, OSCE negotiators and NATO enforcement units in the skies and subsequently on the ground. The UN, with Council support and jointly with the European Community, led negotiations with various parties to the conflicts in the Former Yugoslavia (most memorably in the Vance-Owen configuration). In other conflicts, such as those in Georgia<sup>26</sup> and several in West Africa<sup>27</sup>, UN Missions mandated by the Council monitored the activities of regional organizations purportedly keeping or promoting the peace. This proved particularly delicate in Georgia, where peacekeeping forces of the Commonwealth of Independent States (CIS) were seen by a number of Western powers as neither markedly impartial nor as deserving treatment which might imply or confer recognition on the CIS as a respectable regional organization.

Late in the decade, with the Council stymied by several conflicts and disunited in facing major international challenges, regional organizations came to be seen by some as a possible if not particularly desirable substitute for the UN. However, with the exception of NATO, regional bodies generally commanded even scarcer resources and offered even more limited capacities than the UN. Furthermore, a system of international security founded on regional organizations begged the question of who would arbitrate differences between them and how this would be done. The UN Charter, for all of the many failures of UN Member States to live up to it, continued to serve as a beacon from this perspective, and the Council's authority, even if respected too often in the breach, remained indispensable.

The shifts in the nature and scope of Council decisions, many setting precedents even where the Council asserted that they did not, arose from evolving interpretations of the Charter and deeply affected understanding of sovereignty at the international level., both shaped by, and influencing, the Council.

### **Considerations driving Council decision-making**

An innovative feature of the Council's decisions on a number of crises was its *concern over the humanitarian plight of civilian victims of conflicts*, particularly refugees. Refugees were hardly a new topic of concern for the Council.<sup>28</sup> The miserable fate of Palestinian refugees proved a spur (at least nominally) to the Arab-Israeli dispute following Israel's war of independence in 1947-48, leading also to the creation of a UN agency, UNRWA, exclusively dedicated to their welfare. Those displaced by war, particularly where mass exoduses of the population occurred, had long been seen as deserving the care of the international community and were among the prime "clients" of both the Red Cross system (ICRC and the Federation of World Red Cross and Red

Crescent Societies) and the UN High Commissioner for Refugees. Nevertheless, in the 1990s as never before, the Security Council invoked the plight of refugees and their implied destabilizing effect on neighbouring States as grounds for its own involvement in conflict. Early Council resolutions on the Former Yugoslavia<sup>29</sup> and on Somalia<sup>30</sup> illustrate this development. Any threat that the Haitian crisis of democracy in 1991-94 may actually have posed to international peace and security could only have arisen from the outflow of Haitian boat-people which might have threatened to engulf a number of Caribbean countries had the shores of Florida not been their preferred destination. (As it was, the burden on several Caribbean countries and dependencies arising from inflows of Haitians should not be minimized). The widespread acceptance that refugee flows could actually be a major catalyst to conflict, rather than merely an outcome of it, was new.

Furthermore, the intense, if highly selective, media scrutiny (the so-called “CNN effect”) of horrendous conditions endured by victims of war impelled populations world-wide to press their governments to alleviate extreme suffering arising from a variety of conflicts. Several factors conspired to focus attention on the UN to act on behalf of the international community: the limited impact of most bilateral assistance in these dramatic circumstances; the existence of several UN specialized agencies with the skills and “critical mass” required; and the possibility for the UN to deploy peace missions of various types and sizes with mandates focused on humanitarian objectives or at least including them. The most important consideration for many governments was that in delegating to the United Nations the responsibility to act, mostly in situations where few vital national interests were at stake, the costs and risks of response nationally were usefully curtailed. At the peak of media and public fervor for humanitarian initiative, in the early 1990s, a lively debate unfolded over not only the international right to intervene in the internal affairs of countries to save civilian lives but also a purported duty to do so.<sup>31</sup> By the bleaker end of the decade, with millions suffering untold horrors unassisted, mainly in Africa, this debate rang hollow in the absence of any actual desire to intervene on the part of those governments with the capacities to do so. Indeed, efforts by the UN to administer Kosovo (alongside the NATO-dominated military deployment of KFOR) were proving once again, by late 1999, how difficult ambitious humanitarian action can prove.

Canada chose the plight of civilians in war as the theme of its Security Council presidency in February 1999.<sup>32</sup> The Netherlands has also focused heavily on this question during its 1999-2000 terms on the Council. Practical measures to protect civilian populations, particularly women and children, from the ravages of war are all the more urgent and difficult in the conflicts of the 1990s where civilians are frequently targeted rather than simply absorb collateral damage from military operations. Dutch and Canadian advocacy on this front is paying off: UN Secretary-General Kofi Annan and many others have been increasingly echoing his calls for action in this area, not least by instituting effective accountability for those violating humanitarian norms pertaining to civilians.<sup>33</sup> My predecessor at the International Peace Academy (IPA), Olara Otunnu, has succeeded brilliantly in directing international attention to the plight of children in armed conflict, not least those pressed into service as combatants.<sup>34</sup> The Carnegie Corporation, led by Vartan Gregorian, in partnership with IPA, in September 1999 launched work on

how to move beyond the normative framework developed since the first Hague Peace Conference in 1899 on the regulation of war to the actual protection of civilians today in actual theatres of war.<sup>35</sup> Given the types of weaponry widely available and traded today and the belligerents of the 1990s, who are rarely knowledgeable about or interested in multilateral treaties in this field, this task will not be easy.

*Human rights*, long cloistered within intergovernmental machinery and Secretariat bureaucracy designed in part to keep the topic at a safe distance from those responsible for international peace and security at the UN, burst onto the Security Council's agenda with the realization that civil strife was not amenable to negotiated solutions as long as human rights continued to be massively violated. For this reason, the protection, promotion and monitoring of human rights formed an important and uncontroversial part of the mandates of several UN peacekeeping operations, notably in El Salvador and Guatemala.<sup>36</sup> Where this was not the case, as in Rwanda and Haiti, the UN General Assembly, as part of the broader UN strategy, often deployed parallel human rights missions. This tendency to address human rights objectives in Security Council debates and decisions was reinforced by the appointment of a UN High Commissioner for Human Rights as of 1994.<sup>37</sup> Although the first incumbent, an accomplished Ecuadorian politician and diplomat, proved lack-luster in this role, his successor, Mary Robinson, a former President of Eire, adopted a more assertive approach to her responsibilities, putting pressure on the Council (even while underscoring a frequent lack of coordination and identity of view within the UN system). The quandaries faced by the Council in factoring human rights considerations into its decisions were highlighted when the parties to Sierra Leone's civil war reached a peace agreement in mid-1999 including sweeping amnesty provisions against which Mrs. Robinson sharply protested (and over which the UN Secretary-General's representative at the peace pact's signing ceremony had registered a formal reservation). On the one hand, Sierra Leone's population was clearly eager for peace on virtually any terms; on the other, the agreement's amnesty provisions patently ran against long-standing and emerging human rights norms. The saw-off seemed to be that those requiring and benefiting from the amnesty need not expect to do so unimpeded beyond Sierra Leone's borders.

The Council also appeared to be increasingly engaged in the promotion of *democracy*, inter alia by mandating the organization and monitoring of elections, a trend as unlikely during the Cold War as would have been the driving force of humanitarian considerations and the Council's role on human rights in the 1990s.<sup>38</sup> Nevertheless, the Council favored electoral processes not so much as an end in themselves, but rather as a means of effecting a "new deal" in countries emerging from civil war in which power could, in some cases, be shared with former combatants in rough proportion to electoral results. Such elections proved an unreliable indicator of the extent to which genuinely democratic cultures would take root. The stilted, power-driven and unstable coalition arrangements resulting from Cambodia's UN-monitored elections of 1993 and 1998 contrast with the more natural, relaxed electoral rhythms apparently achieved in El Salvador, where an alternation of power between rival parties seems more likely in the long run.

The UN's mushrooming electoral activities, very much driven by demand rather than supply of the personnel and other resources required for effectiveness in this field, presented multiple dangers for the organization. Countries having required electoral assistance once were likely to require it again, due to the high level of political tension and the limited degree of administrative and security capacity. In addition, many of the elections observed by UN teams were conducted in adverse circumstances, often contributing to results which could barely be described as having been attained freely and fairly. Short of massive fraud, UN electoral missions were loath to risk igniting or re-igniting civil strife by contesting the results of polling and, consequently, were seen as willing to compromise on principle and to be less than the impartial arbiters local parties had a right to expect. Losers were rarely gracious and the UN was little thanked for its prominent role in such electoral process, frequently along-side regional organizations and non-governmental teams of eminent persons such as those associated with former US President Jimmy Carter.<sup>39</sup>

### **Institutional Developments**

Under intense pressure from Member States not serving on the Council, particularly the "Troop Contributing Nations" (TCNs), which provided personnel and materiel to the UN for peacekeeping operations (PKOs), and which were intensely irritated by the *UNSC's working methods*, the Council, quite reluctantly, allowed some light to shine on its autocratic and opaque proceedings in the early 1990s.<sup>40</sup> The origins of the problem were quite recent. Council members, and the P-5 in particular, had always needed to consult privately among themselves. However, with active cooperation among the permanent members increasingly the norm by 1990, the P-5 saw little value in continuing to conduct much of the Council's business in open, public meetings. "Informal consultations" or "informals", closed to all non-Council members and most secretariat staff and leaving no formal record, became the norm. Non-members were in the dark on the agenda of upcoming informals, and had to scramble for information, feeding off scraps provided in the ante-chamber by those emerging from the consultations, a humiliating experience for the supplicants. By 1992, leading non-Council TCNs such as Canada, the Netherlands, Malaysia, India, Argentina, Pakistan and some Scandinavian countries were making it clear that if the Council expected them to provide national assets in support of Council decisions, often in risky circumstances, at a minimum their consultation was required, at least in some formal, face-saving sense. As a result, a number of measures were adopted to introduce greater clarity in the Council's program of work and meetings between the Council and TCNs (long resisted by the P-5, which preferred TCNs to meet merely with the secretariat) started occurring in 1994.<sup>41</sup>

A somewhat related development was the emergence of *groups of friends*, composed of countries influential in a given crisis.<sup>42</sup> Some of these groups, such as that on Haiti, were convened at the invitation of the Secretary-General, while others constituted themselves, with several hybrid varieties emerging. They generally featured one or several permanent members, either formally or in the wings (as was the case with the USA on El Salvador). Their purpose was not only to advise the Secretary-General and Council on strategies to promote settlement of the conflict and implementation of a peace agreement,

but also to serve as a potent lobby group *vis a vis* parties to the conflict, regional actors and the General Assembly (from which decisions relating to Council strategies were sometimes required in such areas as human rights monitoring and always on the financing of its initiatives). Often, representatives in the field of such groups, or of Security Council members, helped support locally the efforts of the Secretary-General's Special Representatives (SRSGs), as was the case in Cambodia, Mozambique and Haiti.<sup>43</sup> Complaints were sometimes heard that such groups usurped the role of the full Council, and the secretariat occasionally voiced concern that the Secretary-General was sometimes unhelpfully constrained by them, but given the vastly increased pressure for action within this body, most members saw groups of friends as a useful clearing house for consideration of options by the Council as a whole.

The *relationship of the three Secretary-Generals of the 1990s with the Council* varied. Javier Perez de Cuellar of Peru completed his distinguished, quietly creative, but somewhat understated stewardship in 1991. He had done much to encourage the Council to play a more active role and was highly regarded by most of its members. Boutros Boutros-Ghali, of Egypt, who took office in early 1992, proved himself a passionate and well-reasoned advocate of a stronger UN role in conflict resolution and post-conflict peacebuilding, launching his seminal *Agenda For Peace* in mid-1992, following the only Security Council Summit of leaders in the body's history. However, he was damaged by the UN's reverses in the Former Yugoslavia and Somalia. His brittle personality and tone-deafness relative to the US domestic political scene brought him into conflict with the Washington Administration. The latter, in spite of superficially strong support for Boutros-Ghali by the rest of the UN membership, vetoed his re-election and ensured that of Kofi Annan of Ghana in late 1995. Annan, the first career UN official to hold the position, on assuming his new responsibilities in 1996, staked out new ground in championing human rights and concern for civilians in war as key themes. His advocacy of humanitarian intervention was articulated most unambiguously in a speech to the UN General Assembly on 20 September 1999.<sup>44</sup> In spite of his commitment to these and other values held dear in Washington, the USA clashed with him over his handling of the Iraqi regime and sought to limit his role in addressing the Kosovo crisis. Nevertheless, at the decade's end, the quietly charismatic Annan remained, in the view of many seasoned observers of the UN scene, the only other Secretary-General enjoying the esteem accorded the legendary Dag Hammarskjöld (admired most fully after his untimely demise in 1961).<sup>45</sup>

The Council's expanding role in the early 1990s, and both the number and sweeping scope of its resolutions, gave rise to growing calls for *judicial review* of its decisions by the World Court.<sup>46</sup> Libya contested the Council's decisions targeting it, clearly embarrassing the Court, which prudently awaited the 1999 diplomatic solution to the impasse pitting the Council against Tripoli throughout most of the decade before addressing the merits of the case (over which it did accept jurisdiction, much to the annoyance of some of the P-5).<sup>47</sup> Pressure for judicial review, as well as for access to advisory opinions from the Court on peace and security issues by the Secretary-General (a proposal advanced by Boutros Boutros-Ghali in *An Agenda for Peace* of 1992) was

resisted by the P-5, but a sense of inevitability developed over growing involvement of the Court in the Council's institutional life.

The Council in the 1990s may be remembered in part for its contribution to *radical innovation in international criminal law*, notably through its creation of *ad hoc* International Criminal Tribunals for the Former Yugoslavia in 1993 and Rwanda in 1994 to bring to justice those responsible for war crimes, crimes against humanity and genocide.<sup>48</sup> The foremost champion of these tribunals was the United States (possibly because of frustration over its own inability at the time to influence the course of events on the ground in the Former Yugoslavia due to sharp policy differences with European allies and guilt over its refusal to confront genocide in Rwanda). The creation of the tribunals greatly intensified pressures for a permanent International Criminal Court with universal jurisdiction, but when a Statute for this Court was adopted in Rome in 1998, the USA, alone with six other countries of varying respectability, voted against the text out of concern over its potential implications for US citizens, particularly US troops serving abroad. Negotiations continued throughout 1999 on operational modalities for the Court and efforts were quietly made to frame understandings of the Statute allowing the USA, some day, to sign on.

The role and interaction of *non-governmental organizations* (NGOs) with respect to the Security Council both grew significantly and evolved in nature during the 1990s. NGOs have for many years been accredited by the UN Economic and Social Council (ECOSOC) to monitor and contribute to UN activity in a broad range of fields. The accrediting body itself suggests the extent to which NGOs were traditionally viewed as focused on economic and social issues such as the environment, human rights, humanitarian, health, labour, education and population issues. In the 1990s, conflicts, particularly of an internal nature, were increasingly seen as featuring economic and social causes as well as effects. For this reason, *inter alia*, relevant NGOs clamoured for access to the Council, for which the Charter and the Council's long-established working methods made no provision. The role of NGOs as major partners for the UN in humanitarian operations, the success of many NGO programs in the field, the mandate for the Secretariat's Department of Humanitarian Affairs to offer coordination services to NGOs as well as official agencies, the mediagenic nature of some NGO activity and a rapidly spreading fad late in the decade in favor of interaction with "civil society" (a term never satisfactorily defined) all conspired to encourage the Council to display greater openness to NGO views and more generous recognition of NGO achievements.<sup>49</sup> Within the Council, a number of governments, including Sweden, the Netherlands, Germany and Canada advocated greater access for NGOs (while the Secretary-General lavishly praised them). This was achieved in two ways: in a breakthrough of sorts, the Council met informally with a small group of NGOs in 1998. More meaningfully, although less visibly, Council members increasingly met with NGOs on their own and in groups not only to brief them on recent developments and upcoming debates in the informals but also to seek their input for Council decision-making.<sup>50</sup> While the sincerity of some Council members in engaging in these exchanges might be questioned, the achievement of genuine access, and the growing recognition of NGOs as significant and mostly

constructive contributors to international peace and security marked a new departure for the Council in its relations with the “outside” world.

### **Cumulative Impact of Council Decisions**

Arguably the most important, although one of the least noticed, of the consequences of Council decisions in the 1990s, taken as a whole, has been to erode and shift at the international level understanding of national *sovereignty*. By 1999, it was widely although not universally accepted that tyrants could no longer seek refuge behind the walls of sovereignty to shield themselves from international concern and even action over massive human rights violations and humanitarian catastrophes. The Council, by intervening repeatedly to address the humanitarian consequences of mostly civil wars, often authorizing coercive measures, and by designing increasingly complex and intrusive mandates for international actors within Member countries, sometimes without their consent, has not so much over-ridden article 2.7 of the Charter (which exempts Chapter VII decisions from its non-intervention provisions) but rather sharply redefined in practice our conception of what can constitute a threat to international peace and security and a proper topic for international intervention. The degree of intrusiveness the Council was prepared to mandate throughout the 1990s was striking even though its own members were not always helpful in implementing decisions involving risks to their nationals, for example in the arrest of those indicted by the International Criminal Tribunals.

### **The Path Ahead**

The major challenge facing the Council by the end of the decade was the parlous state of *relations between the USA and the UN*.<sup>51</sup> The Clinton Administration’s instinctive penchant for UN-bashing whenever in a tight spot from which blame might be delegated, first on view following the Mogadishu fiasco of 4 October 1993, was displayed again repeatedly in subsequent years. This was most tellingly the case when leaks from Washington in early 1999 suggested that the USA had used the UN expert body charged with overseeing and monitoring Iraq’s compliance with Security Council decisions on its weapons programs, UNSCOM, as a cover to spy on Iraq for its own, rather than UN, purposes.<sup>52</sup> Seeming to decide that the best defense was a strong offense, the Administration roundly attacked Kofi Annan through the US media for purported “appeasement” of the Iraqi regime<sup>53</sup>. Legislative strictures introduced in the mid-1990s had required the Administration to consult Congress prior to the launch or significant expansion of any UN peacekeeping operations, which, with both the House of Representatives and the Senate in the hands of the Republican majorities, produced a deadening effect on the Administration’s willingness to advocate or countenance large new UN peace missions. (The Administration was less explicitly constrained on its leadership of, or participation in, multinational coalitions not under the UN flag.) Indeed, so nervous was the Administration of an engagement with Congress on this front that it fretted endlessly in 1998 and 1999 over approval of tiny UN missions in the Central African Republic and in Sierra Leone involving little US staff or money. (Oddly enough, the approval by Washington in October 1999 of a large-scale peacekeeping operation in

Sierra Leone succeeding the UN's earlier small monitoring missions there proved less problematic because a formal settlement, however troubling in nature, had been reached by the parties to the conflict and because the need for a large international presence to nurture peace was by then so clear.)

Where American interests were perceived to be more centrally engaged in 1999, as in East Timor and Kosovo, the Administration did work to authorize and support sizeable UN civilian and police efforts on the ground, but its commitment to strong international action to counter Africa's slide into widespread civil conflict remained, at the UN, more rhetoric than reality. Furthermore, approval by the US in 1999 of large UN deployments in Kosovo, East Timor and Sierra Leone did not guarantee payment of their dues for these missions. The repayment of a significant portion of US arrears to the UN, amounting by the UN's account, to roughly \$ 1.7 billion in late 1999, was conditionally authorized by Congress in November 1999, but the range and scope of Congressional demands needing to be met before much of the repayment could be disbursed represented a major challenge for the US Administration in its relations with other Member States.<sup>54</sup> The new US Permanent Representative to the UN, the controversial but energetic Richard Holbrooke, confirmed only after a prolonged struggle with the US Senate, touted the tired theme of UN reform as his top priority, seemingly with an eye to domestic political advantage, but mounted an impressive campaign on repayment of arrears in the halls of Congress and elsewhere. His decision to devote the US presidency of the UN Security Council in January 2000 to issues of conflict in Africa, aiming particularly to turn the Council into the locus for meaningful negotiations among the relevant African Heads of State and Government on the fighting in the Democratic Republic of Congo, seemed promising.<sup>55</sup>

Implementation of Security Council resolutions on Iraq remains the most contentious issue today as between the UN and the US. After its criticism of Kofi Annan's attempt in February 1998 to negotiate a return by Iraq to compliance with these resolutions, noted above, it failed to gain support of most UN Member States for its policy of punitive bombing (with the UK) of Iraq since December 1998. Its insistence on maintaining in place a sanctions regime to encourage Iraqi compliance with UN efforts to prevent further development of weapons of mass destruction has also enjoyed decreasing support at the UN. UK efforts to broker a compromise between the US position and that of countries no longer willing to support the sanctions regime (although, in some cases, still prepared to adopt other measures to contain Iraq) led to a pyrrhic modification of the sanctions regime in December 1999, but there was a sense at the UN and in US political circles that the policy now lacked momentum and credibility.<sup>56</sup>

The UN featured in the US presidential election campaign of 2000, although only tangentially compared to the attacks of Senator Dole on UN Secretary-General Boutros Boutros-Ghali in 1996. Republican foreign policy advisors suggested that Washington should use the UN only in support of US interests narrowly defined.<sup>57</sup> (This stance is at some variance with the practice of the last Republican President, George Bush, and his Secretary of State, Jim Baker, who, during the years 1989-93, worked extensively through the UN on a broad range of topics, exhibiting considerable altruism on crises

such as Somalia.) A serious democratic challenger, Senator Bill Bradley, on the other hand, has suggested greater US reliance on the UN in addressing humanitarian and other global security crises.<sup>58</sup> From the debate among candidates, it was hard to discern, in mid-January 2000, where any of them would actually seek to move US-UN relations if elected.

*The role of the remaining P-5 members* was less clear by decade's end. On and off throughout the 1990s, the UK had largely dominated Council deliberations due to the skill of its representatives and its close alliance with the USA. It was not clear that this advantage could be sustained with Richard Holbrooke newly on the scene. As had been the case throughout the post-World War II period, France single-mindedly and with great finesse pursued its own interests in the Council. Although its Foreign Minister, Hubert Védrine, in early 1999 decried the emergence of an excessively dominant USA as an "*hyper-puissance*," France continued to work closely with the USA and UK on many files. While this was the case on such issues as Libya and Kosovo, France's position on Iraq, by 1999, was much closer to that of Moscow than that of Washington.<sup>59</sup> China remained mostly passive within the Council. Even after NATO bombers struck its Embassy in Belgrade, during their campaign to relieve oppression of Kosovo, China did not seek to block UNSC approval of a settlement crafted there by the Group of Eight countries. The only occasions on which China did display initiative related to diplomatic maneuvering by Taiwan for greater recognition. China threatened to veto a Security Council decision on Haiti in 1996, briefly vetoed Council action on Guatemala in 1997 and in early 1999 forced the withdrawal of the UN's preventive deployment of peacekeepers in Macedonia<sup>60</sup>, each time in order to contain or reverse diplomatic advances by Taipei. Given their own pursuit of narrow national interests within the Council, criticism of China's actions in this regard by several of its other members sounded unconvincing.

The most significant question mark over the Council, beyond the US stance, related to the *Russian Federation*. By 1998, Moscow, which had earlier viewed cooperation with other major powers in the Council as a means of ending without excessive loss of face so-called "regional" conflicts the world over which had been fuelled by the Cold War, was displaying a more jaundiced appreciation of its Western partners' policies on both Iraq and Kosovo. Russia was powerless to stop US and UK bombing of Iraq as of late 1998, but its furious attacks on UNSCOM Executive Chairman Butler in early 1999 helped seal the fate of the Commission.<sup>61</sup> Equally, it proved powerless to halt the NATO air campaign over Kosovo in the spring of 1999 (most humiliatingly highlighted by its failure to secure much support within the Security Council for a resolution to halt the bombing), but it was potentially too disruptive to be ignored by NATO countries, and was brought into the decision-making loop on Kosovo through the Group of Eight channel<sup>62</sup>. It subsequently staged a minor and somewhat farcical military offensive to seize control of Pristina Airport before NATO forces did so. These shenanigans on the ground translated both the depth of Russian frustration over its limited margin for maneuver even in its former strategic backyard and Moscow's need to demonstrate to the Russian population that it could still play a relevant role on the ground. The Russian Federation's unhappiness over Western use of force against Iraq and the Former

Yugoslavia without recourse to the Council for specific authorization (nullifying the impact of the Russian veto) did not immediately induce much reflection in Russia on what alternative, more positive approaches might work better for Moscow than threatening the use of the veto. Rather, the mood appeared to be one of sullen defiance on Iraq and Kosovo, somewhat mitigated by the genuine effort of Russian peacekeepers associated with KFOR to carry out their responsibilities – in the face of overwhelming hostility from the Kosovar population of Albanian extraction. As well, Russia worked closely with other Council Members to address the crises of East Timor, Sierra Leone, the African Great Lakes region and Angola, although its role on all was circumscribed by its severe resource constraints. Renewal of its military campaign against Chechnyan separatists in mid-1999 elicited widespread condemnation for its indiscriminate attacks on civilian targets, including from the UN Secretary-General. However, the issue was not placed on the Security Council agenda, reinforcing cynicism that double standards within the body strongly favour the P-5. While sympathy existed internationally for Russia's need to contain terrorist attacks on its own civilian population, the campaign smacked of domestic political opportunism by the faction in power in the Kremlin and did little to enhance Russia's stature at the UN.

Russia's performance within the Security Council was anchored its highly regarded and singularly accomplished Ambassador to the UN, Sergey Lavrov, but the degree of future Russian partnership with other Permanent Members in the conduct of Council business hung very much in the balance in late 1999. Key factors included pressure from domestic quarters to demonstrate Russian foreign policy independence and whether Moscow could afford to accommodate such pressures meaningfully given its precarious financial position and reliance on Western sources of funding to remain solvent. The resignation of Boris Yeltsin as President of Russia as the century turned, and the electoral climate it spawned in Russia did nothing to dissipate this uncertainty.

*Africa* remained the sore point on the Council's agenda. The UN's failing peacekeeping operation in Angola was withdrawn in February 1999<sup>63</sup>. The UN Security Council did little to solve the acute problems of tiny Guinea-Bissau.<sup>64</sup> The conflict in Eastern Congo continued to draw in numerous neighbouring countries and the settlement reached mid-year appeared so fragile as to militate against deployment of a UN peacekeeping operation.<sup>65</sup> This conflict split SADCC, the sub-regional organization of Southern Africa, with Zimbabwe and South Africa, its two most powerful members, placing them at loggerheads. Negotiations towards a settlement in Sierra Leone culminated in an agreement mid-year that looked more like a division of the spoils (with the lion's share going to the murderous rebel RUF) than a recipe for future national concord.<sup>66</sup> Its amnesty provisions were particularly sweeping and controversial. A largely pointless but deadly war raged between Ethiopia and Eritrea, two of the poorest countries of the world, during much of the year, defying the efforts of the OAU and the US to bring the belligerents to their senses. In spite of efforts by France, the UK and the US to equip and train a number of African armed forces to lead regional peacekeeping efforts, the UN's active involvement continued to be sought by the Africans, and response from the countries of the North was at best ambivalent. With approval by the Security Council of the 6000-strong UN peacekeeping operation for Sierra Leone in October 1999<sup>67</sup>, Western

countries appeared to be standing up to their responsibilities, but few volunteered personnel and equipment in significant numbers. The prospect of a future peacekeeping operation in the Congo – Kofi Annan has mentioned a requirement for as many as 15,000 troops – produces hyperventilation among many Western delegations, whose armed forces are already spread thin in Bosnia, Kosovo and East Timor. The industrialized countries need to think hard about their attitudes towards Africa and offer more assistance in conflict prevention, peace implementation and post-war reconstruction in years ahead. African leaders and societies need to provide stronger support to the OAU and sub-regional organizations and move from rhetoric to action on improved governance, as Nigeria currently is trying to do.

*Reform of the Security Council* remained a live issue at the decade's end. Pressure for reform had sprung from several sources.<sup>68</sup> The Council's activism in the early 1990s made it a more valuable place to sit. The hermetic nature of its working methods excited greater attention at a time when its decisions were proving genuinely important. In an era marked by P-5 cooperation, and a P-5 tendency to impose decisions on the remainder of the Council, resentment of the permanent members grew and the resentment focused largely on their possession of the veto, paradoxically since the veto was so little used during the 1990s. Indeed, only nine vetoes have been cast since January 1990, compared to 192 previous ones in the years 1946-1989.

In 1993, ginger consultations hosted by Singapore were launched by key Member States on how to proceed with a reform agenda encompassing working methods, the veto and composition of the Council, it being recognized that any modification in the latter could only lead to expansion of its membership. Under intense pressure from TCN's, the Council's working methods became more transparent and the Council itself somewhat more accessible to non-Member States (and NGOs), but its reliance on informal consultations as the locus for decision-making rather than open meetings remained marked. Discussion of the veto revealed broad understanding of why it had been necessary during the Cold War but also confirmation that it was widely seen by most delegations now as undesirable. It was clear, however, that the existing P-5 members would not willingly give up their vetoes and could not be compelled to do so under Charter provisions. For this reason, debate focused more on whether any new Permanent Members should be granted vetoes rather than on veto suppression. The proposal that vetoes only stand when two or more Permanent Members had cast them seemed highly unlikely to be accepted by the USA and the other P-5 members. Voluntary agreement among Permanent Members to use the veto only in relation to decisions under Chapter VII of the Charter (which would, for example, eliminate vetoes on the selection of the UN Secretary-General) seemed only slightly less unrealistic.

Expansion of the Security Council proved by far the most difficult element of the package. Germany and Japan early on signaled their wish to be allocated Permanent seats. They alternately demanded and waffled on their wish for a veto, emphasizing at times that the Council should not feature "second-class" permanent members. (This proved sufficiently unpopular among small member states as to encourage the fudging of

this demand in hopes of securing greater support for their candidacy to a permanent seat.) Developing countries made clear that any expansion of the permanent membership of the Council would have to include the allocation of several new permanent seats to the developing world, notionally a new seat each for developing countries in Asia, Africa and Latin America. However, there was little agreement among them on which countries should be granted these permanent seats. While Brazil seemed an obvious candidate for Latin America, the issue generated a squall in Brazilian bilateral relations with Argentina mid-decade. In Africa, none of Egypt (more Arab than African), South Africa (under new and very busy management) and Nigeria (oppressed by a highly reprehensible military regime for most of the 1990s) seemed entirely satisfactory candidates. In Asia, the obvious contender, India, was violently opposed by Pakistan, while Indonesia quietly registered a claim of its own. Meanwhile, a range of “middle powers” strongly opposed any allocation of new permanent seats, instead proposing a variety of schemes including the rotation of several countries through new non-permanent seats. At times, the only likely outcome seemed a limited expansion of the Council’s non-permanent seats, weighted to accommodate the developing countries so clearly under-represented in existing seat distribution arrangements.<sup>69</sup>

By decade’s end, seven years after serious discussion of Council reform had been initiated, no progress had been registered, except for limited gains in transparency in the Council’s modus operandi. Nevertheless, the issue continued to arouse bitter resentments and promised to remain controversial well into the new millennium.

## **Conclusion**

The early 1990s showed the Council at its most optimistic and activist, leading to some notable successes, as in El Salvador and Mozambique. Wishful thinking on resources, increasing risk, poor planning, the dilution of responsibility inevitable in committee decision-making, and the absence of a powerful and consistently engaged leader among its members all contributed to the Council’s subsequent decline into recrimination, risk-aversion and flight from reality. Its pretense of busyness, underscored by myriad resolutions and presidential statements of barely passing interest, fails to disguise its disorientation by the end of 1999. Nevertheless, often *faute de mieux*, particularly given the limited capacities of most regional organizations, the UN was again called upon in 1999 to deploy large peace operations in Kosovo, East Timor and Sierra Leone. After several years during which United States domestic political factors seriously constrained its capacity to act, the role of the Security Council not only in conferring legitimacy on certain forms of international intervention but also in providing a mechanism for burden-sharing of expenses and risk, in an era averse to both, is once again proving indispensable.

Even in its darkest hours mid-decade, no alternative international institution was mooted to supplant the Council. Indeed, the degree of consensus which would be required to create a different multilateral structure to promote collective security is inconceivable in the absence of a global cataclysm. Thus, the Council is fated to muster on. Stronger, more sympathetic US leadership in the Council is urgently required (and perhaps not precluded forever as the cycle of US politics moved inexorably forward). While all is not for the best in the best of all possible Councils, its Permanent Members are stuck with each other, and the rest of the Member States with them. In years ahead, through decisions taken on a case-by-case basis, they will continue to chart the course of international relations on such sensitive and important issues as humanitarian intervention. Study of the Security Council has never been more interesting.

## Notes

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<sup>1</sup> David Malone is President of the International Peace Academy in New York. A career Canadian Foreign Service Officer, he has served as Director General of the Policy Staff, and of both the International Organizations and Global Issues Bureaus of the Department of Foreign Affairs and International Trade. He has also served as Canada's Ambassador and Deputy Permanent Representative to the United Nations and chaired the UN Special Committee on Peacekeeping Operations and the UN General Assembly consultations on peacekeeping, 1992-94.

<sup>2</sup> SG/SM/3956 of 13 January 1987: 5.

<sup>3</sup> For an account of the evolving dynamics within the Security Council, see Cameron Hume, *The United Nations, Iran and Iraq: How Peacemaking Changed* (Bloomington: University of Indiana press, 1994) and C.S.R Murphy, "Change and Continuity in the Functioning of the Security Council Since the End of the Cold War," *International Studies* 32,4 (1995): 423.

<sup>4</sup> For documents relating to the Canadian Human Security Initiative, see Canadian Foreign Affairs and International Trade Department, "Human Security: Safety for People in a Changing World," April 1999.

<sup>5</sup> How far the Council's agenda has opened up to non-traditional issues can be gauged from its refusal, in 1989 to accede to UK pressure for discussion of international narco-trafficking and environmental issues as potential threats to peace, while, on 10 January 2000, under a US presidency (in the person of Vice-President Al Gore), it engaged in a debate on the implications of the AIDS pandemic in Africa for stability and peace on that continent in the XXI century. This development struck some observers as ironic given long-standing US skepticism of Security Council debates on "thematic" issues. To the irritation of some Security Council members, used to – and comfortable with – an increasingly stodgy and defensive US stance in the Council, the new US Permanent

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Representative to the UN, Richard Holbrooke, was seizing with more imagination than some of his predecessors on the opportunities the Council can present for debates of wide public interest.

<sup>6</sup> For discussion of the evolution of peacekeeping, see in particular Thomas G. Weiss, David P. Forsythe and Roger A Coate, *The United Nations in a Changing World*, 2<sup>nd</sup> Ed. (Boulder, CO: Westview Press, 1997).

<sup>7</sup> See in particular Michael C. Williams, *Civil-military relations and peacekeeping* (London; New York: Oxford University Press, 1998).

<sup>8</sup> See Steven R. Ratner, *The New UN peacekeeping: Building Peace in Lands of Conflict After the Cold War* (New York: St. Martins press with the Council on Foreign Relations, 1996).

<sup>9</sup> There is a plethora of literature regarding the Former Yugoslavia and constraints and obstacles encountered in the field, including: Adam Roberts, "Communal Conflict as a Challenge to International Organization: The Case of Former Yugoslavia," *Review of International Studies* 21 (1995): 389-410; International Crisis Group, "Kosovo: Lets Learn from Bosnia – Models and Methods of International Administration," Sarajevo, Bosnia, 17 May, 1999.

<sup>10</sup> 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) and more recently Mark Bowden, *Black Hawk Down: A Story of Modern War* (Atlantic Monthly Press, 1999).

<sup>11</sup> David M. Malone, *Decision-Making in the UN Security Council: The Case of Haiti* (Oxford: Clarendon Press, 1998); also James F. Dobbins, "Haiti: A Case Study in Post-Cold War Peacekeeping," *ISD Reports* II.I (Washington D.C.: Institute for the Study of Diplomacy, Georgetown University, October 1995).; and on Haiti and Somalia see David Bentley and Robert Oakley, "Peace Operations: A Comparison of Somalia and Haiti," *Strategic Forum* 30 (Washington D.C.: Institute for National Strategic Studies, National Defense University, May 1995).

<sup>12</sup> See in particular Gérard Prunier, *The Rwanda crisis : history of a genocide* (New York : Columbia University Press, 1995); Michael Barnett, "The UN Security Council, Indifference and Genocide in Rwanda," *Cultural Anthropology*, 12,4 (1997): 551; and J. Matthew Vaccaro, "The Politics of Genocide: Peacekeeping and Disaster Relief in Rwanda," in William J. Durch, ed., *The UN, Peacekeeping, American Policy and the Uncivil Wars of the 1990s* (New York: St. Martin's Press, 1996).

<sup>13</sup> For an excellent reference work covering UN peacekeeping operations from 1947 to the present, see Oliver Ramsbotham and Tom Woodhouse, *Encyclopedia of international peacekeeping operations* (Santa Barbara, CA: ABC-CLIO, 1999).

<sup>14</sup> UN Department of Political Affairs, "A Brief Overview of Security Council Applied Sanctions," *Interlaken* 2, 1998.

<sup>15</sup> For an in-depth discussion of the Council's experience with sanctions regimes since 1990, see David Cortright and George Lopez, *The Sanctions Decade*, An IPA Project, Boulder, CA: Lynne Rienner, 2000 (forthcoming)

<sup>16</sup> For a recent discussion of sanctions and the increasing use of targeted sanctions, see Daniel W. Drezner, *The sanctions paradox: economic statecraft and international relations* (Cambridge: Cambridge University Press, 1999).

<sup>17</sup> See Security Council resolution (SCR) 1267 of 15 October 1999

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<sup>18</sup> See the German Permanent Mission to the UN website for details on this:

<http://www.undp.org/missions/germany/state.htm>

<sup>19</sup> See Canada on the UN Security Council 1999-2000:

<http://www.un.int/canada/english.html>

<sup>20</sup> For a recent articulation of the Canadian initiative on Angola, see Ambassador Robert R. Fowler, “Notes for an Intervention by H.E. Robert R. Fowler, Ambassador and Permanent Representative of Canada, to the United Nations Security Council on the Humanitarian Situation in Angola,” Canada on the UN Security Council 1999-2000, 23 August 1999.

<sup>21</sup> “Le négociant De Beers arrête tout achat de diamants d'Angola,” *AFP*, mercredi 6 octobre, 1999.

<sup>22</sup> The Sanctions Committee on Angola was established by UN Security Council Resolution 864 in 1993. For a report regarding recent developments in the committee, see UN document S/1999/147.

<sup>23</sup> David M. Malone, “Haiti and the International Community: A Case Study,” *Survival* 39,2 (Summer 1997): 126-145.

<sup>24</sup> William G. O’Neil, “Human Rights Monitoring vs. Political Expediency: The Experience of the OAS/U Mission in Haiti,” *Harvard Human Rights Journal* VIII (Spring 1995): 101-28 and United Nations/OAS, “Haiti – Learning the Hard Way: The UN/OAS Human Rights Monitoring Operation in Haiti, 1993-94” (New York: United Nations, 1995).

<sup>25</sup> For a first hand account of this, see Salim Ahmed Salim, “The OAU Role in Conflict Management,” in Olara A. Otunnu and Michael W. Doyle, *Peacemaking and Peacekeeping for the New Century* (Lanham MD: Rowman and Littlefield Publishers, 1996): 245-253. See also in this volume, Ali A. Mazrui. “The Failed State and Political Collapse in Africa,” 233-43.

<sup>26</sup> UN Observer Mission in Georgia (UNOMIG) was established by UN Security Council Resolution 853 in 1993 with the task of observing the operation of the peacekeeping force of the Commonwealth of Independent States (CIS) among others.

<sup>27</sup> The UN Observer Mission in Liberia (UNOMIL) is a pertinent example of the UN working closely with regional organizations: established in September 1993 under UN Security Council Resolution 866, its mandate was to exercise its ‘good offices’ to support efforts of ECOWAS and the Liberian Transitional Government.

<sup>28</sup> Weiss, Forsythe and Coate, *The United Nations and Changing World Politics*; Francis Kofi Abiew, *The Evolution of the Doctrine and Practice of Humanitarian Intervention* (The Hague; Boston: Kluwer Law International, 1999); Stephen A. Garrett, *Doing Good and Doing Well: An Examination of Humanitarian Intervention* (Westport, Conn: Praeger, 1999).

<sup>29</sup> See the Secretary-General’s report (S/23069, 1991) and Security Council Resolution (SCR) 713 (1991) declaring that the “rapid loss of human life and widespread material damage” were a threat to international peace and security, largely due to the spillover of refugees on neighboring countries.

<sup>30</sup> See the Secretary-General’s report requesting the Security Council to take up the case of Somalia (S/23445, 1991) and Security Council Resolution 733(1992) similarly concerned by the spillover of refugees on the safety and security of bordering countries.

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<sup>31</sup> Jonathan Moore, ed., *Hard Choices: Moral Dilemmas in Humanitarian Intervention* (Lanham MD: Rowman and Littlefield Publishers, 1998) is a good collection of works broaching this debate.

<sup>32</sup> For a concise statement of the Canadian Human Security policy, see Canadian Department of Foreign Affairs and International Trade, *Human Security: Safety for people in a Changing World*, April 1999 (<http://www.dfait-maeci.gc.ca/foreignp/HumanSecurity/secur-e.htm>); see also Canada on the UN Security Council 1999-2000: website: <http://www.un.int/canada/english.html>.

<sup>33</sup> See S/PRST/1999/6 of 12 February 1999.

<sup>34</sup> Ambassador Otunnu is currently serving as Under-Secretary-General to the UN for Children and Armed Conflict.

<sup>35</sup> *Civilians In War: 100 Years After The Hague Conference*, Charles Cater, Elizabeth Cousens and Bruce Jones (eds.), An International Peace Academy Project, Boulder, CA: Lynne Rienner, 2000 (forthcoming).

<sup>36</sup> On El Salvador, see in particular Michael W. Doyle, Ian Johnstone and Robert C. Orr (Eds.), *Keeping the Peace: Multidimensional UN Operations in Cambodia and El Salvador* (Cambridge: Cambridge University Press, 1997).

<sup>37</sup> Mr. José Ayala-Lasso of Ecuador assumed the post of the first United Nations High Commissioner for Human Rights on 5 April 1994.

<sup>38</sup> Ratner, *The New UN Peacekeeping: Building Peace in Lands of Conflict After the Cold War*.

<sup>39</sup> For an excellent work dealing with elections in post-conflict situations, see Krishna Kumar, ed., *Postconflict Elections, Democratization and International Assistance* (Boulder, CO: Lynne Rienner Publishers, 1998).

<sup>40</sup> Sydney D. Bailey and Sam Daws, *The Procedure of the UN Security Council*, 3<sup>rd</sup> Ed (Oxford: Clarendon Press, 1998) is the benchmark volume on the working methods of the Security Council and a splendid achievement. To gauge how these working methods have changed over time, see Michael Wood, "Security Council Working Method and Procedure: Recent Developments," *The International and Comparative Law Quarterly* 45 (January 1996): 150-61.

<sup>41</sup> Previously, the Security Council considered TCN interests to be confined to the implementation of mandates by the Secretariat rather than the formulation of these by the Council. Subsequently, TCN meetings came to be co-chaired in many instances by the Secretariat and the Council Presidency. See S/PRST/1994/22 of 3 May 1994 and S/PRST/1994/62 of 4 November 1994. In March of 1996, the Council established a more structured approach to consultations with TCN's (S/PRST/1996/13 of 28 March 1996).

<sup>42</sup> An interesting first-person account of a Group of Friends can be found in "Diplomacy and the Four Friends of Haiti", Diego Arria, in *Haitian Frustrations: Dilemmas for US Policy*, Georges Fauriol (ed.), Washington, DC, Center for Strategic and International Studies, 1995, pp. 96-97.

<sup>43</sup> For an illustration of the workings of the 'Groups of friends' mechanism, see Diego Arria, "Diplomacy and the Four Friends of Haiti," in Georges Fauriol, ed., *Haitian Frustration, Dilemmas for US Foreign Policy* (Washington D.C: Center for Strategic and International Studies, 1995).

<sup>44</sup> This speech was published as an article in *The Economist*: "Two Concepts of Sovereignty," 18 September 1999.

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<sup>45</sup> Kofi Annan's willingness to accept unreserved personal responsibility for his role (while UN Under-Secretary-General for Peacekeeping Operations) in the slaughter of civilians at Srebrenica in 1995 and in the UN's hideously inadequate response to genocide in Rwanda in 1994, in the wake of detailed reports issued on the UN's lamentable performance on these two occasions during the fall of 1999, seemed to have enhanced his standing with some observers while undermining it with others. See "Kofi Annan Unsettles People, As He Believes He Should", Barbara Crossette, *New York Times*, 31 December 1999, p.1.

<sup>46</sup> See Dapo Akande, "The International Court of Justice and the Security Council: Is there room for judicial control of decisions of the political organs of the United Nations?", *The International and Comparative Law Quarterly* 46,2 (1997): 309; and Mohammed Bedjaoui, *Nouvel ordre mondial et contrôle de la légalité des actes du Conseil de sécurité* (Brussels: Bruylant, 1994).

<sup>47</sup> See *Middle East International* #50, "Libya, the ICJ and the Security Council," (1998): 18.

<sup>48</sup> See Security Council Resolution 808 and 827 (1993) on the Former Yugoslav Tribunal, and Security Council Resolution 955 (1994) on Rwanda.

<sup>49</sup> See Francis Kofi Abiew and Tom Keating, "NGO's and UN Peacekeeping Operations: Strange Bedfellows," *International Peacekeeping* 6,2 (Summer 1999): 89-111.

<sup>50</sup> These consultations, arranged by the Global Policy Forum and involving approximately 30 NGOs (in the fields of humanitarian relief, human rights, disarmament, faith, global governance and development) are conducted through a Working Group founded in 1995. This group receives remarkably frank off-the-record briefings from the Security Council presidency and other individual delegations on Council deliberations.

<sup>51</sup> For a first hand if self-pitying account of this see Boutros Boutros-Ghali, *Unvanquished: a U.S.-U.N. saga* (New York: Random House, 1999). Also, David M. Malone, "Goodbye UNSCOM: A Tale in UN-US Relations," *Security Dialogue*, Vol. 30, No. 4, December 1999, pp. 393-411.

<sup>52</sup> See Philip Shenon, "Ex-Inspector Cites early Role of CIA on UN Arms team," *The New York Times*, 23 February 1999.

<sup>53</sup> See Philip Shenon, "Former Arms Inspector is Criticized by State Department," *The New York Times*, 24 February, 1999.

<sup>54</sup> For Secretary-General Kofi Annan's positive but cautious reaction to this development, see SG/SM7229 19 November 1999.

<sup>55</sup> See "UN Leadership at the UN, editorial, *New York Times*, 4 January 2000".

<sup>56</sup> See SCR 1284 of 17 December 1999. Which created a new UN monitoring operation, UNMOVIC, to replace a discredited and paralyzed UNSCOM.

<sup>57</sup> See "Promoting the National Interest", Condoleezza Rice, *Foreign Affairs*, January/February 2000 and "A Republican Foreign Policy", Robert B. Zoellick, *Foreign Affairs*, January/February 2000.

<sup>58</sup> Transcript of remarks made by Senator Bill Bradley at the Fletcher School of Law and Diplomacy, Tufts University, 29 November 1999 at a Foreign Policy Town Meeting.

<sup>59</sup> For an official statement of French policy relating to Iraq, see "La France et la crise des sites présidentiels" at <http://www.diplomatie.fr/cominfo/dossiers/iraq.html>

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<sup>60</sup> See the press release SC/6648 on this question and the draft resolution S/199/201 of 25 February 1999.

<sup>61</sup> For a recent letter from the Secretary General to the Director of the IAEA detailing the past and current stalemate on this question, see S/1999/393 of 7 April 1999.

<sup>62</sup> A resolution advanced in the Security Council on 26 March 1999 by Russia and some others seeking to condemn and halt NATO bombing against the Belgrade regime, was defeated 12-3, thus seriously undermining Moscow's position on Kosovo at the UN. For text of the resolution and an account of the related Security Council debate, please see UN Press Release SC/6659 of 26 March 1999.

<sup>63</sup> See Security Council Resolution 1229 of 26 February 1999.

<sup>64</sup> Security Council Resolution 1233 of 6 April 1999 weakly emphasizes "the primary responsibility for achieving lasting peace in Guinea-Bissau rests with the parties and strongly calls upon them to implement fully all the provisions of the Abuja Agreement and subsequent undertakings."

<sup>65</sup> See Security Council Resolution 1258 of 6 August 1999 on this question.

<sup>66</sup> See Security Council Resolution 1260 of 20 August 1999.

<sup>67</sup> See Security Council Resolution 1270 of 22 October 1999 mandating the UN Mission in Sierra Leone (UNAMISIL).

<sup>68</sup> For a review of the options that have been brandied regarding the reform of the Security Council, see "The United Nations and the twenty-first Century: The Imperative for Change" (Gleneden beach, Oregon: The Stanley Foundation, Report of the thirty-first United Nations of the Next Decade Conference, June 16-21, 1996).

<sup>69</sup> For an eclectic discussion of reform and issues facing the UN today, see James P. Muldoon, ed., *Multilateral Diplomacy and the UN Today* (Boulder CO: Westview Press, 1999).