



Foreign & Commonwealth Office

Research Analysts Paper

The Security Council in TheTwenty-First Century: Continuity and Change

MAIN POINTS

- The Security Council remains primarily a crisis management mechanism. It continues to be driven by and reacts to the main developments of international politics; in the new century as in the closing decades of the last.
- Its focus has turned increasingly on Africa's conflicts, in the process innovating with the tools at its disposal - peacekeeping, sanctions, force and now the International Criminal Court (ICC). Divisions in the Council on many Middle East issues, however, remain.
- It has also taken a thematic and humanitarian turn, as the Council expands the issues considered within definition of international peace and security. New threats from transnational terrorism and the proliferation of weapons of mass destruction are now well-established subjects on its agenda, with their own global legal regimes and oversight machinery. By promoting the protection of civilians in conflict - and particularly of women and children - the Council is moving more into matters of human rights and international humanitarian law.
- These developments have taken the Council into controversial territory. It has responded by gradual changes to its working methods, as well as forging more systematic relations with regional organisations, and other UN players. But the key reform - Security Council expansion - remains deadlocked.
- Despite the changes, the P5's role in the Council is undiminished. The extent of their agreement defines the potential and the limits of Council action. The Council remains at times a mechanism for great power collaboration, but other times one for their competition.

DETAIL

This paper looks at the evolution of the Security Council since the turn of the century. It tries to identify points of continuity that have continued from previous eras into this new one, as well as things that have changed.

Geographical Focus

The Security Council's attention has since the late 1990s shifted increasingly to Africa. Estimates suggest that it now devotes around 60% of its time to African situations. These have included the wars in Liberia, Sierra Leone, the DRC, Somalia, and Darfur, and more recently in the CAR, South Sudan and Mali. It is the continent in which most UN peacekeeping and peace-making activity takes place. In focusing so strongly on African conflicts, the Security Council has also maintained the trend, begun in the immediate post-Cold War era, of it grappling with the problems of intra-State conflicts; albeit in many cases such as the DRC and Somalia, intra-State conflicts which draw in neighbouring States. The Council's predominant focus on intra-State conflict has driven much of the Council's approach to issues of peace and security.

The shift in focus on Africa has not, however, displaced the Security Council's on-going and difficult engagement on Middle East issues. So the Council has remained stymied in the 2000s on Israel/Palestine, as it has for most of its existence. After the divisions in 2003 over military action, the Council has gradually united in support of the new Iraq, particularly now over the threat posed to the country by ISIL, and in trying to resolve the remaining Saddam-era problems (compensation and residual Iraq-Kuwait issues). Lebanon remains a stubbornly difficult agenda item. P5 cooperation has allowed the Security Council to tackle the problem of Iran's nuclear ambitions (as they have also on the DPRK). But their divisions produced a mixed Council reaction to the Arab Spring. On Libya in 2011, China and Russia chose not to block the unprecedented authorisation of the NATO-led coalition to use force to protect civilians against their own government's actions (seen by many as the first "responsibility to protect" operation). On Yemen the P5 initially cooperated in ensuring Council backing for an agreement brokered by the GCC. Whereas on Syria, divisions between the P5 have produced four vetoed draft resolutions and in the process have hampered the Council's and the UN's ability to play a peace-making role.

Asia, Europe and Latin America have taken up less of the Security Council's time. It has supported Afghanistan's reconstruction, through the UN Assistance Mission, with little controversy. But it was unable to act on Sri Lanka during the final days of its civil war, in which significant war crimes were alleged to have been committed. Haiti is now the Council's only Latin American situation agenda item, following the Council's successes in Central America in the 1990s. The Council has also shown itself ill-equipped to deal with Europe's security concerns, with divisions remaining over Kosovo, and erupting anew over Ukraine in 2014. In 2015 Russia vetoed a draft resolution commemorating the genocide at Srebrenica. The Cyprus issue remains unresolved, despite Council attention in some form since the 1960s.

Tools

The new century has seen few additional tools added to the Security Council's toolbox. It has continued to work, as it has for most of the post-Cold War era, predominantly through a mix of political exhortation, peacekeeping, limited coercion through sanctions and, occasionally, force. But the period since 2000 has seen significant developments in *how* the Council has deployed these tools.

Peacekeeping

There has been an unprecedented growth in UN peacekeeping since 1999, after the crisis of peacekeeping in the mid-1990s following the failures in the Balkans and Rwanda. Between 1948 and 1999, the Council established 49 peacekeeping operations. Since 1999 it has mandated a further 20 missions, 14 of which are in Africa.¹ The numbers of peacekeepers now deployed by the UN is over 110,000 troops and civilian staff, with an overall peacekeeping budget of around US\$7 billion. Mandates have also expanded, becoming “multi-dimensional” in response to the UN’s shift towards “peace-building” in post-conflict situations.² In addition to providing security, UN missions typically now include policing elements, work on security sector reform, disarmament and demobilisation of ex-combatants, building the rule of law, institutional reform and human rights. All missions created since 1999 have also included the protection of civilians in their mandates, as the UN has continued to grapple with the challenges of limiting the scope of on-going conflicts (an activity that in many respects it started in its peacekeeping mission to the former Yugoslavia in the early 1990s). Increasingly, and in a shift away from the conclusions of the 2000 “Brahimi review” of peacekeeping, the Council has deployed peacekeepers to situations, such as the DRC, CAR and more recently Mali, where there is little peace to keep and where consent from all the warring parties is not a given. The result has been the development of “robust” peacekeeping operations, mandated to use force more proactively against those deemed to be acting against the peace. The most recent example of this is the “Force Intervention Brigade” attached to the MONUSCO, the UN operation in the DRC, which is charged with helping to defeat Congolese military groups.

The 2000s has seen the Security Council, with the Secretary-General, evolve an accompaniment to its peacekeeping operations, namely the Special Political Mission, or Peace-building or “Integrated Office/Mission”.³ They were initially designed to help the UN shift its assistance to post-conflict States from peacekeeping to peace-building activities, seen first in places like Haiti and in Sierra Leone. But these offices have increased in number and now perform a range of functions. They have been used as follow-on missions when UN peacekeepers have left. Or by the Council and the UN in situations, such as Iraq and Afghanistan (the two largest missions) and CAR, where non-UN security actors operate, but where the UN peace-building expertise is still required. And latterly, as regional political presences in Africa and Central Asia, trying to prevent conflict and to react quickly when tensions rise (e.g. as recently in Burkina).

Sanctions

The immediate post-Cold War years saw the Security Council increasingly use sanctions as a tool in its peacemaking activities, such that the 1990s were dubbed the “sanctions decade”.⁴ The trend has continued into the 2000s, with nine new sanctions regimes added since 2000. 2003 saw the ending of the Council’s last “comprehensive” sanctions regime,

¹ See the UN peacekeeping timeline <http://www.un.org/en/peacekeeping/documents/operationslist.pdf>

² For a good overview of peacekeeping mandates, see *Annual Review of Peace Operations*, Center for International Cooperation, NYU

³ See also *Review of Political Missions*, Center for International Cooperation, NYU

⁴ David Cortright, George Lopez *The Sanctions Decade: Assessing UN Strategies in the 1990s*, Lynne Rienner, 2000

on Iraq. All new sanctions regimes have continued the Council's practice since 1992 of imposing targeted measures. Arms embargoes, travel bans and asset freezes aimed at individuals and entities, and measures against sectors of an economy (e.g. banking, shipping, commodities) have replaced broad trade boycotts. The result has been an expansion in the number of those targeted by sanctions, but a reduction in some of the unintended humanitarian problems that accompanied the comprehensive sanctions against Iraq, the former Yugoslavia and Haiti. The 2000s have seen the Council use sanctions for multiple purposes. They are the central tool of the Council's response to Al-Qaeda (and now ISIL) and were expanded significantly from 2001. They have been used to counter nuclear proliferation by Iran and the DPRK. They also support the Council's approach to conflicts and peacemaking by targeting arms supplies (e.g. into Somalia), those groups and individuals acting against peace agreements (e.g. in the DRC, Yemen, Somalia, Sierra Leone, Liberia, Ivory Coast), in support of democratic governance (e.g. Guinea-Bissau) and against those committing atrocities during conflicts (e.g. in Darfur and in the DRC).⁵

But as with comprehensive sanctions, the Security Council's use of targeted sanctions against individuals in the 2000s has been criticised on human rights grounds, and particularly the alleged lack of due process protections for individuals that have been targeted. A number of such sanctions "listings" have been challenged in European and national courts on human rights grounds, which in turn has prompted the Security Council to reform its sanctioning procedures, and particularly those used for the Al-Qaeda sanctions regime. These reforms began in 2004 and have so far culminated in the creation in 2009 of the office of the Ombudsperson for the Al-Qaeda sanctions, through whom individuals and entities sanctioned under the regime have some recourse to appeal.⁶

The Use of Force

As in previous eras, authorising force to enforce its decisions remains the most controversial and divisive issue for the Security Council. In 2011 the Council was prepared to authorise the use of force to protect civilians in Libya. But this became subsequently controversial for some UN members, particularly in Africa, when the result of force was the deposing of the Qaddafi regime. Russia has tapped into this concern when arguing against the Council taking any Chapter VII action on Syria.

The Security Council has been more comfortable in authorising the use of force ("all necessary means") for narrower purposes within robust peacekeeping mandates, or at the behest of regional organisations, and especially the AU and the EU. The Council has authorised the AU to use force for peace enforcement in Somalia (AMISOM), and more recently in the CAR. The EU has been similarly authorised for its missions in e.g. DRC (the EU-led Operation *Artemis* in 2003) and in CAR 2014. These AU and EU missions have usually taken place with the consent, and often in support of, the host State government, and in conflicts which the Security Council has been reluctant to mandate UN missions. Consequently they have proven less politically controversial.

⁵ For more information on all UN targeted sanctions, see "Sanctions App", available at iTunes or on Android

⁶ For more detail on the reform of the Al-Qaeda sanctions regimes, see the "Watson reports" *Due Process and Targeted Sanctions* http://www.watsoninstitute.org/pub/Watson%20Report%20Update%2012_12.pdf

ICC

A new development for the Security Council was the coming into force of the ICC's Statute in 2002. The Statute *inter alia* empowers the Council to refer situations to the ICC Prosecutor for investigation. It has now done so twice: on Darfur in 2005 and Libya in 2011. Both resulted in the indictment of sitting Heads of State (Presidents Bashir of Sudan and Qaddafi of Libya). But so far no trials have resulted in either situation. A French-led attempt to refer the situation in Syria to the ICC was vetoed by China and Russia in 2014. African States have also been unsuccessful in their attempts to get the Security Council to suspend the ICC cases on Darfur and Kenya, using its powers to do so under article 16 of the ICC Statute. Given that, of the P5, only the UK and France are ICC States parties, the Council's use of its ICC Statute prerogatives has proven controversial, and contributed in part to the deteriorating relations between the ICC and many African States. The Council is also divided on how best, if at all, to follow-up on its referrals, particularly where a State's cooperation with the Court is at issue.

Relations with Regional Organisations

The Security Council's increased focus on Africa since the late 1990s, coupled with the creation and development of the AU's peace and security architecture, has provided greater impetus to the Council's evolving relationship with regional organisations. Relationships that were previously quite *ad hoc* have gradually become more regularised with more frequent and predictable interactions between the Council and regional organisations built into its work programme. (The Council is now regularly briefed by the AU, EU and OSCE, for example.) The Council's relations with the AU, however, are probably the most highly developed, and collaboration the most far-reaching. As already noted, the Security Council has been called upon to authorise various AU missions to use force. The Council has also mandated UN missions directly to support AU peace operations (e.g. the UN support packages for the AU mission to Darfur in 2006, the UN Support Operation to AMISOM in Somalia, mandated in 2009). On Darfur the Council eventually created a "hybrid" UN-AU mission, UNAMID in 2007. Since 2007 UN Security Council members have also had annual consultations with the AU Peace and Security Council (a practice recently introduced for the EU equivalent).⁷ While interactions between the UN Secretariat and their analogues in the AU Commission have become more systematic as part of the wider ten year programme of UN capacity-building support to the AU, mandated by the 2005 UN Summit.

Although the Security Council's relationship with the AU has developed significantly, tensions in the relationship periodically arise. In 2011 the AU voiced concerns that the Security Council had side-lined the AU on Libya, although this did not stop AU members on the Security Council supporting military action. The AU has also unsuccessfully sought regular UN financial support for its operations, through the UN peacekeeping budget. The Security Council (and the AU) have ensured that the AU's development has not detracted from the Security Council's position of primacy on matters of international peace and security, and particularly in the regulation of the use of force.

⁷ It is important to note that these are consultations between "UN Security Council *members*" and the AU's and EU's PSCs, not joint meetings of the various Councils.

The Council's Thematic Agenda

One of the most apparent and obvious new developments in the Security Council's work and approach to security is its adoption from the late 1990s, but increasingly in the new century, of thematic approaches to some issues: attempts to deal with certain transnational phenomena with global significance and reach, or by trying to look at particular problems that recur in many of the situations with which the Council deals.

The Security Council's reaction to the 9/11 attacks on the US signalled a step-change in its approach to terrorism. Until that point the Council had focused primarily on the question of State-sponsored or State-supported terrorism (by Libya, Sudan and initially the Taliban regime's hosting of Al-Qaeda's leadership). Post 9/11 the Council has approached terrorism as a transnational phenomena and threat. It significantly increased the sanctions against Al-Qaeda, which had first been imposed in 1999. In resolution 1373 (2001) the Council also established a new global counter-terrorism regime, imposing obligations on all States to take action against terrorist groups. The Council has supplemented this by a system of oversight and support, through its Counter-Terrorism Committee and assisted by its own Counter-Terrorism Executive Directorate.

Action against the threat of proliferation of WMD to terrorist and non-State groups soon followed. Following the model of 1373 on counter-terrorism, resolution 1540 (2004) imposed obligations on all States in respect of the non-proliferation of WMD and their delivery systems, in order that they are denied to terrorist groups. The Security Council then established mechanisms both to oversee and to assist States' implementation of resolution 1540, through a Council Committee and Group of Experts.

Resolutions 1373 and 1540 took the Council into new territory, and led some UN members, particularly from the developing world, to complain that the Council was exceeding its mandate by acting as an international "legislator". While these complaints have, by-and-large, dissipated, with most UN members taking steps to implement the resolutions, they re-emerge periodically and form part of a wider critique from the Non-Aligned Movement and others that the Council is expanding its prerogatives at the expense of the UN's General Assembly.

On counter-terrorism and counter-proliferation, the Security Council's thematic turn has addressed "hard security" issues. But in the main, its approach to thematic issues has taken a more humanitarian focus in respect of conflicts. In response to the UN's failures in the mid-1990s in the former Yugoslavia and Rwanda, and changes to its peacekeeping mandates, in 1999 the Council first discussed as a thematic issue the protection of civilians during conflicts. This has since led to a series of work streams on the issue. Accompanying this has been the development of specific Council work to mitigate the impact of armed conflict on children (and particularly ending the recruitment of child soldiers), on ending violence against women during conflict and bringing women into the UN's peace-making activities (the "women, peace and security agenda") and in support more generally for the implementation of international humanitarian law and human rights during conflicts and for accountability. Key landmarks in what some have called the Council's "humanitarian

impulse”⁸ include resolutions 1261 (1999) on children and armed conflict, and 1325 (2000) on women, peace and security; the creation in 2005 of the Council’s working group on children and armed conflict, which monitors, with the assistance of the Secretary-General’s Special Representative, the situation in countries identified as being of particular concern; and the establishment in 2009 of the post of Special Representative on Sexual Violence in Conflict. The effect of this work has been to expand the Council’s definition of what constitutes a matter of peace and security, as it increasingly takes a human security approach to conflicts, particularly in Africa. It is also making the Council a more overtly and self-consciously normative actor.

Security Council Working Methods⁹

The Security Council’s working methods have developed significantly since 2000. The expansion of the use of sanctions, coupled with the Council’s thematic turn and the development of some bespoke investigative machinery (Panels of Experts, Special Representatives), has greatly expanded the amount of the Council’s work that is now conducted in its subsidiary bodies. Indeed, chairing these bodies is one avenue through which non-permanent members can enhance their influence. The Council has also, for political reasons, experimented with an increasing variety of informal or semi-informal ways of its members meeting. This has also greatly aided the Council members’ ability to interact collectively with e.g. civil society actors and non-Council members. The Council is also now more routinely briefed by UN actors, such as the High Commissioner for Human Rights, who had in the 1990s been effectively shunned as too controversial, or as dealing with inappropriate subjects for the Council.¹⁰ Responding to criticism from the wider UN membership, and also as a result of the work of various non-permanent members such as Japan, the Council has also embarked on periodic processes of trying to reform its working methods; principally aimed at increasing the transparency of its work.¹¹

Continuing the trend established towards the end of the Cold War, the Security Council in the new century has continued, by and large, to work by consensus. While the yearly figures vary slightly, the Council has consistently adopted around ninety per cent of its resolutions by consensus. Divided votes remain relatively rare. That said, the last few years have seen an increased use of the veto, as the P5 have clashed over human rights issues in Burma (2007) and Zimbabwe (2008), on Israel/Palestine, Georgia (in 2009) and more recently over Syria, Ukraine (including on the downing of Malaysia Airlines flight MH17) and the commemoration of the genocide at Srebrenica. Russia and China have vetoed four draft resolutions on Syria since 2011. China’s use of the veto, while still the most limited overall, has increased quite markedly; having cast 10 in total since 1971, six of which have been

⁸ Tom Weiss “The Humanitarian Impulse” in David Malone, Ed. *The UN Security Council: From the Cold War to the 21st Century*, Lynne Rienner, 2004

⁹ On Security Council working methods and procedure, see Loraine Severs and Sam Daws *The Procedure of the Security Council 4th Edition*, Cambridge, 2014

¹⁰ Bertrand Ramcharan “Co-ordination with other UN Organs”, Jarred Genser, Bruno Stagno Ugarte *The Security Council in the Age of Human Rights*, Cambridge, 2014

¹¹ “Security Council Working Methods: A Tale of Two Councils?”, Security Council Report, 2014

<http://www.securitycouncilreport.org/special-research-report/security-council-working-methods-a-tale-of-two-councils.php>

since 2007). The UK and France have still not cast a veto since 1989, although France very publicly threatened to do so (against the US and UK) in the run-up to the 2003 Iraq war.

The P5

Despite all the developments in the Security Council's output, approach to its mandate and working methods, the most significant factor of continuity in the Council's experience in the new century from that of the last, is the role of the P5. The extent of agreement between them still defines both the potential and the limits of Council action. When their interests coincide, as seen in Africa for example, the Council can act with some effect. Where their interests collide, as most recently over Syria, the Council is stymied and can be marginalised. The P5's permanency, veto power and role in establishing the Council's ways of working, all combine to allow them significant influence over proceedings. The P3 (US, UK, France), as the authors of around seventy per cent of all resolutions, provide much of the motor of the Council's work.

It is this continuing role, set against the changing distribution of power in the world, that has also meant that calls for expansion of the Security Council have gone undiminished into the twenty-first century. But, save for a flurry of activity in the run-up to the 2005 world summit and some added focus at the time of the UN's 70th anniversary in 2015, the question of enlargement and wider reform seemingly remains deadlocked..

Conclusion

The period since 2000 has therefore seen much evolution in the Security Council's work as it has tried to play a central role in responding to the key developments in international politics; from the threats of civil war but also of regional integration in Africa, the aftermath of 9/11 and the threat of transnational terrorism, through to upheavals in the Middle East provoked by the "Arab Spring". The Council has shown itself to be at times to be nimble and innovatory; at others hamstrung by great power disagreement. As such, the Council has remained in this century what it had become in the last: a security institution¹² that can be a mechanism for great powers to manage crises, but also a mechanism to help them manage relations between themselves.¹³

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¹² Adam Roberts, Vaughan Lowe, Jennifer Welsh, Dominik Zaum Ed. *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945*, Oxford, 2008

¹³ David Bosco *Five to Rule them All: The UN Security Council and the Making of the Modern World*, Oxford, 2009