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(Dis)unity in the UN Security Council: Voting Patterns in the UN's Peace and Security Organ

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**(DIS)UNITY IN THE UN SECURITY COUNCIL:
VOTING PATTERNS IN THE UN'S PEACE AND SECURITY
ORGAN**

by

Paul Romita

A dissertation submitted to the Graduate Faculty in Political Science in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York

2018

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This manuscript has been read and accepted for the Graduate Faculty in Political Science in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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Abstract

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by

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Advisor: Thomas G. Weiss

The conventional wisdom is that the international system in the Cold War was defined by the struggle between East and West. While this was certainly the case, voting patterns in the UN Security Council present a more nuanced picture. Counterintuitively, France, the United Kingdom and the United States—three of the five permanent members of the Security Council (the Permanent 3 or P3) and members of the NATO alliance—voted apart on Council resolutions far more frequently in the Cold War, when they faced the common threat of the Soviet Union, than in the post-Cold War era. This dissertation observes that they were frequently divided on issues related to colonialism and Israel/Palestine, among other matters. It argues that the voting differences among them largely had to do with the way the Council functioned, as negotiating processes were underdeveloped and assertive Council members from the Non-aligned Movement (NAM) often proposed draft resolutions which made bold political statements but had little chance of being adopted. As the Cold War ended, however, the permanent members—the P3, as well as Russia and China—gained a newfound appreciation for the potential of a Security Council unhindered by significant East-West tensions. They sought to consolidate their control of the Council's work. In part because of the perception expressed by permanent and elected members alike that a unified Council is a more effective one, voting unanimity has been

achieved on nearly 92 percent of adopted resolutions since 1992. The dissertation further maintains that the NAM has lost its unity and political clout in the post-Cold War, with its members (or for that matter, any other group of members in the Council) less likely to propose draft resolutions destined to be vetoed. At the same time, it posits that the elected members (the Elected 10 or E10), in spite of the differing views among them, at times play a constructive role in the Council's work, including by building bridges among the permanent members when they are divided.

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I am most thankful to my family, who never waver in their love and support. My son Misha, who gives meaning to everything I do, always understood when Daddy had to do his "school work."

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List of Abbreviations

E10	Elected Ten (the ten elected members of the UN Security Council)
EU	European Union
ICC	International Criminal Court
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
MSF	Médecins Sans Frontières
MINUGUA	UN Mission for the Verification of Human Rights and of Compliance with the Comprehensive Agreement of Human Rights in Guatemala
MINURSO	UN Mission for the Referendum in Western Sahara
NAM	Non-Aligned Movement
NATO	North Atlantic Treaty Organization
OHCHR	Office of the High Commissioner for Human Rights
ONUC	UN Operation in the Congo
P3	Permanent Three (France, the United States and the United Kingdom)
P5	Permanent Five (China, France, Russia, the United States and the United Kingdom)
RPF	Regional Protection Force
SCAD	Security Council Affairs Division
UDI	Universal Declaration of Independence
UNAMID	UN/AU Hybrid Operation in Darfur
UNAMIR	UN Assistance Mission in Rwanda
UNEF	UN Emergency Force

UNESCO	UN Educational, Scientific, and Cultural Organization
UNMIL	UN Mission in Liberia
UNMISS	UN Mission in South Sudan
UNFICYP	UN Peacekeeping Force in Cyprus
UNFPA	UN Population Fund
UNPREDEP	UN Preventive Deployment Force in the former Yugoslav Republic of Macedonia
UNSCOM	UN Special Commission
WEOG	Western Europe and Others Group

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Introduction

The popular conception of the Cold War period is that the world was divided into two ideological camps, with the foreign policies of states closely aligned with either superpower. Some scholars also argued that with the end of the Cold War, the Western alliance would fall apart, as the Soviet threat no longer bound them together.¹ However, voting patterns in the UN Security Council, the international organ entrusted with the primary responsibility for maintaining international peace and security, demonstrate that the opposite has occurred. France, the United Kingdom, and the United States—the three most powerful members of the NATO alliance—have voted together with greater frequency in the post-Cold War era than during the Cold War era. One might have expected that the former Soviet Union (Russia) and the United States would vote together a higher percentage of the time after the end of the Cold War. But the fact that these three countries (known as the “Permanent 3” or the “P3” in the Council) have voted together a high percentage of time in the post-Cold War years, without the threat of the Soviet Union to bind them together, would seem counter-intuitive.

The evidence of P3 voting divergence in the Security Council in the Cold War, followed by P3 voting convergence in the post-Cold War era, is striking. Through the end of 1991, they did not vote together as a bloc on approximately one of every six resolutions (slightly under 17 percent of the time), whereas they have voted apart on only one of roughly every fifty resolutions (approximately 2 percent of the time) between 1992 and 2016.²

¹ See, for example, John J. Mearsheimer, “Why We Will Soon Miss the Cold War,” *The Atlantic* 266, no. 2 (1990): 35-50; and Kenneth N. Waltz, “The Emerging Structure of International Politics,” *International Security* 18, no. 2 (1993): 75-76.

² These figures relate to resolutions that were adopted or vetoed. They do not include the handful of resolutions that failed to be adopted because of insufficient votes, which are difficult to track. Furthermore, while there were 725 resolutions adopted in the Cold War, 11 of these were omitted from the analysis because the voting record was

Determining why this change in P3 voting patterns has occurred raises several interesting questions. Some of these are relevant to the evolution of P3 policy positions, but there is also much to be said about changes in how the Council has functioned as an institution, how the perceptions of this organ among its members (permanent and elected alike) has changed, and how its working methods have evolved during the history of the United Nations. Why did the P3 often vote apart in the Cold War? To what extent is unity among the P3 in voting in the post-Cold War era a reflection of their shared values and policy positions, and to what extent is it a reflection of a broader trend toward consensus within the Council as a whole? Why has this trend toward unanimous voting occurred in recent decades? Council members value unity in decision-making, but precisely why is this so? Given the trend toward unanimous voting in the Council, why does this organ seem so divided on so many issues? Does unanimity in voting reflect widespread commitment to the outcomes produced? Has the movement toward unanimity improved the quality of the Council's decision-making or not? In other words has increased voting consensus been a positive or negative development, or a bit of both? And when does unanimity break down?

The Argument

This thesis will attempt to answer the questions posed above. In doing so, it will make five main arguments. First, in the Cold War, the Council members in the Non-Aligned Movement (NAM) coalesced around a strong anti-colonial, anti-Zionist agenda and frequently proposed draft resolutions that exposed the different views among the permanent members and led to voting differences and resulted in frequent vetoes. In the post-Cold war period, there is no similar bloc

unclear. Voting in the Council includes positive votes, negative votes (which, in the case of permanent members is a veto on all but procedural matters) and abstentions.

of elected members that will consistently table controversial drafts that undermine the pursuit of consensus. To the contrary, the elected members frequently come together in an effort to build bridges among the permanent members, even though the E10 (as the 10 elected members are called) often have divergent policy positions.

Second, Council members place significant value in this organ's stature as a decision-making body, an arbiter of difficult matters related to international peace and security. This has especially been the case in the post-Cold War era when perceptions of the Council's problem-solving capacity have by and large been more favorable among permanent and elected members alike than in the Cold War. The effort to achieve unanimity is a reflection of the importance that members attribute to the organ's work. In particular, as I outline in Chapter IV, there are four key reasons why unanimity is so desired by Council members: the legitimacy it accords to decisions;³ the notion that a consensus document is the product of the good stewardship of the negotiation process by those leading it; the perceived impact of unanimous resolutions on the party or parties who are the object of the resolution; and the fear of isolation of those members considering breaking the consensus.

Third, institutions and processes have been developed by the permanent members to manage the Council's workload that have reinforced the trend toward greater consensus since the late Cold War era. Interactions among the permanent members have increased as a result,

³ This part of the argument is consistent with the work of several scholars who have written about the Council's legitimating role. These include, for example, Mats Berdal, "The UN Security Council: Ineffective but Indispensable," *Survival* 45, no. 2 (2003): 9; Inis L. Claude, Jr., "Collective Legitimation as a Political Function of the United Nations," *International Organization* 20, no. 3 (1996): 367-379; Bruce Cronin, "International consensus and the changing legal authority of the UN Security Council," in *The UN Security Council and the Politics of International Authority*, ed. Bruce Cronin and Ian Hurd (New York, NY: Routledge, 2008), 57-79; and Ian Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council* (Princeton: Princeton University Press 2007).

creating more opportunities to strike agreements or at least achieve acquiescence than had been the case in the Cold War.⁴

Fourth, unanimous decisions do not necessarily have the desired effect of exerting more leverage on the subject parties. The voting landscape is littered with unanimously adopted resolutions, which have done little to support international peace and security. Compromises struck to achieve the agreement of all 15 Council members often lead to weak resolutions or resolutions that are difficult to implement because they are not backed by sufficient political will.

Fifth, while elected members can play an important role in the Council's work, this organ is managed by and for the permanent members, whose veto privilege gives them an enormous advantage over the E10 in determining how and whether decisions are made. If the "Permanent 5" or the "P5" (which consists of the P3 and Russia and China) have fundamental disagreements on issues of importance to them, the unity of the Council will be sacrificed.

Cold War Divisions

The general view is that East-West tensions in the Cold War severely hampered the Council's ability to carry out its responsibilities. The Soviet-US confrontation was the key fault line in international relations, one that played out in Council deliberations. But as some scholars have noted, tensions within the Western camp also hindered the Council's work.⁵ Among the P3, the United States viewed itself as an anti-colonial power that supported self-determination, while

⁴ Council outcomes refer to resolutions and presidential statements. Press statements and press elements are also products produced by Council members, but they are not considered formal Council outcomes. Unlike resolutions, presidential statements, press statements, and press elements require agreement among all 15 members of the Council.

⁵ See, for example, Andrew Boyd, *Fifteen Men on a Powder Keg: A History of the UN Security Council* (New York: Stein and Day, 1971); and David Bosco, *Five to Rule Them All: The UN Security Council and the Making of the Modern World* (Oxford: Oxford University Press, 2009).

France and the United Kingdom were reluctant to give up their empires and supported the colonial policies of other European states as well.⁶ Wilsonian idealism may have informed the US perspective on self-determination to a certain extent; however, the United States had important strategic reasons for supporting this ideal as well. It was concerned that if it did not espouse self-determination, the former colonial states that entered the UN General Assembly as independent states in the 1950s and 1960s would fall into the hands of the Soviet Union, leading to the “possibility of an adverse balance of power in the General Assembly.”⁷ It is not by mistake then that the P3 frequently diverged in their Council voting in cases in which the colonial interests of the United Kingdom and France—or other colonial powers to which they were sympathetic—were at stake, including with regard to Suez, the Democratic Republic of the Congo, Southern Rhodesia, and the Comoros.

The United States may not have had a colonial empire, but it did behave imperiously with regard to many states in Central and South America during the Cold War. In the tradition of the Monroe Doctrine, it was particularly sensitive to what it perceived as communist or otherwise threatening behavior by states in its neighborhood, a perception that was reflected in how the United States voted in the Council and one which at times separated it from France and the United Kingdom. Thus, the United States voted apart from the other two Western permanent members on a number of country-specific resolutions in the Cold War pertaining to the Americas, including, for example, Grenada and Nicaragua.

⁶ On the difference in worldviews between the United States and NATO’s colonial powers over the reluctance of these colonial states to relinquish their possessions, see Lawrence S. Kaplan, *NATO Divided, NATO United: The Evolution of an Alliance* (Westport, Calif.: Praeger Publishers, 2004), 12-13, 21, 24; William Roger Louis, “American Anti-Colonialism and the Dissolution of the British Empire,” *International Affairs* 61, no. 3 (1985); and C.M. Woodhouse, “Attitudes of NATO Countries Towards the United States,” *World Politics* 10, no. 2 (1953): 209.

⁷ Woodhouse, “Attitudes of NATO Countries,” 209.

Another consistent area of disagreement among the P3 during the Cold War (and since), reflected in Security Council voting patterns, has been the US's unique relationship with Israel. The United States stands largely apart from the overwhelming majority of UN member states on this issue. Over the years, the United States has made a habit of either vetoing or abstaining from resolutions condemning Israel. Infrequently the United Kingdom has joined the United States in abstaining on such resolutions, but it has never cast a joint veto with the United States on such votes. While US support of Israel in the Council has spanned the Cold War and post-Cold War periods, the United States nonetheless resorted to the veto more frequently to protect Israeli interests in the Cold War era than it has during the post-Cold War era. During the 23 year period from 1967 (the year of the Six Day War) through 1989, the US vetoed 27 resolutions critical of Israel; however, in the 26-year period from 1990 through 2016, it vetoed only 14 resolutions opposed to Israel in a Council that was more active in terms of volume of resolutions adopted than it was during the Cold War.⁸

The voting divergences among the P3 in the Cold War reflected tangible policy disagreements on discrete issues. But, at times, these differences also reflected an uncertainty about the merits of the Security Council as a foreign policy instrument. In particular, France's ambivalence toward the UN during Charles de Gaulle's years as president (1959-1969) impacted on the way it voted in the Council. De Gaulle viewed the UN as a tool for the United States to exercise its dominance in world affairs.⁹ As Andrew Boyd has written, "the French councilman's basic instructions during these years seemed to run something like this: Do not take initiatives. If somebody else does, say that the action contemplated is illegal or at least improper. But do not

⁸ List of Security Council vetoes compiled by the Dag Hammarskjöld Library, available at <http://research.un.org/en/docs/sc/quick/veto>.

⁹ Boyd, *Fifteen Men on a Powder Keg*, 29.

vote against it. As a rule, abstain.”¹⁰ True to Boyd’s claim, France did not veto any texts in the de Gaulle years, but it did issue a rash of abstentions (18) on adopted resolutions in this time period. However, it did veto draft resolutions at other periods of the Cold War, while it has yet to exercise its veto privilege in the post-Cold War era.

A key factor that generated voting disunity in the Council was the assertiveness of the developing world. By the 1960’s, the NAM had become a significant force in international affairs, advocating for the interests of developing countries. Sheer numbers ensured that the NAM would wield considerable power in the UN General Assembly. Although the P5 veto diminished the NAM’s influence in the UN Security Council, non-aligned states were nonetheless able to push their anti-colonial, anti-Zionist agenda as a unified bloc. At times, the NAM got its way in the Council, as Council action on Southern Rhodesia and South Africa demonstrated in some instances. Usually, however, on these and other issues, NAM positions led to frequent vetoes on draft resolutions. Since the end of the Cold War, the NAM’s influence in global affairs has receded. Whereas several NAM members would coalesce around common positions in the Council in the last two and one half decades of the Cold War, the elected membership in the post-Cold War era has been less unified, detracting from the E10’s impact on the deliberations of the UN’s peace and security organ.

A more active Council and efforts to build consensus: late Cold War to the present

As the Cold War waned, there was a newfound appreciation of the possibilities of multilateralism and a sense of excitement at what the UN could accomplish without superpower tensions. The ending of the Cold War led the permanent members to reevaluate their foreign

¹⁰ Ibid, 29-30.

policies. In a September 1987 article published in *Pravda* and *Izvestiia*, Soviet Chairman Mikhail Gorbachev argued in favor of a “comprehensive system of international security” with the UN at its core.¹¹ US President George H.W. Bush proclaimed a New World Order “where diverse nations are drawn together in common cause to achieve the universal aspirations of mankind—peace and security, freedom and the rule of law.”¹² The handling of the First Gulf War seemed to confirm this optimism, with the Council authorizing a broad military coalition to expel Saddam Hussein’s forces from Kuwait in 1991, the first such Chapter VII action since the disputed Korea decision in 1950.¹³

As this seismic shift in the international system began to unfold and the permanent members of the Security Council began to envision a United Nations that might be able to live up to the promise of its founders, the potential for a revitalized multilateral system meant that these states had a vested interest in ensuring that the Security Council achieved the sometimes incompatible and sometimes compatible goals of operating effectively and serving their foreign policy interests. Of course, the permanent members had always wanted the Council to serve these dual purposes, but this suddenly appeared more possible than in the past.

The enthusiasm about the Security Council in the aftermath of the First Gulf War soon waned amidst numerous peacekeeping failures of the 1990s, including in Somalia, Rwanda, and Srebrenica. The record of the ensuing years has also been rocky, occasioned with some successes (e.g., East Timor and Sierra Leone) but also littered by many failures (e.g., Darfur and Syria). But the Council has continued to survive and, in spite of its shortcomings, it has maintained a

¹¹ Mikhail Gorbachev, *Realities and Guarantees for a Secure World* (Moscow, Russia: Novosti Press Agency Publishing House, 1987).

¹² George H.W. Bush, “Address to the US Congress,” (11 September 1990).

¹³ Javier Pérez de Cuéllar, *A Secretary-General’s Memoir: Pilgrimage for Peace* (New York: St. Martin’s Press, 1997), 248.

heightened status in the foreign policies of the permanent members. This is why they invest so much energy in making it work for them.

Since the late Cold War years, all the permanent members have viewed unanimity in decision-making as a means to promote a better functioning Security Council. As Kendall W. Stiles has written, albeit in reference to the entire UN system and not just the Council, “the norm of consensus” had taken hold by the end of the Cold War.¹⁴ For the permanent members, it has made no sense for the Council to be hindered by the frequent use of the veto, as this only weakens the institution that they need to achieve their goals. Resort to the veto is to be done sparingly, only in exceptional circumstances, when core national interests are perceived to be at stake. While the veto continues to be employed and at times can cripple Council action with devastating consequences for people on the ground, the general trend in the post-Cold War era has been toward its less frequent use. (China is the sole exception on this count among the permanent members.) Abstentions on resolutions have also been used more sparingly in the post-Cold War era than during the Cold War era.

There will always be disagreements among the permanent members, even the P3, which have generally formed a highly cohesive voting bloc in the past 25 years. At times, the differences among the permanent members will be irreconcilable, forcing divergent votes among them, as we have seen in recent years with issues such as Israel/Palestine, Syria, and Ukraine. In some instances, when it becomes clear in negotiations that unanimity cannot be achieved and a permanent member threatens to use the veto, the member(s) proposing a resolution will withdraw the draft. At other times, drafts may not even be proposed for discussion out of fear that they will

¹⁴ Kendall W. Stiles, “The Power of Procedure and the Procedures of the Powerful: Anti-Terror Law in the United Nations,” *Journal of Peace Research* 43, no. 1 (2006): 41-42.

be vetoed. This so-called “hidden” or “pocket” veto looms large in deliberations and has a deleterious effect on decision-making. However, notwithstanding Russia’s recent assertiveness, painstaking efforts have been taken in the post-Cold War era to promote consensus, although the quality of the outcomes is often questionable. The Council’s level of engagement in peace and security issues and the volume of its outcomes (resolutions and presidential statements) have soared in the last 25 years. In fact, the Council of today would be almost unrecognizable to diplomats of the Cold War era. In 1971, Boyd observed: while “organized...to function continuously,” according to article 28 of the Charter, “the Security Council is not sitting anywhere, most of time. It averages one formal meeting a week.”¹⁵ By way of comparison, the Council held 256 formal meetings and 169 informal meetings in 2016.¹⁶ The Council’s production in terms of written outcomes has also proliferated. From January 1946 to December 1991 (the month the Soviet Union officially collapsed), the Council adopted a mere 725 resolutions, in comparison to more than 1,600 since January 1992.

The permanent members also have taken a strong interest in developing mechanisms and processes to help them to run this very active Council. Whether through ad-hoc closed meetings, serving as penholders (i.e., drafting resolutions), or appointing chairs of sanctions committees among the elected members, they have tried to steward the Council’s work through what I call “managed multilateralism.”¹⁷ They collaborate to exert as much leverage and control over Council decision-making as they can, an approach that has become increasingly pronounced in recent years. These enhanced interactions among them have reinforced the general tendency

¹⁵ Boyd, *Fifteen Men on a Powder Keg*, 8.

¹⁶ Security Council Report, “The Security Council in 2016,” *February 2017 Monthly Forecast*, http://www.securitycouncilreport.org/monthly-forecast/2017-02/the_security_council_in_2016.php.

¹⁷ These mechanisms and processes are synonymous with “international regimes.” Lisa L. Martin notes that regimes can be “defined as sets of principles, norms, rules and decision-making procedures,” referring to Stephen Krasner’s early work on the subject. Lisa Martin, “Neoliberalism,” in *International Relations Theories: Discipline and Diversity*, ed. Tim Dunne, Milja Kurki, and Steve Smith (Oxford: Oxford University Press, 2007), 111.

toward unanimous decision-making, as they have provided forums in which they can uphold common policy positions, hammer out differences, and if necessary, make deals with one another.

Managed multilateralism has taken various forms in the context of the Security Council's work. Most informally, the P5 from time to time meet to discuss critical issues of common concern. This phenomenon began in earnest soon after Mikhail Gorbachev came to power in the Soviet Union, and there was an easing of East-West friction. In late 1986, seeking a way to end the Iran/Iraq War, the permanent members began meeting informally at the residence of UK Ambassador John Thompson to discuss strategies for ending the Iraq-Iran War.¹⁸ While there have been some periods of the post-Cold War era when meetings among the permanent members occurred more infrequently than others,¹⁹ the P3 in particular have consistently played a significant role in drafting outcomes and leading negotiations, thus having an important impact on decision-making in the Council.

At times, the elected members have not passively accepted their subordinate role. They have been known at times to take the initiative to make their mark on the Council's work. In the instances when they take the lead in drafting outcomes, they frequently work hard to promote agreement among all members, at times spending months leading negotiation processes in an effort to break impasses among the permanent members and to unite the Council.

However, in spite of the frequent efforts by permanent and elected members to achieve unity, unity in and of itself is not necessarily a good thing. Concessions made to achieve

¹⁸ David M. Malone, "Introduction," in *The UN Security Council: From the Cold War to the 21st Century*, ed. David M. Malone (Boulder: Lynne Rienner Publishers, 2004), 4.

¹⁹ For example, Sir Jeremy Greenstock, UK Ambassador from 1997-2003, has said the P3 rarely met as a group during his tenure in New York. Sir Jeremy Greenstock, interviewed by phone by the author, New York, 3 March 2017.

agreement on a resolution may lead to that resolution being so weak as to be useless or even counter-productive. Permanent members that acquiesce to a particular resolution to avoid a veto may be reluctant to implement its measures. For example, as several reports of the Sudan Sanctions Committee Panel of Experts have demonstrated in recent years, weapons produced after 2005 (when the arms embargo was expanded through resolution 1591 of 29 March 2005 to include the government of Sudan and other signatories of the N'Djamena Agreement) manage to find their way into Darfur, in violation of the arms embargo.²⁰ And yet, resolutions reauthorizing the Panel of Experts of the Darfur Sanctions Committee annually have been unanimously adopted nearly every year since 2008; the one exception was resolution 1945 of 14 October 2010, which was adopted with 14 affirmative votes and one abstention by China.²¹ In 2010, the final report of the Panel of Experts maintained that Chinese bullets had been used in Darfur,²² a likely explanation for the abstention.

The P3 versus China and Russia

In spite of the trend toward unanimous voting among the permanent members in the post-Cold War era, there are nonetheless key differences between the P3, on the one hand, and China and Russia, on the other hand: how they have voted since the end of the Cold War, what issues matter to them in negotiations on Council outcomes, and what this reflects about their worldviews. As demonstrated by their voting patterns, one of the key differences is that China and Russia generally hold a more restrictive view of what constitutes a threat to international peace and security than the P3, sometimes resulting in irreconcilable differences during

²⁰ See, for example: *Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005)* (S/2013/79), 12 February 2013; *Ibid.*, (S/2014/87), 7 February 2014; and *Ibid.*, (S/2015/31), 16 January 2015.

²¹ UN Security Council resolution 1945, 14 October 2010.

²² Clifford Coonan, "Chinese Bullets Killed Our Staff in Darfur, Says UN," *Independent*, 21 October 2010, <http://www.independent.co.uk/news/world/politics/chinese-bullets-killed-our-staff-in-darfur-says-un-2113351.html>.

negotiations. This has become a more noticeable factor since 2007,²³ with China and especially Russia increasingly asserting their great power status in words and deeds and clashing with the P3 in the process.

One manifestation of China's and Russia's more restrictive view of international peace and security is that they adhere more closely to traditional sovereignty norms than the P3. They are generally uncomfortable with efforts to focus the Council's work on human rights issues, especially when they believe that doing so constitutes interference in the domestic affairs of sovereign states. Between 2007 and 2016, there were seven joint China-Russia vetoes: five on Syria, one on Myanmar, and one on Zimbabwe—in all of these cases, significant human rights violations were committed by the regimes in power.²⁴ In these cases, China and Russia frequently employed arguments emphasizing the importance of upholding the territorial integrity and domestic jurisdiction of the states in question, reluctant to criticize these states in any meaningful way. Of course, the P3 are often averse to exerting strong leverage on close allies that commit human rights violations in order to improve their behavior (for example, the limited pressure they have placed on the Saudi-led coalition for the cynical way it has prosecuted its war in Yemen). However, they are more willing to discuss human rights issues in the Council than China and Russia, and in general, they do not hold the same level of commitment to norms of sovereignty and non-interference as China and Russia in cases where human rights violations are being committed.

²³ 2007 was the year of the first joint China-Russia veto, which focused on Myanmar. See UN Security Council document S/2007/14, 12 January 2007.

²⁴ Jared Genser and Bruno Stagno Ugarte, "Evolution of the Security Council's Engagement on Human Rights," in *The United Nations Security Council in the Age of Human Rights*, ed. Jared Genser and Bruno Stagno Ugarte (New York, NY: Cambridge University Press, 2014), 26. Genser and Stagno Ugarte noted that "...the Russian Federation and China have, to date, always acted in tandem in using the veto to defeat draft resolutions that contained human-rights elements. These were on the situations in Myanmar..., Syria..., and Zimbabwe..., all of which contained contextual references to 'human rights.'"

Disagreements on policy aside, there is also a difference in how the P3 engage in the Council's work compared with Russia and China. The P3 tend to be more assertive in managing the Council's workload. Russia actively engages in negotiations, makes frequent proposals to draft Council outcomes, and on matters of strong strategic interest, will sometimes present its own draft products for consideration. However, the P3 currently holds the pen (i.e. drafts and leads the negotiations) on the overwhelming majority of issues on the Council's agenda, with Russia drafting less frequently. China takes the most low-key approach to the Council's work of any permanent member. It is not the penholder on any issue, it rarely makes its own proposals on draft texts, and it does not engage as actively in negotiations as the other permanent members.

Methodology and Sources

The first part of my analysis extends to the late Cold War period, while the second part explores the late Cold War period to the present. In studying the first period, one challenge is that there is a dearth of information on how Council resolutions and other outcomes were negotiated and more broadly, on how the Council functioned. I have relied heavily on the formal records of Council debates to fill this gap. Also helpful are memoirs of key UN Secretariat officials, US State Department documents, and the Repertoire of the Practice of the Security Council,²⁵ which provides descriptions of Council proceedings on all agenda items. Secondary sources covering the early history of the Council are useful as well in capturing the positions of different members on key issues on the agenda and providing historical background on these issues.

²⁵ Repertoire of the Practice of the Security Council is available at: <http://www.un.org/en/sc/repertoire/>.

Much of the same source material is used to cover the late Cold War to the present in my analysis.²⁶ However, I have benefited as well from a significant number of interviews with UN Secretariat officials and diplomats who have served in the Council during the past 25 years. Interviews with diplomats, Council debate records, and public statements by diplomats have been especially useful in demonstrating the value that members place on Council unity. Another key source of information on Council deliberations in recent years has been the not-for-profit organization Security Council Report, which has provided analysis of the Council's work since 2005.²⁷

While much of my analysis investigates the sources of unity in the Council since the late Cold War era, it is impossible to ignore the growing divide in policy positions between the P3, on the one hand, and Russia and China, on the other hand, especially since China and Russia cast their first joint veto on Myanmar in January 2007. Through an analysis of public statements by China and Russia—in addition to their voting records—I demonstrate that principles of sovereignty and non-intervention are often the reasons for their divergent positions from the P3, and indeed, several other Council members.

I further describe the different processes and mechanisms which are relevant to how Council members conceptualize, produce and vote on resolutions, and how they have promoted greater cohesion in Council voting. I rely on interviews from Council members involved in the negotiations on resolutions and seek their views about how processes have affected negotiations. The Security Council Report's *What's In Blue* site, which has been in service since 2011, has

²⁶ However, I have not made use of US State Department documents from this period.

²⁷ See Security Council Report's website at: www.securitycouncilreport.org.

been particularly useful in shedding light on the processes by which resolutions have been negotiated over the past seven years, providing real time analysis of the Council's work.²⁸

Alternative explanations

The crux of my puzzle relates to why P3 voting convergence has grown in the post-Cold War era, without the threat of the Soviet Union to bind these countries together. I argue that there are three reasons why this is so: there is no group of members willing to table controversial drafts that might be vetoed like the NAM did in the Cold War; members value consensus because a unified Council is perceived as a more effective one in a multi-polar world in which this organ plays a key foreign policy role for its members; and working methods have evolved to enable more considered negotiations on drafts, in particular among Council members (usually the permanent members) with a key stake in the issue under discussion. Taken together, these reasons help to explain why voting convergence has increased in the post-Cold War era not just among the P3, but in the Council as whole.

However, there are plausible alternative explanations regarding why there has been such strong voting convergence among the P3 in the Council in the post-Cold War era. But these explanations ultimately fall short.

An obvious alternative explanation is that the policy positions of the P3 have simply been more closely aligned over the past 25 years than they were in the Cold War. This argument has strong merits and at least partially explains the decrease in voting divisions among the P3. After all, many of the issues on which the P3 had voting differences in the Cold War—e.g., Suez, Southern Rhodesia, or Nicaragua—are no longer on the agenda. Nonetheless, the argument tells

²⁸ See Security Council Report's *What's In Blue* site at: <http://www.whatsinblue.org/>.

only part of the story, as it fails to account for the changes in the working methods of the Council. As I attempt to demonstrate in this dissertation, the evidence suggests that on divisive issues (i.e., those on which there was a strong chance of a veto) draft resolutions were put to a vote more frequently in the Cold War than has been the case since the end of the Cold War, as a result of the assertiveness of the non-aligned members from the 1960s to the 1980s. In current times, Council members still force a veto from time to time—as was done, for example, with the December 2017 Egyptian draft on Jerusalem²⁹—but this occurs with less regularity than in the Cold War.

Another alternative argument that could be made is that the P3 have converged in their voting in the post-Cold War era around burgeoning human security norms that have increasingly been a focus of the Council's work. Most UN peacekeeping missions now have protection of civilians' mandates. "Women, Peace and Security," "Children and Armed Conflict," and "Protection of Civilians" are thematic issues on the Council's agenda, and language related to protecting civilians in general or more specifically related to protecting women and children has become common in Council resolutions and other outcomes.

The P3 consistently profess support for human security norms in the Security Council, although one could question their level of commitment in cases in which core strategic interests are at stake. However, it is important to note that these issues only entered the mainstream of the Council's work in earnest in the late 1990s, while voting convergence among the P3—and several other Council members—began roughly a decade earlier. For example, the P3, along with China and Russia, were united in *blocking* constructive action by the Council in the midst of the 1994 Rwandan genocide, although one could argue that the French-led, controversial

²⁹ UN Security Council document (S/2017/1060), 18 December 2017.

Opération Turquoise during the later stages of the genocide was motivated by protection concerns.

A final alternative explanation for P3 voting convergence in the Council during the post-Cold War era is that the global power of France and the United Kingdom has diminished to the point where they are uncomfortable in taking public positions that vary from their more powerful western ally, the United States.³⁰ This would seem plausible on the surface, but it does not stand up to closer analysis. First, France and the United Kingdom were already waning powers in the Cold War, and yet they frequently voted apart from the United States, in spite of the fact that the Soviet Union was a common threat to them. Second, even though voting discrepancies among the P3 have been rare in the post-Cold War Council, they have not been non-existent, and there have been significant arguments among them on issues such as Bosnia and Iraq, which will be discussed in Chapter IV.

About this project

This project attempts to fill several unexplored or under-explored areas in the literature on the Security Council. The dissertation discusses the impact of the NAM on the Council's deliberations during the Cold War. In particular, it describes how the NAM members shaped the voting agenda of this organ. While it is a truism that decolonization had a significant impact on deliberations in the UN General Assembly, this project analyzes the underexplored role of the NAM in Council deliberations. It further provides a case study on the evolution of the Council's working methods. Efforts to analyze working methods have only provided snapshots of

³⁰ I thank my colleague at Security Council Report, Victor Casanova Abós, for providing this alternative explanation.

particular periods.³¹ This project, in contrast, aims to explore the significant changes in this organ's working methods spanning the Cold War period to the present. The durability of the Council and its adaptability to the changing demands of the international security environment are visible.³² Another contribution is additional evidence for the political science literature about how processes can have an impact on outcomes. The permanent members have assiduously worked together to shape Council working methods to serve their interests. Their impact is clear on how Council decisions are made, including how resolutions and presidential statements are conceived, drafted and negotiated. Furthermore, the dissertation explores why the Council is important to elected members and how they can play a constructive role in its work, issues that are not adequately explored in the literature.

Six chapters follow this introduction. Chapter I provides a survey and assessment of the literature on the Security Council and its role in world affairs. It describes how both normative and rational choice factors are relevant to an analysis of Security Council voting patterns over time.

Chapter II offers a brief statistical overview of voting patterns in the Security Council from 1946 to 2016. It provides some raw data to substantiate greater voting convergence on

³¹ See, for example, the in-depth research on working methods by Security Council Report during the post-Cold War period. This includes: Security Council Report, "Security Council Working Methods: A Tale of Two Councils?" Special Research Report No. 1 (25 March 2014): 13-14, available at <http://www.securitycouncilreport.org/special-research-report/security-council-working-methods-a-tale-of-two-councils.php>; Security Council Report, "Security Council Working Methods—A Work in Progress," Special Research Report No. 1 (30 March 2012), available at <http://www.securitycouncilreport.org/special-research-report/lookup-c-gIKWLeMTIsG-b-5906427.php>; Security Council Report, "Security Council Transparency, Legitimacy and Effectiveness: Efforts to Reform Council Working Methods, 1993-2007," Special Research Report No. 3 (18 October 2007), available at <http://www.securitycouncilreport.org/special-research-report/lookup-c-gIKWLeMTIsG-b-3506555.php>; and Security Council Report, "Security Council Working Methods: Provisional Progress," Research Report (22 January 2018), available at http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/research_report_working_methods_2018.pdf.

³² Security Council Report, "Security Council Working Methods: Provisional Progress," 3. Security Council Report has noted: "...it could be argued that throughout its post-Cold War history, the Council has continued to be the most adaptable international body, at times capable of modifying its working methods literally on the spot."

resolutions among the P3, and indeed within the Council as a whole, since the late Cold War period. The chapter also briefly summarizes the significance of these statistics, arguing that voting unity does not necessarily translate into quality outcomes. It seemed appropriate to end the broad statistical overview of voting patterns in the post-Cold War era with the last calendar year of the Obama administration and to be cautious throughout the dissertation about making definitive statements about the dynamics among the P3—and between the United States and the rest of the Council—beyond Obama’s tenure, given the lack of clarity of the Trump White House’s long-term foreign policy vision only one year into the president’s term. Nonetheless, references to events in 2017 and early 2018 in the empirical chapters of the dissertation largely serve to highlight continuities in Council practice. Furthermore, some preliminary analysis (including statistical analysis) is provided on the Trump administration’s early engagement with the Council in the conclusion (Chapter VI), although it would be premature to guess the course that this relationship will have taken by the time the current president leaves office.

Chapter III explores some of the issues that divided the permanent members, including the P3, during the Cold War. A key focus of this chapter is the impact of the NAM on Council deliberations, as non-aligned Council members frequently joined together to propose controversial resolutions that often resulted in vetoes or non-unanimous adoptions.

Chapter IV describes how the permanent members have consolidated their control over Council decision-making since the late Cold War period. It describes the factors that have led to increased voting unity. Finally, the chapter compares the different perspectives of the Council’s role in world affairs among the permanent members, focusing on the divisions between the P3 and Russia and China.

Chapter V analyzes the role that elected members have played in recent years in the Council's work; it explores why Council membership is important to them, and how they have made efforts to promote unanimity. Three cases studies are presented to demonstrate the efforts of elected members to shape the Council's work: one on humanitarian issues in Syria, a second on the protection of health care workers and facilities in armed conflict, and a third on sanctions.

Chapter VI summarizes the findings of the dissertation and offers some suggestions for future research. It poses questions that researchers should consider in order to determine the price for achieving consensus, specifically in terms of the quality of resolutions and the Council's mixed record in spite of voting unanimity on so many issues. Among the issues explored are the impact of unanimously adopted resolutions, the dominance of the P3 in drafting outcomes, and China's role in the Council, in addition to the above mentioned discussion of the Trump administration's early engagement with the Council.

I: An evolving institution

Hampered by superpower conflict, the Council was not particularly active in its early decades of existence. As I argue in Chapter III, from the 1960s through the late 1980s, Council deliberations were often driven by the interests of developing countries, even though the veto always ensured that the permanent members could protect their interests. The first part of this chapter focuses on the evolution of the Council's work since the end of the Cold War and explores the literature on this organ. It makes two key observations regarding the evolving role of the Council since the end of the Cold War: first, the organ has experienced (and continues to experience) a high-level of activity in comparison with earlier years; second, it has addressed an expanding range of issues as part of its international peace and security responsibilities. The literature on the Security Council is wide in scope and touches on many different aspects of this organ's work. In surveying the literature, I explore issues such as how the Council has been characterized; how it has been assessed as a tool for legitimation; how its voting procedures have been described and analyzed; and what role its members play. The second part of this chapter assesses the literature, notes some the existing gaps, and describes ways in which the dissertation strives to addresses these gaps. It argues that the dissertation is helpful in assessing why greater consensus has been achieved in the post-Cold War era as compared to the Cold War; in exploring the relations among all Council members; and in describing how resolutions are drafted and negotiated. A final section provides an analytical framework for my argument. It maintains that both normative and instrumental factors can be used to explain the behavior of Council members, while positing that the pull of strategic interests ultimately dictates how decisions are made.

Literature on the Security Council

From Cold War to Today

The Council of the post-Cold War era bears little likeness to the Council of the Cold War.³³ First, it has been much more active in recent years than it was during the Cold War.³⁴ Unhindered by the gridlock of superpower competition, adopting resolutions and statements is less difficult today than it was 30 years ago. Edward Luck's observation that "the Council moved in slow motion for four decades of Cold War and has been hyperactive since its end" is just as relevant today as it was when he wrote those words in 2006.³⁵ From January 1946 to December 1991, the Council adopted 725 resolutions; since then, it has adopted over 1,600 resolutions.

Second, the Council's perception of international peace and security has evolved significantly over the past 25 years. Prior to 1990, the Council rarely made decisions on internal conflicts.³⁶ Since the 1990s, internal disputes that would likely have been considered off limits during the Cold War because of more restrictive sovereignty norms have filled the Council's agenda. Thus, the Council has addressed several human rights violations and humanitarian crises in domestic situations since the 1990s,³⁷ even though implementation of its decisions on these matters has been lacking. Human security issues such as the Protection of Civilians in Armed Conflict, Children and Armed Conflict, and Women, Peace and Security have also become fixtures on the agenda in recent years.³⁸ Even Climate Change and HIV/AIDS have been

³³ David M. Malone, ed., *The UN Security Council: From the Cold War to the 21st Century* (Boulder, Colo.: Lynne Rienner Publishers, 2004), 1-15.

³⁴ Edward C. Luck, *UN Security Council: Practice and Promise* (New York: Routledge, 2006), 8.

³⁵ *Ibid.*

³⁶ Karel Wellens, "The UN Security Council and New Threats to the Peace: Back to the Future," *Journal of Conflict and Security Law* 8, no. 1 (2003): 56.

³⁷ Malone, ed., *From the Cold War to the 21st Century*, 644-645.

³⁸ Bruce Cronin, "International Consensus and the Changing Legal Authority of the UN Security Council," in *The UN Security Council and the Politics of International Authority*, ed. Bruce Cronin and Ian Hurd (New York, NY:

considered threats to international peace and security by many Council members, and have been the focus of Council debates and outcomes. Third, the Council resorts much more frequently to coercive measures under Chapter VII of the UN Charter in the post-Cold War era than during the Cold War.³⁹ In the entire Cold War period, there were only two sanctions regimes, one on South Africa and one on Southern Rhodesia; today, there are 14. While most UN peace operations during the Cold War were designed to separate warring parties and monitor a ceasefire to create time and space for political dialogue, nine of the 15 peace operations today have been mandated by the Council under Chapter VII. According to the non-governmental organization Security Council Report, “Whereas only 10 of the 37 resolutions adopted in 1990 were under Chapter VII (27.0 percent), 32 of the 53 resolutions adopted in 2012 made reference to Chapter VII (60.4%).”⁴⁰

In recent years, several scholars have also argued that the Council is assuming a legislative role.⁴¹ In the response to the terrorist attacks of September 11, 2001, the Council adopted resolution 1373, which placed broad obligations on all states to take steps to prevent financing to terrorists (2001) that are not time-bound. On April 28, 2004, it adopted resolution 1540, imposing wide-ranging, temporally open-ended obligations on all states to prevent the spread of weapons of mass destruction to non-state actors. These resolutions have been widely interpreted as legislation. As Stefan Talmon states, the “hallmark of any international legislation

Routledge, 2008), 57-79. Cronin has noted that the increased range of the Council’s work to include human protection issues in internal conflicts reflects the evolution of international law that has upheld these issues and has been embraced by states.

³⁹ Luck, *Practice and Promise*, 8.

⁴⁰ Security Council Report, “In Hindsight: Chapter VII,” *October 2013 Monthly Forecast*, http://www.securitycouncilreport.org/monthly-forecast/2013-10/in_hindsight_chapter_vii.php.

⁴¹ José E. Alvarez, *International Organizations as Law-makers* (Oxford: Oxford University Press, 2005), 196-198; Ian Johnstone, “Legislation and Adjudication in the UN Security Council: Bringing Down the Deliberative Deficit,” *The American Journal of International Law* 102, no. 2 (2008): 275-308; Paul C. Szasz, “The Security Council Starts Legislating,” *The American Journal of International Law* 96, no. 4 (2002): 901-905; and Stefan Talmon, “The Security Council as World Legislature,” *The American Journal of International Law* 99, no. 1 (2005): 175-193.

is the *general and abstract character* of the obligation imposed.”⁴² Talmon argues that in cases in which the Council considers making legislation—as it did with the adoption of resolutions 1373 and 1540—it must include non-Council members in its deliberations. Otherwise, the “legitimacy and acceptance of its legislative acts” will be problematic, and “they may remain dead letters.”⁴³ Indeed, laws promulgated by the Council that do not reflect “the general will of the world community” of states will be difficult to enforce.⁴⁴

While few would dispute that the Council has held an important place in international affairs since 1946 and that its norms and practices have evolved greatly, there are differing perspectives on how well it has discharged its duties over the years. Realists are generally the harshest critics, as they believe that international institutions like the Council merely serve the interests of the great powers.⁴⁵ However, many scholars of the Council have a less critical assessment. David Bosco believes that the Council is good at defusing crises among the big powers but ineffective in managing many other tasks⁴⁶, while Erik Voeten maintains that its value lies in its ability to constrain US power and maintain equilibrium in the international system.⁴⁷ Vaughan Lowe et al. write that while the Council has handled a number of issues “deplorably”—including the Arab-Israeli situation since 1947, the 1994 Rwanda crisis, the 1980 Iraq invasion of Iran, and the situation in Darfur from 2003 onward—it is nonetheless a “partial success” because it has “contributed to a modest degree of stability and progress in international

⁴² Talmon, “Council as World Legislature,” 176.

⁴³ *Ibid.*, 187.

⁴⁴ Szasz, “Council Starts Legislating,” 905.

⁴⁵ Michael J. Glennon, “Why the Security Council Failed,” *Foreign Affairs* (May/June 2013); and John J. Mearsheimer, “The False Promise of International Institutions,” *International Security* 19, no. 3 (Winter 1994/1995): 7.

⁴⁶ David Bosco, *Five to Rule Them All: The UN Security Council and the Making of the Modern World* (New York: Oxford University Press, 2009).

⁴⁷ Erik Voeten, “The Political Origins of the UN Security Council’s Ability to Legitimize the Use of Force,” *International Organization* 59, no. 3 (2005): 527-557.

relations.”⁴⁸ In particular, among other achievements, they believe that the Council has played a role in reducing inter-state conflict since 1945, in stabilizing inter- and intra-state conflicts through its authorization of UN peacekeeping operations, and in promoting cooperation among the major powers.⁴⁹

Characterizations of the Council

The UN is generally considered a collective security organization. In theory, this is true. Article 1.1 of the UN Charter states that among the purposes of the organization is “to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace.”⁵⁰ In practice, however, this is far from the truth. Several scholars have recognized this discrepancy in their attempts to characterize the work of the Security Council. Among other things, the Council has been likened to a “concert system,”⁵¹ “an elite pact,”⁵² “a Roman model,”⁵³ and a “selective security”⁵⁴ institution.

David Bosco has suggested that the permanent members of the Security Council have collaborated with a sense of comity to solve major crises since the end of World War II. Bosco has likened the Council to the 19th century Concert of Europe, the informal grouping of major powers that kept the peace for nearly half a century.⁵⁵ Throughout its history, according to

⁴⁸ Vaughan Lowe, Adam Roberts, Jennifer Welsh, and Dominik Zaum, ed., *The United Nations Security Council: The Evolution of Thought and Practice since 1945* (Oxford: Oxford University Press, 2008), 53.

⁴⁹ *Ibid.*, 54-55.

⁵⁰ United Nations, *Charter of the United Nations*.

⁵¹ David Bosco, “Assessing the UN Security Council: A Concert Perspective,” *Global Governance* 20 (2014): 547; and Bosco, *Five to Rule Them All*.

⁵² Voeten, “Political Origins,” 541-553.

⁵³ Malone, ed., *From the Cold War to the 21st Century*, 3.

⁵⁴ Adam Roberts and Dominik Zaum, *Selective Security: War and the United Nations Security Council since 1945*, The International Institute for Strategic Studies, Adelphi Paper 395 (London: Routledge, 2008).

⁵⁵ Bosco, *Five to Rule Them All*, 5.

Bosco, the Council has been effective at providing a mechanism for the big powers (i.e., the permanent five members) to manage tensions among themselves and to preserve order during major crises.⁵⁶ Bosco suggests that it is in part because of their deliberations at the UN that major war has been avoided among the permanent members since the organization's founding.⁵⁷ However, he argues that the Council has not been particularly good at "defusing local conflicts, stabilizing unstable states, preventing the proliferation of dangerous weapons, punishing war criminals, and enforcing international sanctions."⁵⁸

Eric Voeten has written that, since the first Gulf War, the Council has functioned like an "elite pact" in regard to decisions by states, especially the United States, to use force.⁵⁹ If the Council authorizes the use of force, then member states are likely to view the use of force by the United States (or another power) as legitimate and not oppose military action; however, force employed without the approval of the Council is viewed as illegitimate by member states, which will retaliate with foreign policy decisions detrimental to the state(s) carrying out the military operation.⁶⁰ In this way, the Council helps to maintain equilibrium in the international system and to restrain the United States.⁶¹

In his 2004 edited volume, David Malone writes that when he and his coauthors considered how to characterize the post-Cold War Council, they thought that a "Roman model" might be appropriate, whereby "the Council serves as a senate constraining the emperor"⁶² (i.e., the US). However, Malone (and his coauthors) ultimately backs away from this assessment,

⁵⁶ Ibid.

⁵⁷ Bosco, "A Concert Perspective," 547.

⁵⁸ Bosco, *Five to Rule Them All*, 4.

⁵⁹ Voeten, "Political Origins," 529.

⁶⁰ Ibid., 543.

⁶¹ Ibid.

⁶² Malone, ed., *From the Cold War to the 21st Century*, 3.

writing that history moves far too quickly to make such a theoretical approach for analyzing the Council fruitful.⁶³ In a subsequent edited volume on the Council published in 2016, Malone and his co-editors recognized the changes in greater power politics that had occurred since the 2004 volume, describing the relationship between the United States and Russia and China as a major factor in determining Council's influence rather than the importance of constraining US power.⁶⁴

The “selective security” characterization of Adam Roberts and Dominik Zaum is based on the fact that the Council is selective in how it addresses peace and security issues. According to the authors, the P5 veto and “the limited willingness of all states—whether or not members of the Council—to provide resources and trained personnel to resolve conflicts that they may perceive as distant, complex and resistant to outside involvement” are among the elements contributing to this selectivity.⁶⁵

Tool for Legitimation

Several academics have argued that the Council is an instrument that can be used to legitimate the policies and actions of states.⁶⁶ These scholars challenge realists who believe that decisions and actions of international institutions merely reflect the distribution of power in the international system.⁶⁷ As far back as 1966, Inis Claude wrote that “collective legitimization is

⁶³ Malone, ed., *From the Cold War to the 21st Century*, 3.

⁶⁴ David M. Malone, Bruno Stagno Ugarte, and Sebastian von Einsiedel, “Conclusion,” in *The UN Security Council in the 21st Century*, ed. David M. Malone, Bruno Stagno Ugarte, and Sebastian von Einsiedel (Boulder, Colo., Lynne Rienner Publishers, 2016), 828.

⁶⁵ Roberts and Zaum, *Selective Security*, 7-8.

⁶⁶ Mats Berdal, “The UN Security Council: Ineffective but Indispensable,” *Survival* 45, no. 2 (2003): 9; Inis L. Claude, Jr., “Collective Legitimation as a Political Function of the United Nations,” *International Organization* 20, no. 3 (1996): 367-379; Bruce Cronin, “International consensus and the changing legal authority of the UN Security Council,” in *The UN Security Council and the Politics of International Authority*, ed. Bruce Cronin and Ian Hurd (New York, NY: Routledge, 2008), 57-79; and Ian Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council* (Princeton: Princeton University Press 2007).

⁶⁷ See, for example, Michael J. Glennon, “Why the Security Council Failed,” *Foreign Affairs* 82, no. 3 (2003); and John J. Mearsheimer, “The False Promise of International Institutions,” *International Security* 82, no. 3 (1994-95): 5-49.

one of the most significant elements in the pattern of political activity that the United Nations has evolved in response to the set of limitations and possibilities posed by the political realities of our time.”⁶⁸ States accrue political capital based on the approval of the General Assembly and the Security Council for their actions.⁶⁹ He argued that member states had themselves accorded the organization this role, which reflects not “what the United Nations can *do* but...how it can be *used*.”⁷⁰ Writing in 2003, soon after the US’s failed attempt to gain Council approval for military action in Iraq, Mats Berdal likewise argued that a “vital political function of the Council has been to serve as an instrument for collective legitimation of state action.”⁷¹

Ian Hurd’s analysis of the Council masterfully weaves together rationalist and constructivist perspectives: regardless of their own positive or negative perceptions of the Council, individual states make a calculated effort to employ the legitimacy provided by its approval precisely because the wider international community of states has accorded it with that normative power.⁷² Hurd defines legitimacy as “an actor’s normative belief that a rule or institution ought to be obeyed.”⁷³ He argues that rules and institutions have power because they exert leverage on the decision-making of states, which make an effort to appropriate the symbols⁷⁴ of the institutions to their benefit.⁷⁵ Thus, Russia sought and obtained the Council’s support for its deployment of peacekeepers in Georgia and Tajikistan in the 1990s because of the symbolic value attached to this approval, even though Russian troops generally did not adhere to the core principles of UN peacekeeping (i.e.: impartiality, host-country consent and use of force

⁶⁸ Claude, Jr., “Collective Legitimation,” 373.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ Berdal, “Ineffective but Indispensable,” 9.

⁷² Hurd, *After Anarchy*, 179-181.

⁷³ *Ibid.*, 7.

⁷⁴ *Ibid.*, 52. Hurd defines a symbol as “an object vested with social power beyond its physical, material powers.”

⁷⁵ *Ibid.*, 79.

as a last resort).⁷⁶ Whereas realists emphasize anarchy in the international system, Hurd uses the term “after anarchy” to describe the system, because of the leverage that international institutions such as the Council have over states’ decision-making, meaning that “sovereignty exists in international organization.”⁷⁷

Voting in the Security Council

A number of scholars have studied voting in the Security Council. Early work on this issue often focused on interpretations of article 27 (3) of the UN Charter, which outlines the organ’s voting procedures.⁷⁸ More recently, scholars have used game theory to interpret voting in the Council as it is currently constituted, as well as under different scenarios for a structurally reformed Council.⁷⁹ The definitive work on Council procedure in general—including voting procedures and processes—from the time of the UN’s founding to the present remains *The Procedure of the UN Security Council*, now in its fourth edition.⁸⁰

Security Council voting procedures are outlined in article 27 of the UN Charter, which states:

1. Each member of the Security Council shall have one vote.

⁷⁶ Hurd, *After Anarchy*, 126-127. Hurd based his analysis of Russian peacekeeping not adhering to UN peacekeeping doctrine on: Lena Johnson and Clive Archer, “Russia and Peacekeeping in Eurasia,” in *Peacekeeping and the Role of Russia in Eurasia*, ed. Lena Jonson and Clive Archer (Boulder, Colo.: Westview Press, 1996).

⁷⁷ *Ibid.*, 187.

⁷⁸ Sydney D. Bailey, “New Light on Abstentions in the UN Security Council,” *International Affairs* 50, no. 4 (1974): 554-573; Leo Gross, “Voting in the Security Council: Abstention from Voting and Absence from Meetings,” *The Yale Law Journal* 60, no. 2 (1951): 209-257; and Constantine A. Stavropoulos, “The Practice of Voluntary Abstentions by Permanent Members of the Security Council Under Article 27, Paragraph 3 of the Charter of the United Nations,” *The American Journal of International Law* 61, no. 3 (1967): 737-752.

⁷⁹ Steve Chan, “Power, Satisfaction and Popularity: A Poisson Analysis of UN Security Council Vetoes,” *Cooperation and Conflict* 38, no. 4 (2003): 339-359; Barry O’Neill, “Power and Satisfaction in the United Nations Security Council,” *Journal of Conflict Resolution* 40, no. 2 (1996): 219-237; Jonathan R. Strand and David P. Rapkin, “Weighted Voting in the United Nations Security Council: A Simulation,” *Simulation & Gaming* 42, no. 6 (2011): 772-802; and Erik Voeten, “Outside Options and the Logic of Security Council Action,” *American Political Science Review* 95, no. 4 (2001): 845-858.

⁸⁰ Loraine Sievers and Sam Daws, *The Procedure of the UN Security Council*, Fourth ed. (Oxford: Oxford University Press, 2014).

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.⁸¹

The meaning of article 27 (3) was a source of debate in the UN's early years. One issue that was often raised was the meaning of "concurring votes." In particular, if the "concurring votes" of the permanent members were required for the adoption of a resolution, did this mean that an abstention by a permanent member should prevent the adoption of a resolution? Through analysis of voting patterns, scholars demonstrated that the regular practice has been to consider a P5 abstention a "concurring vote," signifying that an abstention cannot block the adoption of a resolution so long as the draft receives the requisite majority of votes and is not vetoed.⁸² The first case of this occurring was the adoption of resolution 4 on 29 April 1946, when the Council adopted a resolution on "the Spanish question,"⁸³ which received affirmative votes of ten of the 11 Council members, with the Soviet Union abstaining.⁸⁴

Today, this discussion is outdated, as even a casual UN observer would not question the validity of a resolution adopted with a P5 abstention. However, as late as April 1966—more than 20 years after the founding of the UN and following the adoption of numerous Council resolutions with one or more P5 abstentions—Portugal and Spain questioned whether resolution

⁸¹ United Nations, *Charter of the United Nations*.

⁸² Gross, "Voting in the Security Council," 210-215; and Stavropoulos, "The Practice of Voluntary Abstentions," 742.

⁸³ Resolution 4 condemned the Franco regime and established a committee to determine whether the situation in Spain resulted in international friction and endangered international peace and security.

⁸⁴ Gross, "Voting in the Security Council," 210; and Stavropoulos, "The Practice of Voluntary Abstentions," 742.

221, which called on Portugal to prevent the transport of oil from Beira in Mozambique (a Portuguese colony) to Southern Rhodesia, was legally binding because France and the Soviet Union had abstained on the vote.⁸⁵

Another interpretive matter regarding article 27 (3) is the question of mandatory abstentions by parties to a dispute, in cases pertaining to Chapter VI and paragraph 3 of article 52. In 1974, Sydney Bailey wrote that this provision of the Charter has not generally been honored: “There have...been a few cases where parties have abstained on peaceful settlement proposals, or not taken part in the vote—but only when it was pretty certain that this would not affect the outcome. The idea that a state should not be a judge in its own cause has been largely forgotten.”⁸⁶

Subsequent history has confirmed Bailey’s observation. On 5 February 1976, France vetoed a draft resolution that would have “consider[ed] the holding of...a referendum by the French Government in Mayotte...interference in the internal affairs of the Comoros.”⁸⁷ More recently, prior to annexing the Crimea in March 2014, Russia vetoed a draft resolution that would have reaffirmed the Council’s “commitment to the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognized borders” and declared that the planned referendum in the Crimea “can have no validity.”⁸⁸ In both cases, France (with regard to the Comoros) and Russia (with regard to the Ukraine) were parties to a dispute and should have abstained from voting in adherence to article 27 (3).

⁸⁵ Stavropoulos, “The Practice of Voluntary Abstentions,” 737-738.

⁸⁶ Bailey, “New Light on Abstentions,” 564.

⁸⁷ UN Security Council document (S/11967), 5 February 1976.

⁸⁸ UN Security Council document (S/2014/189), 15 March 2014.

Game theorists have sometimes operated in the context of the debates on structural reform of the Council, which highlight the unfairness of the veto and the perception that the permanent membership does not accurately represent the geopolitical realities of the modern world. Barry O'Neill explores the relationship between "power" ("the probability that changing [a member's] vote would change the outcome"⁸⁹) and "satisfaction" ("the probability that the Council would pass a resolution the member wants passed or reject a resolution the member wants rejected"⁹⁰) under different reform scenarios.⁹¹ He concludes that several of the reform proposals on voting would not have much effect on voting influence.⁹² Increasing the number of veto-wielding members could hinder the organ's ability to act, although "this effect is small if the new members stand near positions already occupied by current veto members."⁹³ He also writes that increasing the number of non-veto holding members on the Council could "diminish their total power," although "their absolute power is so small before and after that change makes little real difference."⁹⁴ Jonathan R. Strand and David P. Rapkin analyze the potential impact of weighted voting, accounting for factors such as population size and contributions to the UN, under different reform scenarios.⁹⁵ The authors conclude that "the selection of a majority decision rule is a critical factor for both individual voting power and the probability that the organ will be able to pass a resolution."⁹⁶

Other scholars using game theory have analyzed voting in the Council under its current configuration. Steve Chan measures voting "satisfaction" of veto-holding members, defined as

⁸⁹ O'Neill, "Power and Satisfaction," 220.

⁹⁰ *Ibid.*, 225.

⁹¹ *Ibid.*, 219-237.

⁹² *Ibid.*, 236.

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ Strand and Rapkin, "Weighted Voting," 772-802.

⁹⁶ *Ibid.*, 792.

“the probability of finding oneself on the winning side,”⁹⁷ in relationship to their “popularity,” defined as the level of “general support”⁹⁸ from their peers on the 15-member organ.⁹⁹ He concludes that “satisfaction and popularity can be inversely related in the politics of the Security Council.”¹⁰⁰ Analyzing the Council’s decision-making in the 1990s, Voeten argues that while the United States preferred to operate through the UN, it had other options for action, either unilaterally or bilaterally with allies.¹⁰¹ As such, other veto-wielding members of the Council, like China and Russia, recognizing the range of options available to the United States and that their use of the veto could not prevent it from exercising those options, would abstain in exchange for concessions from the United States and some influence over actions made within a UN framework.¹⁰² Voeten suggests that this is why there were infrequent vetoes but a high number of abstentions among permanent members in the 1990s.¹⁰³

Loraine Sievers and Sam Daws provide an overview of the Council’s voting rules, procedures, and processes through examples demonstrating the evolution of practice over time.¹⁰⁴ Among other things, the authors address issues such as the use of vetoes and abstentions, the difference between substantive and procedural votes, interpretations of article 27 (3) of the UN Charter, and the different types of Council decisions.¹⁰⁵ Voting is only one aspect of procedure covered in this volume, a detailed reference book that also explores different types of

⁹⁷ Chan, “A Poisson Analysis,” 341.

⁹⁸ *Ibid.*, 340.

⁹⁹ *Ibid.*, 339-359.

¹⁰⁰ *Ibid.*, 356.

¹⁰¹ Erik Voeten, “Outside Options and the Logic of Security Council Action,” *American Political Science Review* 95, no. 4 (2001): 845-858.

¹⁰² *Ibid.*

¹⁰³ *Ibid.*, 846.

¹⁰⁴ Sievers and Daws, *The Procedure of the UN Security Council*, 295-431.

¹⁰⁵ *Ibid.*

meeting formats, the relationship of the Council to its subsidiary bodies and other organs of the UN, and the roles of permanent and elected members.¹⁰⁶

Roles of Different Members

There have been some efforts to analyze the role of specific states or groups of states in the context of their work on the Security Council. Bosco's book is the authoritative work on the P5. Ilya Gaiduk writes about the relationship between the United States and the Soviet Union in the UN from 1945-1965.¹⁰⁷ Similar to Bosco, Gaiduk highlights to the role of the UN as a forum for negotiation and compromise that helped to diffuse many crises. He notes, for example, that: "The Suez and Cuban missile crises stand out as the most dangerous upheavals that could have resulted in direct encounters between the two superpowers. The UN helped to prevent these outcomes."¹⁰⁸

Book chapters have been written on the role of the United States,¹⁰⁹ the United Kingdom and France,¹¹⁰ Russia,¹¹¹ and China¹¹² in the Security Council, as well as on the relationship between the permanent and the elected members.¹¹³ Stephen John Stedman argues that the United States has faced a key challenge in the Council in the post-Cold War era. It values

¹⁰⁶ Ibid.

¹⁰⁷ Gaiduk, *Divided Together*.

¹⁰⁸ Ibid., 301.

¹⁰⁹ Stephen John Stedman, "The United States and the Security Council," in *The UN Security Council in the 21st Century*, ed. David M. Malone, Bruno Stagno Ugarte, and Sebastian von Einsiedel (Boulder, Colo.: Lynne Rienner Publishers, 2016), 57-74.

¹¹⁰ Tardy and Zaum, "France and the United Kingdom in the Security Council," in *The UN Security Council in the 21st Century*, ed. David M. Malone, Bruno Stagno Ugarte, and Sebastian von Einsiedel (Boulder, Colo.: Lynne Rienner Publishers, 2016), 121-138.

¹¹¹ Trenin, "Russia in the Security Council," in *The UN Security Council in the 21st Century*, ed. David M. Malone, Bruno Stagno Ugarte, and Sebastian von Einsiedel (Boulder, Colo.: Lynne Rienner Publishers, 2016), 105-119.

¹¹² Wenqi and Xinyu, "China in the Security Council," in *The UN Security Council in the 21st Century*, ed. David M. Malone, Bruno Stagno Ugarte, and Sebastian von Einsiedel (Boulder, Colo.: Lynne Rienner Publishers, 2016), 83-103.

¹¹³ Kishore Mahbubani, "Permanent and Elected Council Members," in *The UN Security Council: From the Cold War to the 21st Century*, ed. David M. Malone (Boulder, Colo.: Lynne Rienner Publishers, 2004), 253-266.

Council approval of its actions, but this approval comes at a price in the form of concessions and constraints on action.¹¹⁴ The standing of the United States also suffers when it acts without this organ's blessing.¹¹⁵ During the Cold War, when the Council was gridlocked, bypassing it may have been more permissible, but since it has been less obstructed over the past 25 years, such action sparks greater examination.¹¹⁶

Thierry Tardy and Dominik Zaum underscore that the Security Council plays an important part in the foreign policies of France and United Kingdom today, "helping them to maintain a privileged position in international society that exceeds their military and economic clout."¹¹⁷ In the early Cold War years, unlike in current times, they maintain that "an active Council...was at times seen as threatening core colonial interests of both France and the UK."¹¹⁸ Today, according to Tardy and Zaum, the Council promotes liberal values espoused by both countries¹¹⁹ and, given that the two countries are no longer significant military powers, "an active Security Council does not pose a major constraint on their foreign and security policies."¹²⁰

Zhu Wenqi and Leng Xinyu note that there has been a transformation in China's approach to the Council since 1990s, when it often deferred to "the Western-driven transformation of the Council into an interventionist organ mandating a wide range of highly intrusive measures in a significant number of civil wars."¹²¹ They maintain that in more recent years "China has become increasingly active and assertive in the Security Council, both in

¹¹⁴ Stedman, "The United States and the Security Council," 57-58.

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*

¹¹⁷ Tardy and Zaum, "France and the United Kingdom in the Security Council," 136.

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

¹²¹ Wenqi and Xinyu, "China in the Security Council," 98.

defending its own interests as well as in displaying a greater readiness to challenge Western agendas.”¹²²

Dmitri Trenin argues that “Russian officials reject criticism that Moscow’s frequent use of the veto destroys consensus among the permanent members and renders the Security Council dysfunctional.”¹²³ Rather, he maintains, Russia envisions itself as “the guardian of international law and thus a pillar of global stability”¹²⁴ in a world in which “such actions as the 2003 invasion of Iraq, undertaken without a Council mandate...undermine the international system and global security.”¹²⁵

In discussing the relationship between the P5 and the E10, Kishore Mahbubani argues: “the P-5 have been given power without responsibility; the E10 have been given responsibility without power.”¹²⁶ He notes, for example, the irresponsibility of the P5 with regard to the Rwanda and Srebrenica crises in the mid-1990s, adding that the Council could have learned by conducting its own assessment of its handling of these situations, but that such an assessment was likely not conducted because it would have heavily implicated the permanent members.¹²⁷ While Mahbubani’s chapter was written over 10 years ago, many of his observations about the disparities between the permanent and elected members still ring true today, such as the hidden veto (i.e., the threat of veto, which stymies engagement on certain issues before they are even voted on) and the limited institutional memory of the elected members.¹²⁸

¹²² Ibid., 99.

¹²³ Dmitri Trenin, “Russia in the Security Council,” 118.

¹²⁴ Ibid.

¹²⁵ Ibid.

¹²⁶ Mahbubani, “Permanent and Elected Council Members,” 255.

¹²⁷ Ibid., 257.

¹²⁸ Mahbubani, “Permanent and Elected Council Members,” 259-260.

Assessment of Literature

Several key conclusions can be drawn from assessing the literature on the Council. First, there is a dearth of analysis of why there has been an increase in voting unanimity since the end of the Cold War. Second, efforts to characterize the Council often focus on limited aspects of its work, rather than viewing its activities holistically. Third, the literature provides little description of how the Council's outcomes (i.e. its resolutions and statements) are conceived, negotiated and drafted.

Consensus, but Why?

As I argue in Chapter III, much of the division among Council members in the Cold War—including among the P3, who have been closely aligned in the post-Cold War era—had to do with developing countries tabling draft resolutions on divisive issues. While a number of scholars have observed the trend toward more consensual decision-making in the Council in the post-Cold War era,¹²⁹ little effort has been made to explore why this is so.

Voeten provides the one exception in his article on the Council in the 1990s. He correctly notes that the United States struck deals with other permanent members to avoid vetoes from being cast, arguing that decisions are often the result of bargaining rather than “harmonious interests.”¹³⁰

Concessions and bargaining are an important element of decision-making in the Council. But they are not the only reasons why greater unanimity has been achieved. Permanent members value the Council as a foreign policy instrument, so they are generally reluctant to veto

¹²⁹ Chan, “Power, Satisfaction and Popularity,” 348; Mahbubani, “Permanent and Elected Council Members,” 258; Sievers and Daws, *The Procedure of the UN Security Council*, 338; and Voeten, “Outside Options,” 845-858.

¹³⁰ Voeten, “Outside Options,” 845-858.

resolutions, and will often work with other P5 colleagues to avoid vetoes where possible. A more united Council legitimizes policies more effectively, a point Claude made in his famous article on the legitimating role of the UN.¹³¹ He stated that a resolution that has the support of all the permanent members “is taken more seriously than one on which three of them abstain.”¹³² He likewise wrote that members valued the “significance of resolutions [in the UN’s political organs] according to the size and composition of the majorities supporting them and the forcefulness of the language in which they are couched.”¹³³ What Claude did not adequately capture was the fact that clarity and precision in language is sometimes the price to be paid for securing large majorities, which can lead to implementation challenges. The “forcefulness of the language”¹³⁴ that he alluded to is often sacrificed to achieve unanimity.

Claude is correct in that permanent members value unanimous voting because they believe it gives greater political weight to the organ’s outcomes. However, at the time of Claude’s article, unanimous decision-making was not as prevalent as it has been in the Council since the end of the Cold War, and its pursuit was frequently not possible in the same way. Difficult geopolitical conditions, under-developed processes for negotiation and dialogue, and ambivalence among some permanent members about the role of the UN in their foreign policies hampered efforts to achieve unanimity.

Characterizations of the Council

Given the Council’s broad peace and security mandate, it is very difficult to characterize the scope and complexity of its activities. This is why so much of the scholarship on the Council

¹³¹ Inis L. Claude, Jr., “Collective Legitimation as a Political Function of the United Nations,” *International Organization* 20, no. 3 (1996): 367-379.

¹³² Claude, “Collective Legitimation,” 375.

¹³³ *Ibid.*

¹³⁴ *Ibid.*

focuses on discrete aspects of its work, such as its engagement in particular country cases, its handling of particularly thematic issues, or its legislative role (which is limited to specific counter-terrorism resolutions.) Bosco persuasively argues that the Council is more effective if assessed as a “concert”—i.e., a bargaining mechanism to diffuse tensions among the permanent members—than as a tool for “governance” to maintain international peace and security.¹³⁵ He correctly maintains that the Councils’ governance functions include “suppress[ing] the insecurity that besets much of the globe by resisting aggression, defusing local conflicts, stabilizing unstable states, preventing the proliferation of dangerous weapons, punishing war criminals, and enforcing international sanctions.”¹³⁶ At same time, it should be noted that such “governance” efforts constitute a significant portion of the Council’s work. Furthermore, many of the “governance” functions that Bosco describes have implications for great power relations if they are not addressed at an early point, so that the “governance” work of the Council can potentially overlap with its “concert” role.

Describing the Council as an “elite pact”¹³⁷ or as a “Roman model”¹³⁸ is a way of using the power of the United States as a starting point for characterizing the Council. This view tends to give short shrift to the power and influence of the other veto-wielding members, particularly China and Russia, in a multipolar international system. It may be that the “elite pact” and “Roman model” characterizations, made in the mid-2000s, were influenced by the still-raw memories of the Iraq intervention of 2003, and in retrospective, Malone and his coauthors were wise to ultimately retract the assessment of the Council as a “Roman model,” correctly noting

¹³⁵ Bosco, *Five to Rule Them All*, 4-5.

¹³⁶ *Ibid.*

¹³⁷ Voeten, “Political Origins,” 541-553.

¹³⁸ Malone, ed., *The UN Security Council*, 3.

that the rapid pace of historical events made theorizing about such models unproductive.¹³⁹ Russia's actions in Syria and the Ukraine—and its blockage of an effective Council response—are a grim reminder that the United States is not the only great power with influence in the United Nations. By the time Malone and his colleagues published a successor volume in 2016, they acknowledged that the primary concern in the Council is no longer harnessing US power: “the shift in power and policies of the five permanent members, as well as the complex relations among them, have significantly altered the dynamics of the body, giving rise to a new set of concerns.”¹⁴⁰ They conclude that at present “the greatest threat to the relevance of the Security Council is the possibility of a standoff between the newly assertive Russia and China and a United States...that is seen as increasingly unwilling to shoulder more international burdens than absolutely necessary.”¹⁴¹

In this dissertation, I take a holistic view of the work of the Security Council. I look at a broad range of Council decisions, and while the focus is primarily on the P3, there is also discussion of the interactions among all five permanent members, as well as the interactions between and among permanent and elected members.

Drafting and Negotiating

Another area that I address is how resolutions and statements are drafted and negotiated. This issue is important because it provides a sense of how decisions are made; what kinds of leverage states exert over decision-making processes; and how members view their role on the Council. While some authors address different aspects of drafting and negotiating, they do not do so in

¹³⁹ Ibid.

¹⁴⁰ Von Einsiedel, Malone, and Stagno Ugarte, “Conclusion,” 828.

¹⁴¹ Ibid.

great detail. This dissertation provides a more thorough analysis of the different ways in which resolutions are conceived, drafted and negotiated than other works on the Council.

Analytical Framework

The framework for my argument has both normative and rational-choice elements. These two are often treated as distinct categories in political science, but as Hurd has noted, that need not be the case.¹⁴² The “collective legitimation” function of the Council has long been recognized by scholars.¹⁴³ Having endowed the Council with a privileged place in their foreign policies, the permanent members have accepted the value of achieving consensus as a means of validating their decisions. Elected members have accepted this norm as well.

Constructivist scholars have emphasized the importance of persuasion in the promotion of norms.¹⁴⁴ In this sense, it seems logical that if powerful states in the international system, represented by the permanent members, emphasized the need to create greater harmony in the international system as the Cold War ended, and voting together in the Security Council was a reflection of this, then the permanent members would be able to influence other Council members to follow suit. As a norm gets more firmly entrenched, there are reputational costs that come into play with violating the norm, while peer pressure also helps the norm to gain acceptance.¹⁴⁵ And the norm is not just accepted by elected members; permanent members as well become tied to the norm that they helped to create. The impact of peer pressure and the effects on their reputations of violating consensus helps to explain the voting behavior of both

¹⁴² Hurd, *After Anarchy*, 19, 25.

¹⁴³ Berdal, “Ineffective but Indispensable,” 9-10; Claude, Jr. “Collective Legitimation” 367-379; Cronin, “International consensus,” 70; and Hurd, *After Anarchy*.

¹⁴⁴ Martha Finnemore and Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization* 52, no. 4 (1998): 895.

¹⁴⁵ Robert Axelrod, “An Evolutionary Approach to Norms,” *The American Political Science Review* 80, no. 4, (1986): 1107; and Finnemore and Sikkink, “International Norm Dynamics,” 902-903.

permanent and elected members in recent decades, as nearly 92 percent of all resolutions since 1992 have been unanimously adopted. At the same time, more often than not, unanimity is a goal to be achieved not merely for its normative value but because it is viewed as a means to an end. As I argue in Chapter IV, Council members believe that unanimous decisions are more likely to be adhered to by the subject parties and implemented by the broader UN membership.

Neo-liberalism demonstrates how international institutions can help to enhance cooperation.¹⁴⁶ Through iterative interactions, actors “learn about the preferences and constraints facing other governments;”¹⁴⁷ make promises to others in exchange for their support¹⁴⁸ and exercise prudence in their decision-making because of concerns about reciprocal measures.¹⁴⁹ These factors come into play in the Council, which is a forum for working through difficult issues in order to achieve mutually acceptable agreements. During the multiple rounds of negotiations on resolutions, red-lines are established by the veto-wielding members that can undermine the outcome if crossed, proposals are made representing members’ preferences, and compromises are struck on language that sometimes result in tortured prose. Permanent members make deals from time to time—or threaten consequences for non-compliance—to secure votes on issues of importance to them: for example, as Voeten has written, to ensure that China and Russia would not block the Council’s endorsement of the use of force to expel Iraq from Kuwait in 1990, the United States “incurred the cost of compromise, in terms of both the resolution text

¹⁴⁶ See, for example, Robert Axelrod and Robert O. Keohane, “Achieving Cooperation under Anarchy: Strategies and Institutions,” *World Politics* 38, no. 1 (1985): 226-254; Lisa L. Martin, “Neoliberalism,” in *International Relations Theories: Discipline and Diversity*, ed. Tim Dunne, Milja Kurki, and Steve Smith (New York: Oxford University Press, 2007), 110-124; and Kenneth A. Oye, “Explaining Cooperation under Anarchy: Hypotheses and Strategies,” *World Politics* 38, no. 1 (1985): 1-24.

¹⁴⁷ Martin, “Neoliberalism,” 111.

¹⁴⁸ Axelrod and Keohane, “Cooperation under Anarchy,” 239-241. This is called “issue-linkage” by Axelrod and Keohane.

¹⁴⁹ *Ibid.*, 249-250.

and debt concessions, support for World Bank loans, and financial aid.”¹⁵⁰ As Voeten correctly noted in 2001: “Agreement among the five permanent veto powers on multilateral action does not imply that these states have harmonious interests now that the Cold War has ended.”¹⁵¹ His observation still holds true today. It is consistent with Axelrod’s and Keohane’s observation that: “Cooperation is not equivalent to harmony.”¹⁵² On some issues, there is widespread agreement in the Council. But on others, consensus is achieved at a price.

While the Council often serves as a useful forum for negotiation and reaching agreement and there is a normative value to achieving unity, it is important to note that core strategic and domestic interests ultimately guide the behavior of states. In some cases, members may not be strongly wedded to a resolution, but they will vote in favor of it because they do not have a major interest at stake in opposing it and because they value the importance of a unified Council in having a positive impact in promoting peace and security. However, in cases in which the pull of their strategic interests or domestic politics is strong and contradicts the substance of a draft resolution—or in cases where little effort is made to compromise and there are fundamental disagreements on the content of a text—states will break the norm. In spite of the fact that Council members have unanimously adopted the overwhelming number of draft resolutions voted upon in the post-Cold War era, this explains why the United States frequently vetoes draft resolutions critical of Israel or why Russia continues to veto resolutions on Syria. Furthermore, the support of the Council is desirable to legitimize major peace and security decisions or to convince the international community of states of the need to implement those decisions, but the

¹⁵⁰ Voeten, “Outside Options,” 850.

¹⁵¹ *Ibid.*, 846.

¹⁵² Axelrod and Keohane, “Cooperation under Anarchy,” 226.

permanent members do not perceive it as a necessity.¹⁵³ As Richard Haas has written, “...no country, much less a major power, is prepared to forgo the opportunity to act on behalf of what it perceives as its national interest simply because it lacks a blessing from the United Nations.”¹⁵⁴

Conclusion

This chapter analyzed a range of literature on the Security Council. It found that there were gaps in the literature in terms of explaining the rise in post-Cold war unanimity in Council voting. It further explained that future chapters will explore interactions among the permanent and elected members alike, as well as the processes by which resolutions are conceived, negotiated and drafted, an area not adequately explored in scholarship on the Council. The chapter concluded by noting that while the Council has been an effective mechanism for bargaining, resolving differences, and deal-making, efforts to achieve unanimity are as a general rule usurped by the core national interests of member states.

¹⁵³ Richard Haas, *A World in Disarray: American Foreign Policy and the Crisis of the Old Order* (New York: Penguin Press, 2017), 196-197.

¹⁵⁴ *Ibid.*

II: Statistics on Security Council resolutions and vetoes

In October 2014, during a Security Council working methods debate, Wang Min, the Deputy Permanent Representative of China to the UN, stated the following:

[The Security Council] should continue to pursue democratic consultations and political collective decision-making. Council members share the same responsibilities for maintaining international peace and security. The more complex and urgent the crises and challenges are, the greater the need for Council members to work together to be united in purpose and efforts and to cooperate fully in ways that reflect the principles of justice and democracy. All Council members should have ample time for studying the draft resolutions and presidential statements presented and, through patient consultations and negotiations, reach broad consensus and preserve the solidarity of the Council, rather than forcing texts through on which there are still major differences.¹⁵⁵

While elected members would correctly dispute the notion that the Council's deliberations are democratic, Ambassador Min accurately captures the efforts made to achieve widespread consensus that have typified Council decision-making in the post-Cold War era. As the data in this chapter demonstrates, there has been a noticeable trend toward unanimous outcomes over the past 25 years. A higher percentage of resolutions are adopted unanimously and a lower percentage of draft resolutions are vetoed as compared with the Cold War. This chapter traces the evolution of Council voting on resolutions and draft resolutions between 1946 and 2016; in the process, it charts the trajectory toward greater consensus from a statistical standpoint.

At the same time, the chapter observes that the unanimity forged to adopt a resolution is not necessarily synonymous with agreement. A resolution receiving 15 affirmative votes is often a compromise document that may be poorly suited to the situation at hand or may conceal fundamental differences among members, at times resulting in implementation difficulties.

¹⁵⁵ UN Security Council meeting record (S/PV.7285), 23 October 2014.

Adopted resolutions

The statistical data on Security Council resolutions demonstrates a clear trend toward consensual decisions in the post-Cold War era.¹⁵⁶ In the Cold War era, which officially ended with the implosion of the Soviet Union in December 1991, 725 resolutions were adopted, although the analysis here only includes 714 resolutions because the vote tally is unclear on 11 resolutions.¹⁵⁷ The Council achieved unanimity on 62.88 percent of the Cold War resolutions (449 of 714) in this analysis. In the post-Cold War era, from January 1992 through the end of 2016, the Council adopted 1611 resolutions; 91.93 percent of the resolutions were adopted (1481 of 1611) unanimously. Thus, there is a more than 29 percent increase in the percentage of resolutions adopted unanimously in the post-Cold War era as compared to the Cold War period.

In my analysis, I have chosen to include as unanimous votes those in which the members present and voting have voted affirmatively. In some cases, the reason why a member does not participate in a vote is to reflect its displeasure with the Council's work or with its handling of a matter. (Non-participation is different from an abstention, as it means that the member does not even cast a vote, whereas an abstention is a type of vote.) Assuming that non-participation undermines the spirit of consensus—even in cases where all those present and voting support a draft resolution—the Cold War is even more striking in terms of the level of divisiveness, as there were prolonged periods when the People's Republic of China and the Soviet Union did not

¹⁵⁶ Consensus decisions include those in which all members present and voting cast an affirmative vote, as well as rare instances in which resolutions are adopted without a vote.

¹⁵⁷ Eight of these resolutions were voted on in parts; the vote count on each of these parts is not reflected in the historical record. The vote tally was not recorded in two resolutions. One resolution was adopted in a private meeting, without a public record of the vote count.

participate in Council meetings and votes. During the post-Cold War period, it has been rare for a member not to participate in a vote.¹⁵⁸

From early January through the end of July 1950, the Soviet Union did not participate in Council meetings in protest of the continued presence of Nationalist China on the Council as a permanent member, even though mainland China had fallen to the People's Republic of China (i.e. the Communist forces of Mao Zedong) in December 1949.¹⁵⁹ During this period, the Soviet Union was absent for seven votes, including "a series of resolutions setting up a military command to support the South Koreans" in the Korean War.¹⁶⁰

The People's Republic of China (i.e. mainland or Communist China), like the Soviet Union, missed a significant number of votes; this occurred from late 1971, when it took over the seat previously belonging to the Republic of China (i.e. Taiwan or nationalist China) through 1981.¹⁶¹ As Sievers and Daws write, the People's Republic of China "began to refrain from participating in the vote on matters arising from decisions taken when Nationalist China occupied the Chinese seat on the Council, and this continued for almost a decade."¹⁶² The Council adopted 52 resolutions in this period without China voting. It is worth noting that this change of seat, which had been opposed by the United States, was the result of a General Assembly vote that reflected the changing composition of the world body, with the rising

¹⁵⁸ The one notable example of a member in the post-Cold War period not participating in Council deliberations was Rwanda in mid-1994. After the Rwandan Patriotic Front wrested power from the Hutu-dominated government in July 1994, thus ending the genocide in the country, Rwanda's seat was temporarily vacant, and it did not cast a vote on four resolutions: S/RES/937 of 21 July 1994 (Haiti); S/RES/938 of 28 July 1994 (Lebanon), S/RES/939 of 29 July 1994 (Cyprus), and S/RES/940 of 31 July 1994 (Haiti).

¹⁵⁹ See David Bosco, *Five to Rule Them All: The UN Security Council and the Making of the Modern World* (New York, NY: Oxford University Press, 2009), 55-57, for a discussion of the Soviet Union's absence.

¹⁶⁰ *Ibid.*, 56.

¹⁶¹ Loraine Sievers and Sam Daws, *The Procedure of the UN Security Council*, Fourth ed. (Oxford: Oxford University Press, 2014), 351.

¹⁶² *Ibid.*, 350-351.

number of developing countries sympathetic to the People's Republic of China in the General Assembly, helping Beijing to garner the requisite votes to unseat the Republic of China.¹⁶³

The move toward consensus-driven decisions in the Council in the post-Cold War era is often assumed to have resulted from the thaw in East-West relations. While this is a major part of the story, less well known is that the trend toward unity among the P3 in the Council is more pronounced in the post-Cold War era than during the Cold War. In the Cold War, the P3 voted together 88.80 percent of the time on adopted resolutions (634 of 714) in this analysis; they have voted as a bloc on adopted resolutions 99.01 percent (1595 of 1611) of the time from 1992 to 2016.

That the P3 profess shared values with regard to human rights, democracy and the rule of law is a truism and can explain in part why they have converged so often in their voting, especially since 1992. At the same time, however, their voting convergence is also part of the broader effort among the P5 to cultivate consensus in decisions since the end of the Cold War. While the P3 have voted together as a bloc approximately 99 percent of the time on adopted resolutions from 1992 to 2016, the P5 (i.e., the P3 and China and Russia) have voted as a bloc on adopted resolutions in the same period 93.97 percent of the time (1514 of 1611 resolutions), a striking statistic that demonstrates the frequency with which voting unity is struck among permanent members with divergent interests and ideological views.

¹⁶³ Bosco, *Five to Rule Them All*, 123. Bosco notes that "...Beijing...had skillfully positioned itself as a champion of the Third World."

Vetoes

One might argue that analyzing the frequency of the veto's use provides the best gauge of how united or divided the Security Council is in its decisions. After all, an abstention by a permanent member cannot block the adoption of a resolution, while a veto on all but procedural matters does. Although the veto has been used frequently in the post-Cold War era in ways that undermine the Council's effectiveness, it has been employed with much less frequency than during the Cold War. Unfortunately, there are no statistics on threatened vetoes, which have the same impact as a formal veto; information on threatened vetoes would help to increase our ability to gauge the level of divisiveness in the Council. Over all, the veto was used 239 times on 195 draft resolutions from the founding of the UN through the end of 2016.¹⁶⁴ Between 1946 and 1991, the veto was used 201 times on 164 draft resolutions. Between 1992 and 2016, the veto was used 38 times on 31 resolutions. In other words, during the Cold War, the veto was employed an average of 4.47 times per year (201 times in 45 years), whereas since then it has been used an average of 1.58 times per year (38 times in 24 years).

The P3 have not voted as a bloc on 81 of the 195 draft resolutions vetoed through 2016. During the Cold War, they did not vote together on 67 of 163 vetoed draft resolutions.¹⁶⁵ In the post-Cold War era, they did not vote together on 14 of the 31 vetoed draft resolutions through 2016. On the surface, this would indicate considerable division among the P3 on resolutions that have been vetoed in the post-Cold War era. However, it should be noted that 13 of 14 of these

¹⁶⁴ The reason why there is a discrepancy between the number of vetoes and the number of draft resolutions vetoed is because in some cases two or three permanent members have vetoed the same draft resolution. Veto statistics used in this chapter were generated by the Dag Hammarskjöld Library and are available at: <http://research.un.org/en/docs/sc/quick>.

¹⁶⁵ One draft resolution on the Corfu Channel incident, which was vetoed by the USSR on 25 March 1947, is excluded from this analysis as the United Kingdom, a party to the dispute, recused itself from the vote in accordance with article 27 (3) of the UN Charter.

veto was on a single issue, Israel/Palestine, thus demonstrating the level of unity on the wide variety of other matters.

Parsing further the data with regard to how the permanent members have used the veto reveals several interesting patterns since 1946:

China

The Republic of China (i.e., Nationalist China), which held a permanent seat on the Council until late 1971, never used the veto. The People's Republic of China (i.e., Communist China) has only used the veto 10 times through 2016. In the Cold War, the People's Republic of China used the veto only once, in order to block Bangladesh's membership to the UN (1972). In the post-Cold War era, prior to China's joint vetoes with Russia beginning in 2007, it employed the veto on two occasions to register its disapproval with countries hosting UN peace operations that recognized Taiwan.¹⁶⁶ These included one draft resolution that would have enhanced the staffing capacity of the UN Mission for the Verification of Human Rights and of Compliance with the Comprehensive Agreement of Human Rights in Guatemala (MINUGUA) (1997) and another draft resolution that would have reauthorized the UN Preventive Deployment Force in the former Yugoslav Republic of Macedonia (UNPREDEP) for an additional six months (1999).

A general reluctance to employ the veto through the mid-2000s has given way to a greater willingness to exercise this prerogative in conjunction with Russia to defend states whose sovereignty it believes is being threatened. China has employed the veto seven times jointly with Russia between 2007 and 2016 on Myanmar (2007), on Zimbabwe (2008), and on Syria on five occasions (once in 2011, twice in 2012, once in 2014, and once in 2016).

¹⁶⁶ Bosco, *Five to Rule Them All*, 208.

France

France has employed the veto on 16 occasions, but not since December 1989, when it vetoed a draft resolution in conjunction with the United Kingdom and the United States that would have condemned the US intervention in Panama. It first exercised its veto during the Suez crisis of October 1956, when it jointly voted against two draft resolutions with the United Kingdom, putting it in direct political confrontation with the United States. Between 1974 and 1981, France, in conjunction with the United Kingdom and the United States, vetoed 10 draft resolutions that, if adopted, would have been detrimental to the interests of apartheid South Africa. It also joined with United States and the United Kingdom to veto draft resolutions in April 1986 and January 1989 that would have condemned the US bombing of Libya and the shooting down by the United States of Libyan reconnaissance planes, respectively. France cast its only sole veto in February 1976 on a draft resolution that would have considered France's intention to organize a referendum in Mayotte, an island of the Comoros (a recently independent French colony), interference in the affairs of the Comoros.¹⁶⁷

Soviet Union/Russia

The Soviet Union dominated the use of the veto in the early years of the UN. It was the only permanent member to take advantage of its veto prerogative during the first ten years of the UN's existence; from February 16, 1946, the date of the first veto, to 15 December 1955, the Soviet Union cast the sole veto on 57 draft resolutions. The Soviet Union cast about 90 percent of vetoes (82 of the first 91) by all permanent members through 1971; thereafter, other permanent members increasingly use the veto. A common Soviet tactic through 1961 was to veto

¹⁶⁷ Comoros gained independence from France in 1975. The referendum was to ascertain whether the population of Mayotte wanted to be part of the newly independent Comoros or be a part of France. The referendum was conducted, with the population overwhelmingly choosing to remain part of the Comoros.

membership applications for countries trying to enter the UN that were not favorably disposed to Soviet policies.¹⁶⁸ Russia has employed the veto 15 times between 1992 and 2016; in recent years, it has resorted to the veto more frequently, as 12 of these 15 have been cast in the last decade of this period (i.e., 2007-2016). As noted above, Russia cast seven joint vetoes with China between 2007 and 2016.

United Kingdom

The United Kingdom has used the veto 29 times, all during the Cold War era. Like France, it first employed the veto during the Suez crisis of October 1956. Also like France, the United Kingdom has not cast a veto since the December 1989 draft resolution on the US intervention in Panama. While it frequently cast vetoes in conjunction with France and the United States to defend the interests of apartheid South Africa, the United Kingdom often acted alone in casting negative votes on draft resolutions pertaining to Southern Rhodesia, a British colony that gained independence as Zimbabwe in 1980. Between 1963 and 1973, it vetoed seven draft resolutions on Southern Rhodesia, five of which were cast alone and two jointly with the United States. Another notable UK veto was on a draft resolution calling for a ceasefire during its military campaign in the Falkland/Malvinas Islands, cast in conjunction with the United States in June 1982.

¹⁶⁸ On the Soviet Union's early use of the veto, see Sievers and Daws, *The Procedure of the UN Security Council*, 298-299. On the use of the veto with regard to membership applications, see Anjali V. Patil, *The Veto, A Historical Necessity: A Comprehensive Record of the Use of the Veto in the UN Security Council 1946-2001*, (in-house Incorporated, Dr. Anjali V. Patil, College Point, NY, 2001), 104-144.

United States

The United States cast its first veto in 1970 and has cast significantly more vetoes than any other permanent member since then, a total of 79 from 1970 to 2016, with the Soviet Union/Russia running a distant second with 25 vetoes in the same time period. The US cast 65 of its 79 vetoes from 1970 to 1991. In the post-Cold War era, it cast 14 vetoes through the end of 2016.

Most frequently, the US has employed its veto to defeat draft resolutions that it has perceived as being detrimental to the interests of Israel. Use of the veto to protect Israel has been a consistent trend of US policy since 1972. Between 1972 and 1991, it cast 66.12 percent (28 of 43) of its sole vetoes on Israel/Palestine, or related issues (e.g., Israeli involvement in Lebanon). The 14 US vetoes cast in the post-Cold war era (1992-2016) have been sole vetoes, virtually all of which (13) have been on matters related to Israel/Palestine. The other veto was on a draft resolution in June 2002 on the UN Mission in Bosnia and Herzegovina, which the US voted against because it did not want US peacekeepers subject to the jurisdiction of the International Criminal Court.¹⁶⁹

The following chart shows the propensity of the permanent members to use the veto during the Cold War and post-Cold War eras.

Table 1. Use of the Veto

	France	People's Republic of China	Soviet Union/Russia	United Kingdom	United States
Number of vetoes cast by state in the Cold War era (1946-1991)	16	1	89	29	65

¹⁶⁹ Bosco, *Five to Rule Them All*, 221-222.

Number of vetoes cast by state in the post-Cold War era (1992-2016)	0	9	15	0	14
Total	16	10	104	29	79

Combining Abstentions and Vetoes¹⁷⁰

When combining the votes on draft resolutions that were either adopted or vetoed, Council members made unanimous decisions 76.59 percent of the time between 1946 and 2016 (1930 of 2520 draft resolutions) in this analysis. As expected, there was considerable division during the Cold War, and there has been frequent unity in the overall voting patterns in the post-Cold War era. During the Cold War (1946-1991), Council members voted unanimously in favor of draft resolutions 51.42 percent of the time (452 of 879 draft resolutions), taking into account adopted and vetoed draft resolutions. However, in the post-Cold War era (1992-2016), Council members have unanimously adopted 90.19 percent of draft resolutions (1481 of 1642) that were put to a vote and either adopted or vetoed.

Combining vetoes and abstentions, the P3 voted together 92.98 percent (2345 of 2522 draft resolutions) of the time between 1946 and 2016. However, there is a considerable discrepancy in their voting solidarity between the Cold War and the post-Cold War eras. In the Cold War (1946-1991), they voted as a bloc 83.30 percent (733 of 880 draft resolutions) of the time on adopted and vetoed draft resolutions; in the post-Cold War era (1992-2016), they have voted in unison 98.17 percent (1612 of 1642 draft resolutions) of the time on adopted and vetoed draft resolutions.

¹⁷⁰ This analysis does not include the handful of draft resolutions that were not vetoed but were not adopted because they failed to reach the required number of votes for adoption.

So What? What Statistics Don't Tell

Statistically the trend toward unanimous voting is an indisputable element of Council decision-making during the post-Cold War era. The caveat, of course, is that states still break this norm. The veto causes gridlock in the Council on situations in which one or more of the permanent members have a key stake, frequently having a devastating impact on the lives of people on the ground. For example, the trend toward greater voting unanimity matters little to populations suffering from vetoes pertaining to Syria and Ukraine.

Another issue worth reiterating is that unanimous decisions are not necessarily good decisions. Sometimes the best compromise that can be made among all 15 Council members is a bad one for populations in need. Very weak resolutions are occasionally the price that is paid to avoid a veto.

Council action during the early weeks of the Rwandan genocide makes this point. Resolution 912, which decreased the size of the force of UN Assistance Mission for Rwanda (UNAMIR) at the outset of the Rwandan genocide, was adopted unanimously on 21 April 1994; while it might have been better than no resolution at all, it was nonetheless a bad resolution for the people of Rwanda. Since much of the Council (including, most importantly, the permanent members) was not willing to take meaningful action to stop the genocide, it may have been the only way forward for the “small group of countries seeking to preserve the mandate, to keep the force in place, and to reinforce it as soon as possible...,” according to Colin Keating, the then-Permanent Representative of New Zealand and the Council president in April 1994.¹⁷¹ Nonetheless, it was not commensurate with the need for a more robust force willing to take

¹⁷¹ Colin Keating, “Rwanda: An Insider’s Account,” in *The UN Security Council: From the Cold War to the 21st Century*, ed. David M. Malone (Boulder, Colo.: Lynne Rienner Publishers, 2004), 508.

action to stop the genocide. Resolution 918, adopted on 17 May 1994, was another weak resolution, authorizing minimal reinforcements for UNAMIR. The resolution was voted on in two separate parts: the only negative vote cast on the first part of the resolution was by Rwanda, which was perpetrating the genocide and was a member of the Council at the time; the second part of the resolution was adopted unanimously.¹⁷² At that point, most of the Council was supportive of a stronger resolution than what resulted, but the veto-holding United States blocked more substantive action.¹⁷³ The records will thus show that near consensus had been achieved on these resolutions, but this masked strong divisions on the Council, and ultimately helped to seal the fate of the victims of the genocide.

There are also cases when resolutions are unanimously adopted, but the members will not make a concerted effort to implement the measures outlined, and may even undermine the resolutions that had their support. Since 2011, the Council has voted unanimously every year to renew the panel of experts of the Sudan Sanctions Committee.¹⁷⁴ Yet some panel of experts reports in recent years have referred to violations of the arms embargo, with Sudan shipping weapons into Darfur produced by permanent members China and Russia after the embargo was imposed on all parties to the Darfur conflict in 2005.¹⁷⁵ Admittedly the arms embargo is on the

¹⁷² UN Security Council meeting record (S/PV.3377), 16 May 1994.

¹⁷³ Keating, "Rwanda: An Insider's Account," 509.

¹⁷⁴ See UN Security Council resolution 2200, 12 February 2015; UN Security Council resolution 2138, 13 February 2014; UN Security Council resolution 2091, 14 February 2013; UN Security Council resolution 2035, 17 February 2012; and UN Security Council resolution 1982, 17 May 2011.

¹⁷⁵ See, for example, *Letter dated 16 January 2015 from the Vice-Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council* (UN Security Council document S/2015/31), 16 January 2015; *Letter dated 7 February 2014 from the Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council* (UN Security Council document S/2014/87), 7 February 2014; and *Letter dated 5 February 2013 from the Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council* (UN Security Council document S/2013/79), 12 February 2013.

Darfur region of Sudan, not the country as whole, but even a casual follower of events would realize that weapons shipped to Khartoum have been used in Darfur in violation of the embargo.

A final point to be made is that the lack of data on the threatened veto is a further indication that it is difficult to tell how divided the Council is by looking at voting patterns alone. Kishore Mahbubani, who headed Singapore's Council team in 2001-2002, has gone as far as to allege that "...while the formal veto is rarely used, the informal veto is used almost every day, especially in the frequent and more important informal consultations among Council members."¹⁷⁶ Although it is unclear just how often this hidden veto is used, it does appear that its use is not infrequent. It can cause the member or members that have proposed a draft to withdraw it. Likewise, members that are contemplating whether to produce a draft on a particular issue may not even proceed with their idea, if they suspect that their draft could be doomed by a veto. The hidden veto (like the formal veto) is part of what makes the Council a "selective security" institution, as Adam Roberts and Dominik Zaum have called it.¹⁷⁷ For example, *The New York Times* reported in October 2015 that the Democratic People's Republic of Korea had not been held accountable by the Council for its human rights violations because of the threat of a veto by China.¹⁷⁸

Conclusion

This chapter has demonstrated that there has been a movement toward unanimity in Security Council voting during the post-Cold War era. This represents a departure from the Cold War,

¹⁷⁶ Kishore Mahbubani, "Council Reform and the Emerging Powers," in *The UN Security Council in the 21st Century*, ed. David M. Malone, Bruno Stagno Ugarte, and Sebastian von Einsiedel (Boulder, Colo.: Lynne Rienner Publishers, 2016), 158.

¹⁷⁷ Adam Roberts and Dominik Zaum, *Selective Security: War and the United Nations Security Council since 1945*, The International Institute for Strategic Studies, Adelphi Paper 395 (London: Routledge, 2008).

¹⁷⁸ Somini Sengupta, "Calls Grow at U.N. for Security Council to Do Its Job: Keep the Peace," World Section, *The New York Times*, 23 October 2015.

when there was considerable more division in voting. Even states like the P3, which have generally been aligned on foreign policy since the end of World War II and faced a common Soviet threat in the Cold War, have been more aligned in their voting patterns in the post-Cold War era. At the same time, it is important to recognize that voting unity is different from agreement; sometimes the unanimity achieved on a resolution masks internal divisions among members that can lead to resolutions which are not suited to the needs required or which key states on and off the Council do not have the will to implement. Additionally, weak commitment to resolutions unanimously adopted can lead to implementation problems.

III: A rising developing world in the Council

In the Cold War, some of the most contentious issues the Council addressed—the Suez crisis, the Congo, and Southern Rhodesia, among others—focused on crises in recently independent states or in states about to gain their independence. The greatest rupture among the P3 was the Suez crisis. During this crisis, France and the United Kingdom were directly opposed to the United States, which was on the same side as the Soviet Union for the first and only time in a major Cold War crisis. Differences in approach among the P3 were reflected in the UN's engagement in the Congo in the early 1960s,¹⁷⁹ although these were less pronounced than during the Suez crisis. US efforts to defend Israeli interests were another source of tension among the P3 that played out in Council deliberations in the 1970s and the 1980s and continue to this day. In a small number of instances, there were policy differences on agenda items in the Americas, largely resulting from heavy-handed US policies justified by fears about Communist interference in its backyard.

By the early to mid-1960s, the rising membership in the world body of developing countries was shaping the work of the Council, forcing consideration and votes on issues like Southern Rhodesia, Angola, and South Africa. The conventional view of the Cold War is of an East-West confrontation, and in the Council, this tension was clear in a number of dramatic confrontations between the Soviet Union and the Western states over issues like the Korean conflict, Hungary, Berlin, and Cuba that put the Soviet Union and the US in direct confrontation with each other.

¹⁷⁹ On these differences, see Lawrence S. Kaplan, *NATO and the UN: A Peculiar Relationship* (Columbia: University of Missouri Press, 2010), 49-70.

Nonetheless, especially from the 1960s onward, much of this East-West tension played out in the context of the developing world's struggle to break free from the shackles of colonial rule and its anti-Zionist approach to world affairs, with the Third World serving as a battlefield for superpower influence.¹⁸⁰ Where there were disagreements among the P3, even subtle ones, these were often exposed by developing countries tabling draft resolutions, thus forcing the permanent members to show their hand through Council votes.

The process by which resolutions were often negotiated in the Cold War would be unfamiliar to the modern day observer of the Council. On matters of great importance to the permanent members, there would be significant deliberations on texts. However, quite frequently resolutions would be voted upon with little, and on occasion, no substantive negotiation, leading to abstentions and vetoes that might have been avoided. Carefully managed negotiations are more typical of today's Council than that of the Cold War.

This chapter explores the Council's deliberations and voting patterns of the P3 during the Cold War; historical background is provided as required to contextualize the analysis. The chapter starts with a discussion of the most significant rupture among the P3 in the Cold War, the Suez crisis of 1956, followed by a discussion of the Congo crisis of the early 1960s. After these two cases ensues an analysis of the developing world's impact on the Council deliberations from the 1960s onwards. A final section focuses on the processes by which the Council negotiated resolutions until the waning years of the Cold War.

¹⁸⁰ Ilya V. Gaiduk, *Divided Together: The United States and the Soviet Union in the United Nations, 1945-1965* (Stanford, Calif.: Stanford University Press, 2012), 303. Gaiduk correctly notes, "...a great majority of the questions that arose starting in the mid-1960s were connected with the North-South divide, not the East-West conflict. The competition between the United States and the Soviet Union did not subside, but both superpowers were now competing on North-South issues for the sympathies of the newly independent nations."

Two post-colonial crises: the Suez and the Congo

Crises in the Suez and the Congo predated the surge of activism in the Council by developing countries. This is largely because much of the developing world had yet to join the organization, and hence could not serve in the Council. The UN membership expansion was only beginning to rise in earnest at the time of the Suez crisis in 1956 and was still in the midst of rising by the time of the Congo crisis in 1960. Both Egypt and the Congo were recent post-colonial states, where France and the UK had considerable economic and political interests. These two issues are a useful place to start because they demonstrate how member states in the developing world would come to occupy much of the UN's attention and cause friction among the permanent members, including the P3. The difficulties in the Suez and the Congo were a harbinger of the deep engagement the Council would have in the post-colonial world in the decades to come, and in fact, still has today.¹⁸¹

The Suez Crisis

The Suez crisis represents the most significant rupture in relations among the P3 in the post-World War II era, one that had the potential for perilous geopolitical consequences, given the military engagement of France and the United Kingdom and the political interests of the Soviet Union and the United States in the region. It also presaged one of the themes that would become an important characteristic of international affairs from the 1960s to the 1980s—the assertiveness

¹⁸¹ Kaplan, *NATO and the UN*, 49. Kaplan describes similarities between the Congo and the Suez crises. He writes: “There were abundant similarities in the two cases, including the scene in Africa, the decolonization process, the threat of Soviet intervention, the division within NATO, and the United Nations’ role as potential *deus ex machina*. There were other similarities as well. The American fear of alienating the African-Asian bloc in the United Nations by siding with its European allies [in the Congo] was even more acute than it had been [in the Suez crisis] four years before.”

of the post-colonial states. In this instance, that assertiveness was embodied in Gamal Abdel Nasser, president of Egypt.

The crisis was precipitated by Nasser's decision to nationalize the Suez Canal in July 1956, threatening the political and economic interests of France and the United Kingdom, who were the Suez Canal Company's key shareholders.¹⁸² Diplomatic efforts to come up with an acceptable formula for managing the canal, notably through the London Conference in August 1956, were unsuccessful, as "proposals...for the continued international control of the Canal with the participation of Egypt were rejected by Nasser."¹⁸³ What France and the United Kingdom viewed as Egyptian intransigence prompted them to issue a joint letter to the Security Council on 12 September.¹⁸⁴

In the letter, the waning colonial powers maintained that Egypt had failed to negotiate on the basis of proposals that "offer[ed] a means for a just and equitable solution," proposals that had been presented by 18 of the 22 states attending the conference, who "represent[ed] between them over ninety per cent of the user interest in the Canal."¹⁸⁵ Consequently, they argued that the rejection of these proposals was "an aggravation of the situation, which, if allowed to continue, would constitute a manifest danger to peace and security."¹⁸⁶

In fact, both powers had already been planning with Israel, which continued to endure a series of small scale cross-border terrorist attacks from Egyptian *fedayeen*, a military operation to

¹⁸² Adekeye Adebajo, *UN Peacekeeping in Africa: From the Suez Crisis to the Sudan Conflicts* (Boulder, Colo.: Lynne Rienner Publishers, 2011), 26.

¹⁸³ Brian Urquhart, *Hammar skjöld* (New York: Alfred A. Knopf, 1972), 160-161.

¹⁸⁴ *Ibid.*

¹⁸⁵ UN Security Council document (S/3645), 12 September 1956.

¹⁸⁶ *Ibid.*

take control of the Canal Zone.¹⁸⁷ This ill-fated operation was concocted by Britain and France without the knowledge of their close ally, the United States, which had made it clear that military force was not an option to resolve the impasse.¹⁸⁸ *Operation Musketeer* called for Israeli forces to attack Egypt, ostensibly in response to the *fedayeen* raids, followed by an Anglo-French ultimatum to both Egypt and Israel to cease hostilities within 48 hours, to disengage at least 10 miles from the Canal Zone, and to permit British and French forces to take positions in Ismailia, Port Said, and Suez, in order to serve as a buffer between the parties and to protect shipping in the Canal Zone.¹⁸⁹ If the parties did not stop fighting in the 48-hour period and withdraw their forces as dictated, then the United Kingdom and France would launch a military operation. The assumption, correct as it turned out, was that Egypt would resist a demand to stop defending its sovereign territory from invasion, which would enable the French and British governments to argue that their ultimatum had been violated and allow them to proceed with their military plan.¹⁹⁰

On 28 October, *Operation Musketeer* was put into motion when Israeli forces attacked Egypt through the Sinai Peninsula, and the Anglo-French ultimatum was issued on 30 October. Suspicious of Anglo-French collusion with Israel, the US government was alarmed at the potential political, economic and geostrategic consequences of such a plan. In a 29 October 1956 telegram to the US embassy in Paris, US Secretary of State John Foster Dulles posited that if France and the United Kingdom become involved in a conflict in the Middle East, “they will have started something they cannot finish and the end result may very well be an intensive anti-Western sentiment throughout the Middle East and Africa and intimacy with [the] Soviet Union

¹⁸⁷ Urquhart, *Hammarskjöld*, 159.

¹⁸⁸ *Ibid.*, 159, 161.

¹⁸⁹ *Ibid.*, 173.

¹⁹⁰ *Ibid.*

which will impair...indispensable relations of Europe with [the] Middle East and Africa.”¹⁹¹ In addition to having grave economic consequences in France, the United Kingdom, and Western Europe, Dulles further expressed the view that the United States would be “unlikely” to help its allies, as it had in the two world wars, when “they were clearly victim[s] of armed aggression.”¹⁹²

Upon receiving news of the Israeli attack on Egypt, the United States quickly requested a Council meeting, wanting to gain the upper-hand in the arena of public opinion by going to the Council before the Soviet Union.¹⁹³ During the public session of October 30, Soviet Ambassador Arkady Sobolev accurately described the Anglo-French-Israeli deception: “It is plain from everything that is happening that Israel could not have made this attack without encouragement and help from...aggressive circles which...are trying to find some pretext for moving their troops into this area.”¹⁹⁴ He proceeded to read from an *Associated Press* article describing the Anglo-French ultimatum giving Egypt and Israel 12 hours to withdraw from the Canal Zone, and accurately concluded that the article “makes it quite clear that the intention is to intervene in the events taking place in the Middle East without waiting for United Nations action.”¹⁹⁵

While not unusual for a Soviet representative to chastise a NATO member, the divisions among members of the Western alliance in the subsequent public session later in the day were unusual. The United Kingdom and France clashed openly with the United States. UK Ambassador Pierson John Dixon dutifully defended the ultimatum that had been presented to

¹⁹¹ John Foster Dulles, *Telegram from the Department of State to the Embassy in France*, 29 October 1956, Foreign Relations of the United States, 1955-1957, Suez Crisis, 26 July-31 December 1956, Volume XVI.

¹⁹² *Ibid.*

¹⁹³ David Bosco, *Five to Rule Them All: The UN Security Council and the Making of the Modern World* (Oxford: Oxford University Press, 2009), 75.

¹⁹⁴ UN Security Council meeting record (S/PV.748), 30 October 1956, 5-6, para. 31.

¹⁹⁵ *Ibid.*

Egypt and Israel, maintaining the need to pressure the parties to end their hostilities and to ensure that the Canal Zone would remain open.¹⁹⁶ Supported by French Ambassador Bernard Cornut-Gentile,¹⁹⁷ he urged action not to be taken on the draft resolution that had been proposed by the United States,¹⁹⁸ which called on Israel to immediately “withdraw its armed forces behind the established armistice lines” and called on member states “to refrain from giving any military, economic or financial assistance to Israel” as long as it failed to comply with the resolution.¹⁹⁹ US Ambassador Henry Cabot Lodge refused to withdraw the draft from consideration, arguing: “If this draft resolution is adopted and complied with by Israel, then the basis for the ultimatum will have disappeared.”²⁰⁰ Just before the vote, Lodge posited that the vote would “have considerable moral effect” and represented “something we all should do.”²⁰¹

In the ensuing vote, France and the United Kingdom cast their first ever vetoes; in fact, their joint vetoes represented the first time any of the permanent members, other than the Soviet Union, had used their veto privilege. Australia, a Commonwealth nation, abstained, as did close French ally Belgium. All other members voted in favor of the draft.²⁰²

Later the same day, France and the United Kingdom vetoed a second draft resolution,²⁰³ which had been put forth by the Soviet Union with amendments from the Republic of China and Iran.²⁰⁴ According to Urquhart, the main difference in the second vetoed draft as compared to the

¹⁹⁶ UN Security Council meeting record (S/PV.749), 30 October 1956, 1-5, para. 2-11.

¹⁹⁷ *Ibid.*, 5, para. 12.

¹⁹⁸ *Ibid.*, 5, para. 11.

¹⁹⁹ UN Security Council document (S/3710), 30 October 1956.

²⁰⁰ UN Security Council meeting record (S/PV.749), 30 October 1956, 6-7, para. 22.

²⁰¹ *Ibid.*, 31, para. 185.

²⁰² *Ibid.*, 31, para. 186.

²⁰³ UN Security Council document (S/3713/Rev. 1), 30 October 1956.

²⁰⁴ Urquhart, *Hammaraskjöld*, 173-174.

first one was that it “omitted the clause calling on all UN member states to refrain from the use or threat of force.”²⁰⁵

The irony of this unseemly display of P3 disunity was that neither UK Ambassador Dixon nor French Ambassador Cornut-Gentille was informed of *Operation Musketeer* by their respective governments.²⁰⁶ Defending their countries’ interests at the UN took a heavy personal toll on them. Urquhart writes that: “On 31 October, Cornut-Gentille collapsed from heart trouble brought on by nervous exhaustion.”²⁰⁷ Adekeye Adebajo writes that Dixon “considered resigning over the issue” and quotes him as saying that defending the UK position in the UN General Assembly brought on “the severest moral and physical strain I have ever experienced.”²⁰⁸

Given the impasse in the Council, the matter was referred to the General Assembly through the Uniting for Peace procedure. Uniting for Peace, conceived during the Korean War by the United States to bypass a Soviet veto, was based on General Assembly resolution 377 (V) of 3 November 1950, which stated that: “If the Security Council because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security....the General Assembly shall consider the matter immediately...”.²⁰⁹ While France and the United Kingdom voted against resolution 119, which referred the Suez crisis to the General Assembly, they could not block the resolution because this was a procedural matter not subject to a veto.²¹⁰

²⁰⁵ Urquhart, *Hammar skjöld*, 174.

²⁰⁶ Adebajo, *UN Peacekeeping in Africa*, 34; and Urquhart, *Hammar skjöld*, 172-173.

²⁰⁷ Urquhart, *Hammar skjöld*, 173.

²⁰⁸ Adebajo, *UN Peacekeeping in Africa*, 34.

²⁰⁹ See Security Council Report, “Security Council Deadlocks and Uniting for Peace: An Abridged History,” October 2013, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Security_Council_Deadlocks_and_Uniting_for_Peace.pdf.

²¹⁰ Urquhart, *Hammar skjöld*, 175.

The General Assembly almost immediately played a constructive role. On 2 November, with British and French troops in Egypt, it adopted a resolution urging an immediate ceasefire.²¹¹ It then authorized the UN Emergency Force (UNEF) to “secure and supervise the cessation of hostilities”²¹² on November 4. The creation of a UN force facilitated UK and French cooperation in withdrawing their troops from Egypt.²¹³

While the crisis was over, its repercussions on France and the United Kingdom, on the Western alliance and on the functioning of the Council were considerable. With both the Soviet Union and the United States aligned against them, France and the United Kingdom had no choice but to retreat. The political fall-out in the United Kingdom resulted in Prime Minister Anthony Eden’s resignation.²¹⁴ The United States vowed to block International Monetary Fund (IMF) funds to the United Kingdom, until French and UK soldiers had withdrawn from Egypt,²¹⁵ and “British and French embassies all over the world were...attacked by infuriated mobs...”²¹⁶

The Suez crisis occurred concurrently with the Soviet Union’s invasion of Hungary, impacting the Council’s treatment of the later issue. US ire at its French and UK allies with regard to Suez made it unwilling to co-sponsor with them a resolution condemning the Soviet attack on Hungary and calling for an emergency special session of the General Assembly.²¹⁷ Ilya Gaiduk notes that US President Dwight Eisenhower and US Secretary State John Foster Dulles “suspected that this proposal by the Western allies was intended to deflect attention from events in the Middle East and claimed that they lacked adequate information about what was happening

²¹¹ UN General Assembly resolution 997 (ES-1), 2 November 1956.

²¹² UN General Assembly resolution 998 (ES-1), 4 November 1956.

²¹³ Bosco, *Five to Rule Them All*, 78.

²¹⁴ *Ibid.*, 79.

²¹⁵ Urquhart, *Hammar skjöld*, 183.

²¹⁶ *Ibid.*, 183.

²¹⁷ Ilya V. Gaiduk, *Divided Together: The United States and the Soviet Union in the United Nations, 1945-1965*, (Washington, DC.: Woodrow Wilson Center Press, 2012), 220. This would have been done in reference to the Uniting for Peace Procedure. See UN Security Council resolution 120, 4 November 1956.

in Hungary.”²¹⁸ He even suggests that this “noncommittal attitude” by the United States resulted in the Hungarian issue being given short shrift both in the Security Council and in the Secretariat.²¹⁹

The Congo Crisis

The Congo came onto the Council’s agenda within days of the Council’s adoption of resolution 142 on 7 July 1960, admitting it as a UN member state. By this date, Congolese troops had already begun mutinying against Belgian officers (who had been kept in place to help train the new Congolese army) and committing violence against Belgian citizens.²²⁰ In response, the Belgian government deployed troops “to restore order and protect Europeans...”.²²¹ To compound the challenges facing the newly independent country, Moïse Tshombe, the head of the Congo’s mineral rich Katanga province, proclaimed Katanga’s secession on 11 July 1960.²²²

Amidst ongoing violence in the new state and the attempted secession of Katanga province, Congolese President Joseph Kasavubu and Congolese Prime Minister Patrice Lumumba wrote to UN Secretary-General Dag Hammarskjöld requesting UN military intervention “to protect the national territory of the Congo against the present external aggression,” asserting that its “request [was] justified by the dispatch to the Congo of metropolitan Belgian troops in violation of the treaty of friendship signed between Belgium and the Republic of the Congo on 29 June” which indicated that “Belgian troops may only intervene

²¹⁸ Gaiduk, *Divided Together*, 220.

²¹⁹ *Ibid*, 220.

²²⁰ Urquhart, *Hammarskjöld*, 392.

²²¹ Brian Urquhart, *A Life in Peace and War* (New York: W.W. Norton & Company, 1987), 146.

²²² Urquhart, *Hammarskjöld*, 395.

on the express request of the Congolese Government.”²²³ After receiving this request, Hammarskjöld called an urgent meeting of the Council, invoking article 99 for the first time in the UN’s history.²²⁴

The great powers had different understandings of the Congo crisis and how to address it. The United States believed that that the UN could play a useful role in keeping Cold War politics out of the new state,²²⁵ an aspiration which ultimately failed. A US State Department briefing paper produced for a 19 January 1961 meeting between President Eisenhower D. Eisenhower and President-elect John F. Kennedy noted: “We believe a UN solution is still the best answer for the Congo and that the advantage of adherence to our policy of support for the UN outweighs possible advantages inherent in a program of unilateral action in the Congo.”²²⁶ Allowing the UN to take the lead in the Congo would further allow the United States to distance itself from charges of supporting colonialism;²²⁷ it would back the UN engagement in the Congo, while being less critical of the calls for the departure of Belgian troops than its British and French colleagues.²²⁸ The US desire to distance itself from pro-colonial sentiments was especially critical given the changing composition of the UN General Assembly;²²⁹ as Odd Arne Westad has written, “...the advent of new, independent Third World states began already in 1960 to

²²³ *Cable Dated 12 July 1960, from the President of the Republic of the Congo, Supreme Commander of the National Army, Prime Minister, and Minister of National Defence Addressed to the Secretary-General of the United Nations* (UN Security Council document S/4382), 13 July 1960.

²²⁴ Bosco, *Five to Rule Them All*, 84. Article 99 states: “The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.”

²²⁵ See UN Security Council meeting record (S/PV.934), 15 February 1961, 11, para. 53; and Gaiduk, *Divided Together*, 256.

²²⁶ Office of the Historian, “7. Briefing Paper Prepared by the Department of State,” *Foreign Relations of the United States, 1961-1963, Volume XX, Congo Crisis*, undated, <https://history.state.gov/historicaldocuments/frus1961-63v20/d7>

²²⁷ Kaplan, *NATO and the UN*, 66.

²²⁸ *Ibid.*, 66.

²²⁹ *Ibid.*, 49.

change the role of the United Nations into a more diverse forum, less susceptible to American influence than before.”²³⁰

France and the United Kingdom were sympathetic to the initial Belgian intervention. They viewed it as a necessary measure to protect the lives of foreign nationals.²³¹ Their views may have further reflected a sense of kinship with another colonial power and concerns with their economic interests in the Katanga region.²³² However, the United Kingdom was ultimately more supportive of the UN Operation in the Congo (ONUC) than France,²³³ which “was opposed to U.N. intervention in principle,” according to Ernest W. Lefever.²³⁴ France registered its disagreement with the UN’s involvement in the Congo crisis by abstaining on five of six resolutions adopted on the issue in the early 1960s.²³⁵ In some cases, Paris maintained that the texts were too critical of what it perceived as Belgium’s efforts to protect its nationals and provide stability, a concern it shared with London. For example, France and the United Kingdom (along with the Republic of China) abstained on resolution 143 (14 July 1960) because the text called on Belgium “to withdraw its troops from the territory of the Republic of the Congo”²³⁶ when UN forces were not yet in place. Both France and the United Kingdom believed that this condemned their NATO ally (Belgium), which they maintained was providing a humanitarian

²³⁰ Odd Arne Westad, *The Global Cold War: Third World Interventions and the Making of Our Times* (Cambridge: Cambridge University Press, 2007), 136.

²³¹ See, for example, UN Security Council meeting record (S/PV.879), 21-22 July 1960, 6, para. 21; 8-9, para. 26; 12, para. 44-48; and 14, para. 60.

²³² See Kaplan, *NATO and the UN*, 58-59, for a discussion of British and French economic involvement in the Katanga.

²³³ Kaplan, *NATO and the UN*, 59.

²³⁴ Ernest W. Lefever, *Uncertain Mandate: Politics of the U.N. Congo Operation* (Baltimore, Md.: The Johns Hopkins Press, 1967), 111.

²³⁵ The United States voted in favor of all six Congo resolutions from this time period, while the United Kingdom only abstained with France on two of the six resolutions.

²³⁶ UN Security Council resolution 143, 14 July 1960.

service in the Congo, protecting foreigners from violence.²³⁷ Furthermore, resolution 143 authorized the UN to provide military assistance to the Congo government, but for France and the United Kingdom, it was not sufficiently clear that this meant that Belgian troops should leave only once this military assistance came, an interpretation of the resolution held by the United States but not by the Soviet Union.²³⁸

The French abstentions on the Congo, on drafts always supported by the United States and often supported by the United Kingdom, can also be explained by Charles de Gaulle's negative view of ONUC and of the UN more broadly.²³⁹ De Gaulle believed that the UN's involvement exacerbated the political and security problems of the Congo. Given that France had not voted in favor of the mission's deployment, it decided to withhold financial support for ONUC.²⁴⁰ This dereliction of financial responsibility, along with that of the Soviet Union, helped to precipitate a financial crisis in the Organization.²⁴¹ According to Lawrence Kaplan, the French unwillingness to financially support ONUC differentiated it from the United Kingdom: "...Britain's weight ultimately fell on the UN side. Unlike France, it never withheld financial support for ONUC."²⁴²

De Gaulle believed that the great Western powers (France, the United Kingdom and the United States) could have done a better job of handling the Congo crisis than the United Nations.²⁴³ By September 1960, only two months into ONUC's deployment, he argued that had

²³⁷ UN Security Council meeting record (S/PV.873), 13-14 July 1960, 25-26, para. 130, 27, para. 141, 28, para. 144-146

²³⁸ UN Security Council meeting record (S/PV.873), 13-14 July 1960.

²³⁹ For de Gaulle's critical view of the Congo operation, see Kaplan, *NATO and the UN*, 59-61.

²⁴⁰ U Thant, *View from the UN*, 86-87.

²⁴¹ *Ibid.*

²⁴² Kaplan, *NATO and the UN*, 59.

²⁴³ Lefever, *Uncertain Mandate*, 115. Lefever quotes de Gaulle to this effect. See also, Kaplan, *NATO and the UN*, 59-60.

France, the United Kingdom, and the United States collaborated in a unified way, they could have resolved the Congo crisis in a manner that ““would have been preferable to the bloody anarchy that...exists in the new state”” and one that would have ensured ““the prestige and cohesion of the West”” better than ““playing second fiddle to the so-called ‘United’ Nations.””²⁴⁴ According to Lefever, in de Gaulle’s view this would entail the three powers overseeing an orderly process by which “a significant cadre of Belgian administrators, technicians, and probably military officers would remain in the Congo to carry on the functions of the state until a sufficient number of Congolese had been trained to take over.”²⁴⁵

Above and beyond the Congo crisis, de Gaulle resented what he thought was the world body’s meddling in the management of colonial matters, a particularly sensitive issue to him given the post-World War II decline of the French and the other European empires. According to de Gaulle, “...the United Nations has no right according to its own Charter to intervene in an affair which is under the internal jurisdiction of France.”²⁴⁶ This attitude underscored France’s bitterness toward General Assembly engagement with Algeria and Hammarskjöld’s handling of the quarrel between France and Tunisia.²⁴⁷ In his biography of Hammarskjöld, Urquhart writes of the former secretary-general: “his admiration for de Gaulle seems to have made Hammarskjöld reluctant to recognize de Gaulle’s view of him as an international interloper

²⁴⁴Ibid., 114-115. De Gaulle quoted by Lefever.

²⁴⁵ Ibid., 114.

²⁴⁶ Charles de Gaulle, “Third Press Conference Held by General De Gaulle as President of the French Republic in Paris at the Élysée Palace on September 5, 1960,” in *Major Addresses, Statements and Press Conferences of General Charles de Gaulle, May 19, 1958-January 31, 1964* (New York: French Embassy, Press and Information Division, 1964), 92.

²⁴⁷ U Thant, *View from the UN*, 112.

attempting under false pretenses to gain admission to the hollowed fraternity of leaders of powerful sovereign states.”²⁴⁸

De Gaulle was appalled by the views of the newest members of the UN General Assembly, whom he maintained were more interested in airing their grievances and making demands than achieving results.²⁴⁹ He further lamented what he perceived as the encroachment of the General Assembly on Security Council responsibilities: “...the General Assembly...[has] assumed all powers. It can deliberate on everything, without and even against the advice of the Security Council which is thus disposed of its essential prerogative.”²⁵⁰ Meetings at the United Nations, according to de Gaulle, were no more than “riotous and scandalous sessions...filled with invectives and insults...especially by the Communists and those who are allied with them against the Western nations.”²⁵¹

The Soviet Union was also disillusioned with ONUC, but for different reasons than France. It would support UN engagement so long as it would hasten the departure of Belgian troops,²⁵² as it maintained that the Belgian intervention was a colonial exercise supported by other Western powers designed to strip the Congo of its newfound independence.²⁵³ It quickly soured on the UN operation. It was troubled by delays in the departure of Belgian troops,²⁵⁴ the continued support of the Katanga rebellion by foreign mercenaries,²⁵⁵ and the view that the United Nations was pro-Western in its approach to the Congo.²⁵⁶

²⁴⁸ Urquhart, *Hammar skjöld*, 534.

²⁴⁹ De Gaulle, “Fourth Press Conference,” 120.

²⁵⁰ *Ibid.*, 120.

²⁵¹ *Ibid.*, 120.

²⁵² See, for example, UN Security Council meeting record (S.PV.879), 21-22 July 1960, 20-21, para. 96-99.

²⁵³ *Ibid.*, 19, para. 88.

²⁵⁴ *Ibid.*, 21, para. 97-99.

²⁵⁵ UN Security Council meeting record (S/PV.934), 15 February 1961, 16, para. 77-79.

²⁵⁶ Gaiduk, *Divided Together*, 257.

The Soviet Union vented its anger in Council meetings. At the 13 December 1960 meeting, it complained that most of the UN military and administrative staff working in the Congo was from NATO and pro-Western states.²⁵⁷ The Soviet Union was also upset at the UN's closure of the Congolese airports and the Leopoldville radio station in early September 1960.²⁵⁸ The United Nations took these measures to inhibit the mobility of Congolese Armed Forces and to prevent the airwaves from being used to incite violence;²⁵⁹ however, they disadvantaged the pro-Soviet Lumumba in his power struggle against Kasavubu, who had access to a strong radio transmitter in Congo (Brazzaville) due to his alliance with its leader, Abbé Youlé.²⁶⁰ Ambassador Valerian Zorin of the Soviet Union implied that a double standard was at play, because the mission closed down the radio station and airfields, but did nothing to stop the forces of General Joseph Mobutu,²⁶¹ a US ally.²⁶²

Soviet anger at the UN's handling of the Congo crisis culminated following the assassination of its client, Patrice Lumumba, on 12 February 1961. At the Council meeting on 15 February 1961, it went so far as to introduce a draft resolution calling for an end to the Congo mission within a month and the dismissal of Secretary-General Hammarskjöld; this draft was voted down by the Council in a meeting on 20/21 February, 1961, with the Soviet Union casting the sole vote in favor of its own resolution.²⁶³

Amidst contentious discussions in the Council, it was the elected members that filled the void by proposing draft resolutions that would garner enough support to be adopted. In the six

²⁵⁷ UN Security Council meeting record (S/PV.920), 13-14 December 1960, 6, para. 20-22.

²⁵⁸ *Ibid.*, 12, para. 48.

²⁵⁹ Urquhart, *Hammarskjöld*, 445.

²⁶⁰ *Ibid.*, 445; and U Thant, *View from the UN* (London: David & Charles, 1978), 115.

²⁶¹ UN Security Council meeting record (S/PV.920), 13-14 December 1960, 12, para. 48-49.

²⁶² U Thant, *View from the UN*, 118.

²⁶³ UN Security Council meeting record (S/PV.942), 20-21 February 1961, 18, para. 89.

resolutions adopted on the Congo between 14 July 1960 and 24 November 1961 on the Congo, five were proposed by elected members from the developing world.²⁶⁴ The other resolution, proposed by the United States, was adopted on 17 September 1960; its sole purpose was to call an emergency special session of the General Assembly, given that “the lack of unanimity” of the permanent members at a recent Council meeting had “prevented it from exercising its primary responsibility for the maintenance of international peace and security.”²⁶⁵

The rise of the developing world

The Congo crisis took place in the midst of a rapid expansion in the membership of the United Nations between the mid-1950s and the mid-1960s. In 1955, the organization consisted of 76 member states.²⁶⁶ Over the next decade, its size nearly doubled, so that by 1965, the UN comprised of 117 member states.²⁶⁷ This expansion was largely the result of a rapid wave of decolonization that swept across Africa, Asia and the Middle East.

²⁶⁴ UN Security Council resolution 143, 14 July 1960, which was proposed by Tunisia, called on Belgium to remove its troops from the Congo, and authorized the UN Secretary-General to provide military assistance to the Congolese government. UN Security Council resolution 145, 22 July 1960, proposed by Ceylon and Tunisia, called on Belgium to “implement speedily” resolution 143 calling for its troops to withdraw and requested all states to “refrain from any action which might tend to impede the restoration of law and order.” UN Security Council resolution 146, 9 August 1960, proposed by Ceylon and Tunisia, called on Belgium to withdraw its troops from Katanga “under speedy modalities determined by the Secretary-General” and reaffirmed that the UN Force would “not be party to or in any way intervene in or be used to influence the outcome of any internal conflict...” UN Security Council resolution 161, 21 February 1961, proposed by Ceylon, Liberia, and the United Arab Republic, urged the UN to “take immediately all appropriate measures to prevent the occurrence of civil war in the Congo,” and urged the withdrawal of “Belgian and other foreign military and paramilitary personnel and political advisers not under the United Nations command, and mercenaries.” UN Security Council resolution 169, 24 November 1961, proposed by Ceylon, Liberia, and the United Arab Republic, strongly deprecated “the secessionist activities illegal carried out by the provincial administration of Katanga” and authorized the “Secretary-General to take vigorous action, including the use of a requisite measure of force, if necessary,” to apprehend, detain or deport “all foreign military and paramilitary personnel and political advisers not under United Nations Command, and mercenaries...”

²⁶⁵ UN Security Council resolution 157, 17 September 1960.

²⁶⁶ United Nations website, “Growth in United Nations membership, 1945-present,”

<http://www.un.org/en/sections/member-states/growth-united-nations-membership-1945-present/index.html>.

²⁶⁷ Ibid.

Coming from the developing world, many of the new members shared a deep sense of injustice at the wrongs suffered at the hands of colonial overseers. They coalesced around an agenda that emphasized economic and social justice, racial equality, and decolonization as a means to promote international peace and security. In essence, their wide-ranging agenda suggested that the three pillars of the UN Charter—human rights, development and peace and security—had been systematically violated by the developed world and that global political, economic and social inequities needed to be quickly redressed. This view had a strong impact on the politics of the UN from the 1960s through the end of the Cold War.

By the early 1960s, a number of resolutions began to be adopted in the UN General Assembly criticizing the inequities of the international order. UN General Assembly resolution 1514, which was adopted on 14 December 1960 and called for the independence of colonial countries and their people, provided an early exposition of the new members' outlook. This resolution—entitled a “Declaration on the granting of independence to colonial countries and peoples”—urged a rapid and “unconditional end [to] colonialism,” declaring that it “constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.”²⁶⁸ Late the following year, the Assembly adopted Resolution 1698 on the “Racial discrimination in Non-Self Governing Territories,” condemning “the policy and practice of racial discrimination and segregation in Non-Self-Governing Territories.”²⁶⁹ In the ensuing years, the General Assembly increasingly demanded self-determination for subjugated populations in specific cases, including South Africa, South West Africa, and Southern Rhodesia, among other examples.

²⁶⁸ UN General Assembly resolution 1514 (XV), 14 December 1960.

²⁶⁹ UN General Assembly resolution 1698 (XVI), 19 December 1961.

The policy aspirations of the developing world were largely represented by the Non-Aligned Movement (NAM). The NAM provided an organizing platform for the developing world, enabling it to articulate unified policy positions on issues of common concern with the weight of a membership that continued to grow from the 1960s to the 1980s. Although the NAM alleged impartiality in the East-West Cold War confrontation, its demands for an end of colonialism and imperialism and for social and economic justice were consistent with Soviet ideology and propaganda. In UN fora, the NAM found useful allies in the Soviet Union and other eastern bloc countries, which frequently supported the NAM's positions.

The increasing percentage of developing countries in the General Assembly meant that the elected composition of the Security Council also changed. This impacted the work of the Council. The Soviet Union recognized that the UN membership was becoming more favorably inclined toward Soviet positions.²⁷⁰ This meant it was no longer compelled to use the veto in the Security Council to block membership applications to the world body, which was a common practice in the early years. Reflecting on this practice, long-time Soviet Ambassador to the UN Yakov Malik noted, "it was sad that the USSR veto was repeated many times, but this was a situation I could not help."²⁷¹

The chart below demonstrates the growth in membership of the UN between 1945 and 1985, the year Mikhail Gorbachev came to power in the Soviet Union. Concurrently, it demonstrates the increased participation of the NAM in the UN over this time period by

²⁷⁰ Yakov Malik, "The Veto as a Protective Act of Policy," in Davidson Nicol, ed., *Paths to Peace: The UN Security Council and Its Presidency* (New York: Pergamon Press, 1981), 175. Yakov Malik, who served as the Soviet Union's ambassador to the UN on two occasions (1948-1952 and 1968-1976) has written: "As the years went by, the situation became easier due to an increase in the number of United Nations members from developing countries. Their positions generally coincided with ours. Now the capitalist countries became the ones in isolation, and they started to make use of the right of veto even more frequently than we had done previously."

²⁷¹ *Ibid.*, 175.

indicating which member states would become members of the Movement prior to 1990, the year before the Soviet Union collapsed. I do not chart the growth in UN membership through 1990 because only a negligible number of states (i.e., only two) joined the organization between 1985 and 1990; Liechtenstein and Namibia became UN member states in 1990. As indicated in chart, the number of UN member states that joined the NAM during the Cold War was significant; by 1985, 82 of the UN's 159 member states (more than half) were part of the NAM.

Table 2. Growth in UN Membership and NAM Representation in the UN 1945-1985²⁷²

<i>Founding member states of the United Nations in 1945 (51 founding UN member states): 19 of the founding 51 members of the UN had become NAM members prior to 1990</i>
Argentina (NAM), Australia, Belgium, Bolivia (NAM), Brazil, Byelorussian Soviet Socialist Republic, Canada, Chile (NAM) ²⁷³ , Republic of China, Colombia (NAM), Costa Rica, Cuba (NAM), Czechoslovakia, Denmark, Dominican Republic, Ecuador (NAM), Egypt (NAM), El Salvador, Ethiopia (NAM), France, Greece, Guatemala, Haiti, Honduras, India (NAM), Iran (NAM), Iraq (NAM), Lebanon (NAM), Liberia (NAM), Luxembourg, Mexico, the Netherlands, New Zealand, Nicaragua (NAM), Norway, Panama (NAM), Paraguay, Peru (NAM), Philippine Republic, Poland, Saudi Arabia (NAM), Syria (NAM), Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom, United States, Uruguay, Venezuela (NAM), and Yugoslavia (NAM)
<i>Member states joining the UN between 1946 and 1955 (76 UN member states by 1955): 30 of the 76 members of the UN in 1955 had become NAM members prior to 1990</i>
Afghanistan (1946) (NAM), Albania (1955), Austria (1955), Bulgaria (1955), Burma (1948) (NAM), Cambodia (1955) (NAM), Ceylon (Sri Lanka) (1955) (NAM), Finland (1955), Hungary (1955), Iceland (1946), Indonesia (1950) (NAM), Ireland (1955), Israel (1949), Italy (1955), Jordan (1955) (NAM), Laos (1955) (NAM), Libya (1955) (NAM), Nepal (1955) (NAM), Pakistan (1947) (NAM), Portugal (1955), Romania (1955), Siam (Thailand) (1946), Spain (1955), Sweden (1946), and Yemen (1947) (NAM)
<i>Member states joining the UN between 1956 and 1965 (117 UN member states by 1965): 52 of 117 members of the UN in 1965 had become NAM members prior to 1990</i>
Cameroun (1960) (NAM), Central African Republic (1960) (NAM), Chad (1960) (NAM), Congo (Brazzaville) (NAM) (1960), Congo (Leopoldville) (1960) (DRC) (NAM), Cyprus (1960) (NAM), Dahomey (1960) (Benin) (NAM), Gabon (1960) (NAM), Ghana (1957) (NAM), Guinea (1958) (NAM), Ivory Coast (1960) (NAM), Japan (1956), Malagasy Republic (1960) (Madagascar) (NAM), Federation of Malaya (Malaysia) (1957) (NAM), Mali (1960) (NAM), Morocco (1956) (NAM), Niger (1960) (NAM), Nigeria (1960) (NAM), Senegal (1960) (NAM), Somalia (1960) (Somalia), Sudan (1956) (NAM), Togo (1960) (NAM), Tunisia (1956) (NAM), and Upper Volta (1960) (Burkina Faso) (NAM)
<i>Member states joining the UN between 1966 and 1975 (144 UN member states by 1975): 74 of 144 members of the UN in 1975 had become NAM members prior to 1990</i>
Bahamas (1973) (NAM), Bangladesh (1974) (NAM), Bahrain (1971) (NAM), Bhutan (1971) (NAM), Barbados (1966) (NAM), Botswana (1966) (NAM), Cape Verde (1975) (NAM), Comoros (1975) (NAM), Equatorial Guinea (1968) (NAM), Fiji (1970), German Democratic Republic (1973), Federal Republic of Germany (1973), Grenada (1974) (NAM), Guinea-Bissau (1974) (NAM), Guyana (1966) (NAM), Lesotho (1966) (NAM), Mauritius (1968) (NAM),

²⁷² The chart was compiled using the following sources: United Nations website, "Growth in United Nations membership, 1945-present," available at <http://www.un.org/en/sections/member-states/growth-united-nations-membership-1945-present/index.html>, and Nagaoka University of Technology, "Non-Aligned Movement Participants, Observers, and Guests," available at http://kjs.nagaokaut.ac.jp/mikami/NAM/member_list.htm

²⁷³ Chile was only briefly a NAM member in 1973.

Mozambique (1975) (NAM), Oman (1971) (NAM), Papua New Guinea (1975), Qatar (1971) (NAM), Sao Tome and Principe (1975) (NAM), Suriname (1975) (NAM), Swaziland (1968) (NAM), United Arab Emirates (1971) (NAM) and Yemen (1967)(NAM)
Member states joining the UN between 1976 and 1985 (159 UN member states by 1985): 82 of 159 members of the UN in 1985 had become NAM members prior to 1990
Angola (1976) (NAM), Antigua and Barbuda (1981), Belize (1981) (NAM), Brunei Darussalam (1984), Dominica (1978), Djibouti (1977) (NAM), Saint Lucia (1979) (NAM), Saint Christopher and Nevis (1983), Saint Vincent and the Grenadines (1980), Samoa (1976), Seychelles (1976) (NAM), Solomon Islands (1978), Vanuatu (1981) (NAM), Vietnam (1977) (NAM) and Zimbabwe (1980) (NAM)

The information in the above chart is consolidated in the one below.

Table 2.1. Growth in UN Membership and NAM Representation in the UN 1945-1985 (consolidated)

Year	Number of UN member states that would join the NAM by 1990	Number of total UN member states
1945	19	51
1955	30	76
1965	52	117
1975	74	144
1985	82	159

The Council was expanded in 1966 from 11 to 15 members with the addition of four more elected seats, as a result of P5 acquiescence and “proposed revisions to the charter [that] secured the needed ratifications” in the General Assembly in 1965.²⁷⁴ By 1967, four Council members were part of the NAM. From 1967 to 1990, the number of NAM members on the Council never went below four, and in some calendar years, was as high as eight.²⁷⁵

The chart below shows the number of Security Council members which were part of the NAM during their tenures from 1965 to 1990.

²⁷⁴ Bosco, *Five to Rule Them All*, 102.

²⁷⁵ In 1983 and 1984, eight of the 15 Council members were part of the NAM.

Table 3. Security Council Members which were part of NAM (1965-1990)

Year	Number of NAM countries on the Security Council
1965	1
1966	1
1967	4
1968	4
1969	4
1970	5
1971	4
1972	5
1973	7
1974	6
1975	5
1976	5
1977	5
1978	5
1979	7
1980	5
1981	4
1982	6
1983	8
1984	8
1985	6
1986	5
1987	5
1988	6
1989	7

As a result of the influx of developing countries in the UN with their activist approach, the “issues taken up by the Organization as a whole, and the approach to those issues...” changed.²⁷⁶ The permanent members, particularly France, the United Kingdom and the United States, were forced to react to anti-colonial initiatives spearheaded by the developing world. This significantly changed the pattern of vetoes in the Council, with the Soviet Union using the veto less and the Western states using the veto more. As Sievers and Daws have demonstrated, between 1 January 1966 and 1 May 2014, the United States and the United Kingdom cast more vetoes than the Soviet Union/Russia.²⁷⁷ Many of the more contentious issues on the Council’s agenda in the second half of the Cold War came onto the agenda of the Council during the 1960s, such as Angola (1961), the Congo (1960), South Africa (1960), Southern Rhodesia (1963), and South West Africa (1968).

The initial treatment of many agenda items resulted largely from the initiative of developing countries, rather than the permanent members, who were supposed to be the primary guardians of international peace and security. Likewise, many of the vetoed resolutions from this time period, and indeed, through the end of the Cold War, were based on texts proposed by developing countries; often times, the P3 would not vote together on these texts. The level of activity from elected members and their allies in the General Assembly calling for Council action and tabling controversial drafts is a far cry from the Council of the post-Cold War era, which has by and large been tightly managed by the permanent members.

²⁷⁶ Loraine Sievers and Sam Daws, *The Procedure of the UN Security Council*, Fourth ed. (Oxford: Oxford University Press, 2014), 298.

²⁷⁷ Sievers and Daws, *The Procedure of the UN Security Council*, 299.

In the 1960s, several developing countries would frequently ban together to alert the Council to potential threats to international peace and security. This was the case, for example, with agenda items related to the Democratic Republic of the Congo, disarmament, Namibia/Southwest Africa, Portuguese territories in Africa, South Africa, and Southern Rhodesia. These became controversial issues leading to several vetoes or non-unanimous resolutions. They came onto the agenda as follows:

- On 25 March 1960, 30 developing states wrote to the Council requesting that it “consider the situation arising out of the large-scale killings of unarmed and peaceful demonstrators against racial discrimination and segregation in the Union of South Africa.”²⁷⁸ This became the agenda item “Complaint Concerning South Africa” on 30 March 1960.²⁷⁹
- Following the collapse of the May 1960 Paris Summit, Argentina, Ceylon, Ecuador and Tunisia circulated to the Council a draft resolution urging the great powers (France, the Soviet Union, the United States, and the United Kingdom) to recommence negotiations as quickly as possible.²⁸⁰ The draft, focusing on disarmament, was adopted on 27 May 1960 as resolution 135, with nine votes in favor and two abstentions (Poland and the Soviet Union.)²⁸¹

²⁷⁸ Repertoire of the Practice of the Security Council, *Complaint concerning South Africa (letter of 25 March 1960)*, 155-156, [http://www.un.org/en/sc/repertoire/59-63/Chapter%208/59-63_08-4-Complaint%20concerning%20South%20Africa%20\(letter%20of%2025%20March%201960\)%20.pdf](http://www.un.org/en/sc/repertoire/59-63/Chapter%208/59-63_08-4-Complaint%20concerning%20South%20Africa%20(letter%20of%2025%20March%201960)%20.pdf).

The thirty countries included Afghanistan, Burma, Cambodia, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan, Thailand, Tunisia, Turkey, United Arab Emirates and Yemen.

²⁷⁹ *Ibid.*, 156.

²⁸⁰ Repertoire of the Practice of the Security Council, *Letter of 23 May 1960 from the representatives of Argentina, Ceylon, Ecuador and Tunisia*, 158, http://www.un.org/en/sc/repertoire/59-63/Chapter%208/59-63_08-6-Letter%20of%2023%20May%201960%20from%20the%20representative%20of%20Argentina,%20Ceylon,%20Ecuador%20and%20Tunisia.pdf.

²⁸¹ *Ibid.*, 159.

- On 11 July 1963, 32 developing states wrote to the Council saying that apartheid constituted a threat to peace and security, and the matter was placed on the agenda of the Council on 22 July 1963 as “The Question of Race Conflict in South Africa.”²⁸²
- On 22 July 1963, the Council included on its agenda the “Situation in Territories in Africa Under Portuguese Administration.” The impetus for the inclusion of this item was an 11 July 1963 letter forwarded the Council from 32 member states which maintained that Portugal’s colonial domination of its African territories, namely Angola, undermined international peace and security.²⁸³
- “The situation in Southern Rhodesia” came onto the agenda on 9 September 1963, following the submission to the Council of a 2 August 1963 letter from Ghana, Guinea, Morocco, and the United Arab Republic calling for the Council to meet on this matter.²⁸⁴ In a memorandum affixed to the letter, these member states argued that “the continuance of the situation was likely to endanger the maintenance of international peace and security.”²⁸⁵

²⁸² Repertoire of the Practice of the Security Council, *The question of race conflict in South Africa*, 213, http://www.un.org/en/sc/repertoire/59-63/Chapter%208/59-63_08-25-The%20question%20of%20race%20conflict%20in%20South%20Africa.pdf. The 32 states were Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic, and Upper Volta.

²⁸³ Repertoire of the Practice of the Security Council, *Situation in territories in Africa under Portuguese administration*, 209, http://www.un.org/en/sc/repertoire/59-63/Chapter%208/59-63_08-23-Situation%20in%20territories%20in%20Africa%20under%20Portuguese%20administration.pdf. The 32 members that were submitted by Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta.

²⁸⁴ Repertoire of the Practice of the Security Council, *Situation in Southern Rhodesia*, 217-218, http://www.un.org/en/sc/repertoire/59-63/Chapter%208/59-63_08-24-Situation%20in%20Southern%20Rhodesia.pdf.

²⁸⁵ *Ibid.*, 217.

- On 1 December 1964, 22 members wrote a letter to the Council that “drew attention to the various attempts made by the Organization of African Unity with a view to the peaceful adjustment of the situation”—i.e. the Democratic Republic of the Congo.²⁸⁶ This was considered in the Council’s proceedings, beginning on December 9, 1964 when it became the agenda item, “Situation in the Democratic Republic of the Congo.”²⁸⁷
- “The Question of Southwest Africa” was placed on the agenda on 25 January 1968 after a request for a meeting was made by 49 member states from the developing world,²⁸⁸ “following the decision of the Government of South West Africa to resume the ‘illegal’ trial at Pretoria of thirty-five South West Africans in violation of their rights and of the international status of the Territory of South West Africa, and in persistent defiance of General Assembly resolutions on the question.”²⁸⁹ A little more than a year later, on 20 March 1969, “the Situation in Namibia” was made an agenda item,²⁹⁰ following the submission of a 14 March 1969 letter to the Council from 40 developing world member states that maintained that the “General Assembly...had terminated the mandate of the

²⁸⁶ Repertoire of the Practice of the Security Council, *Situation in the Democratic Republic of Congo*, 141, http://www.un.org/en/sc/repertoire/64-65/Chapter%208/64-65_08-12-Situation%20in%20the%20Democratic%20Republic%20of%20the%20Congo.pdf.

²⁸⁷ *Ibid.*, 141.

²⁸⁸ Repertoire of the Practice of the Security Council, *The question of Southwest Africa*, 164-165, http://www.un.org/en/sc/repertoire/66-68/Chapter%208/66-68_08-10-The%20question%20of%20South%20West%20Africa.pdf.

²⁸⁹ *Ibid.*, 165. The 49 states included Algeria, Burundi, Cambodia, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Democratic Republic of the Congo, Dahomey, Ethiopia, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kenya, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, the Philippines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volte, Yemen, Yugoslavia and Zambia.

²⁹⁰ Repertoire of the Practice of the Security Council, *The situation in Namibia*, 99-100, http://www.un.org/en/sc/repertoire/69-71/Chapter%208/69-71_08-2-Situation%20in%20Namibia.pdf.

South African Government to administer Namibia” (Southwest Africa) and arguing that the Namibian people had the right to self-determination.²⁹¹

A number of other requests in the 1960s for Council consideration of issues that became agenda items were made by developing states, often in the form of complaints by individual states. Such complaints were frequently made by developing states concerned about their independence and sovereignty.²⁹²

The assertiveness of the developing states in the Council’s work was further demonstrated by their willingness to propose draft resolutions for consideration, even when the outcome of votes was uncertain. In the early years of the United Nations, drafts that were vetoed were often proposed by permanent members France, the United Kingdom and the United States or their allies.²⁹³ Many of these were membership applications that were vetoed by the Soviet Union. However, by the 1970s, the drafts that would be vetoed were increasingly proposed by Council members from the developing world and their counterparts among the wider UN membership, a trend that would last through the end of the Cold War.²⁹⁴

Most of the vetoes from 1970 through the end of the Cold War were P3 vetoes, primarily cast by the United States. These vetoes were the product of the influence of the new members whose strength in numbers enabled them to push an agenda in the General Assembly that spilled

²⁹¹Ibid. , 99. The 40 member states submitting the letter included Afghanistan, Algeria, Burundi, Cameroon, Ceylon, Chad, Congo (Brazzaville), Democratic Republic of the Congo, Equatorial Guinea, Gabon, Ghana, Guinea, India, Indonesia, Ivory Coast, Madagascar, Mali, Mauritania, Mauritius, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan, Syria, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Yugoslavia and Zambia.

²⁹² Repertoire of the Practice of the Security Council, <http://www.un.org/en/sc/repertoire/index.shtml>. Examples include complaints by Cuba, Haiti, and Panama against the United States, by African states against France and Portugal, and by Yemen against the United Kingdom.

²⁹³ United Nations Website, *Security Council - Veto List*, Dag Hammarskjöld Library, <http://research.un.org/en/docs/sc/quick>.

²⁹⁴ Ibid.

over into the Council. Their influence was limited in the Council because of the veto of the permanent members, but they were nonetheless able to shape the organ's agenda, allowing them to voice their views in debates and propose draft resolutions that forced the permanent members to take a position on matters that they most likely would have preferred to handle on their own terms, not necessarily through the Council. Since the developing world's policies frequently gained the sympathy of the Soviet Union (and after October 1971, the People's Republic of China), the P3 was largely on the defensive in the Council's consideration of many issues, compelling them to use their veto or to abstain on resolutions not entirely to their liking.

Several P3 vetoes and abstentions were cast on unresolved colonial issues in Africa that had come onto the agenda in the 1960s—such as Angola, the Congo, Namibia, Southern Rhodesia, and South Africa—or from issues in the Americas that aroused US sensitivities (for example, Nicaragua, Panama, and Grenada). However, draft resolutions that were detrimental to the interests of Israel were vetoed more than any other matter, under agenda items that included “the situation in the Middle East,” “the question of the exercise by the Palestinian people of its inalienable rights,” “The Middle East problem including the Palestinian question,” “the situation in the occupied Arab territories,” and the “Request by Libya and Pakistan for consideration of the serious situation arising from recent developments in the occupied Arab territories.”²⁹⁵ Between 1970 (when the US cast its first Security Council veto) and 1990, the United States cast vetoes (all sole vetoes) on 29 drafts related to these agenda items.²⁹⁶

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²⁹⁵ Ibid.

²⁹⁶ Ibid.

Although the Council's treatment of several country-specific cases demonstrates the assertiveness of elected members from developing world, I have chosen to focus in greater depth on three in particular (Southern Rhodesia, Israel/Palestine, and Nicaragua) for three reasons. First, the Council's treatment of these issues collectively demonstrates that voting divergences among the P3 were focused on a regionally and substantively diverse set of issues. Second, taken together, the focus on these issues spans a wide-time period of the organ's history, demonstrating the longevity of the developing world's influence on the deliberations and practices of the Council. The first veto on these issues was cast by the United Kingdom on 13 September 1963 on Southern Rhodesia²⁹⁷ in a period when the Non-Aligned Movement was gaining influence in the United Nations. The last veto in the Cold War on one of these issues was cast by the United States on "the situation in the Occupied Arab Territories" on 31 May 1990,²⁹⁸ which was followed by nearly three years without a Council veto.²⁹⁹ Third, and finally, a large percentage of P3 vetoes during the Cold War were on these matters; from 1963-1990, roughly 27 percent of the vetoes (28 of 105) cast by the P3 were on these three issues.

Southern Rhodesia

The inclusion of Southern Rhodesia on the Security Council's agenda in September 1963 followed the adoption of two key General Assembly resolutions on this issue, resolution 1747 of 28 June 1962 and resolution 1760 of 31 October 1962. Resolution 1747 requested the "Administering Authority" (the United Kingdom) to convene "a constitutional conference...which would ensure the rights of the majority of the people, on the basis of 'one man, one vote' in conformity with the principles of the Charter of the United Nations and the

²⁹⁷ UN Security Council document (S/5425/Rev.1), 13 September 1963.

²⁹⁸ UN Security Council document (S/21326), 31 May 1990.

²⁹⁹ The next veto occurred on 11 May 1993. It was cast by Russia on Cyprus (UN Security Council document S/25693).

Declaration on the granting of independence to colonial countries and peoples...”.³⁰⁰ Resolution 1760 reaffirmed resolution 1747, requesting the United Kingdom to grant to “the whole population [of Southern Rhodesia] the full and unconditional exercise of their basic political rights.”³⁰¹ Ghana, Guinea, Morocco and the United Arab Republic requested the first Council meeting on the situation in Southern Rhodesia in August 1963, referencing resolution 1760 and article 73 of the UN Charter (which focused on the responsibilities of administering powers).³⁰²

Several Security Council resolutions on Southern Rhodesia were adopted in the ensuing years. Some of these were groundbreaking in the sense that the Council for the first time ever authorized sanctions.

- In resolution 216 of 12 November 1965, the Council condemned Southern Rhodesia’s unilateral declaration of independence (UDI).
- On 20 November 1965, it authorized the use of sanctions for the first time in its history through resolution 217, calling upon all states not to provide the regime “with arms, equipment and military material, and to do their utmost in order to break all economic relations with Southern Rhodesia, including an embargo on oil and petroleum products.”³⁰³
- In resolution 221 of 9 April 1966, it called upon Portugal not to ship oil from Beira (in Portuguese Mozambique) to Southern Rhodesia.

³⁰⁰ UN General Assembly document (A/RES/1747), 28 June 1962.

³⁰¹ UN General Assembly document (A/RES/1760), 31 October 1962.

³⁰² Repertoire of the Practice of the Security Council, *Situation in Southern Rhodesia*, 217, http://www.un.org/en/sc/repertoire/59-63/Chapter%208/59-63_08-24-Situation%20in%20Southern%20Rhodesia.pdf.

³⁰³ UN Security Council resolution 217, 20 November 1965.

- On 16 December 1966, the Council expanded the embargo through resolution 232, deciding that states should prevent the import of various commodities.³⁰⁴
- Resolution 253, adopted on 29 May 1968, expanded the sanctions to prevent the import of all commodities from Southern Rhodesia and created a sanctions committee.

Security Council sanctions on Southern Rhodesia remained in place until the adoption of resolution 460 on 21 December 1979, the same day as the signing of the Lancaster House Agreement, which paved the way for the territory's independence from the United Kingdom as the sovereign state of Zimbabwe.

In spite of these and other decisions taken by the Council on Southern Rhodesia, meetings on this agenda item were often contentious. The United Kingdom would not entertain draft resolutions calling on it to intervene militarily in Southern Rhodesia³⁰⁵ or demanding a political solution regarding the territory's future while it was in the process of negotiating with the white supremacist regime.³⁰⁶ Writing in 1971, Boyd maintained:

Throughout the later stages of the Rhodesia imbroglio, there were repeatedly clear indications that Britain would use its veto if a Council majority tried to carry a resolution that went altogether too far for Britain's liking. This was an important factor in the production of a series of Council resolutions which, while usually representing a compromise between British and African positions, tended to come out closer to the British than to the African.³⁰⁷

The United Kingdom would table key draft resolutions that imposed and expanded sanctions on the territory; however, these at least in part responded to intense pressure from the developing

³⁰⁴ UN Security Council resolution 232, 16 December 1966. These commodities included "asbestos, iron ore, chrome, pig-iron, sugar, tobacco, copper, meat, and meat products and hides, skins and leather originating in Southern Rhodesia."

³⁰⁵ See, for example, UN Security Council meeting record (S/PV.1534), 17 March 1970, 2-3, para. 14.

³⁰⁶ See, for example, UN Security Council meeting record (S/PV.1556), 10 November 1970, 11-12, para. 132-136 and 12, para. 141-142.

³⁰⁷ Andrew Boyd, *Fifteen Men on a Powder Keg: A History of the UN Security Council* (New York: Stein and Day, 1971), 228.

countries that believed that the United Kingdom was not doing enough to bring about majority rule in the territory.³⁰⁸ This included pressure from Commonwealth countries. At the 6-15 September 1965 Commonwealth Conference in London, 16 of the 21 attending members “called in varying degrees for more positive action by the British to bring down the Smith regime.”³⁰⁹ The conference communiqué stated that the UK government would pursue mandatory UN sanctions against Southern Rhodesia if efforts failed to convince it “to return to constitutional rule before the end of the year.”³¹⁰ Following the failure of these negotiations, sanctions were expanded on Southern Rhodesia the following year at the behest of the United Kingdom.³¹¹

Voting discrepancies among the P3 on Southern Rhodesia occurred over several years. In the ten years from 1963 to 1973, the United Kingdom vetoed seven draft resolutions on Southern Rhodesia, including five sole vetoes. All of these vetoes responded to drafts put forth by developing states, mostly from Africa, which were trying to use the Council as an instrument to exert economic and political pressure on the white supremacist regime in Southern Rhodesia and compel the United Kingdom to establish democratic rule in the territory.³¹² France abstained

³⁰⁸ See Repertoire of the Practice of the Security Council, *Situation in Southern Rhodesia*, 121-122, http://www.un.org/en/sc/repertoire/66-68/Chapter%208/66-68_08-4-Situation%20is%20Southern%20Rhodesia.pdf. For example, UN Security Council resolution 253, 29 May 1968, which was proposed by the United Kingdom and expanded the sanctions to include all commodities, followed shortly after a 12 March 1968 letter to the Council from 36 African states that stated that the selective sanctions imposed in resolution 232 had not succeeded, maintained that the United Kingdom had not attempted to negotiate with African political parties in the Southern Rhodesia, and argued that Chapter VII [i.e. coercive] measures were required to enable the population of the territory to achieve self-determination. Furthermore, Algeria, Ethiopia, India, Pakistan and Senegal had sponsored a draft resolution on 18 April 1968, which was not voted upon, that would have called for the severance of all economic and other relations with the territory.

³⁰⁹ Office of the Historian, “553. Paper Prepared in the State Department, Southern Rhodesia,” *Foreign Relations of the United States, 1964-1968, Volume XXIV, Africa*, Washington, 23 January 1967, <https://history.state.gov/historicaldocuments/frus1964-68v24/d553>. Tanzania was not at the meeting.

³¹⁰ *Ibid.*

³¹¹ *Ibid.*

³¹² UN Security Council document S/5425/Rev. 1, 11 September 1963, was proposed by Ghana, Morocco and the Philippines; S/9696 (11 March 1970) by Burundi, Nepal, Sierra Leone, Syria and Zambia; S/9976 (6 November 1970) by Burundi, Nepal, Sierra Leone, Syria and Zambia; S/10489 (30 December 1971) by Burundi, Sierra Leone, Somalia, and Syria; S/10606 (2 February 1972) by Guinea, Somalia and Sudan; S/10805/Rev. 1 (29 September 1972) by Guinea, Somalia, and Sudan; and S/10928 (18 May 1973) by Guinea, Kenya and Sudan.

on all seven and the United States abstained on five of them. The United States joined the United Kingdom in vetoing two of these draft resolutions (S/9696 of 11 March 1970 and S/10928 of 18 May 1973); the first of these joint vetoes would have condemned the United Kingdom for not overthrowing the Southern Rhodesian government, while the second would have limited the shipment of certain commodities to the territory. Interestingly, France not only abstained on those drafts vetoed by the United Kingdom on Southern Rhodesia, but also on several other resolutions on the issue.

The US position of Southern Rhodesia was largely aligned with that of the United Kingdom, although there were some differences. Like the United Kingdom, Washington opposed Southern Rhodesia's universal declaration of independence and supported progress toward majority rule in Salisbury in a phased manner.³¹³ However, it was concerned that the slow pace of efforts toward a political settlement "could be exploited by extreme African elements, as well as by the Communists...".³¹⁴ Similarly, Washington did not want to find itself supporting a deal struck by London that was perceived by states as being too favorable to Smith.³¹⁵

The consistent French abstentions on this issue were rather remarkable: as Joanna Warson has written: "France was the...sole country not to oppose UDI in the Security Council in the immediate aftermath of Smith's declaration as well as the only power not to vote in favour of a resolution declaring that the situation in Southern Rhodesia was a threat to international peace and security and calling upon states to break economic relations with Rhodesia."³¹⁶ Warson

³¹³ Office of the Historian, 553. *Paper Prepared in the State Department, Southern Rhodesia*, Foreign Relations of the United States, 1964-1968, Volume XXIV, Africa, Washington, 23 January 1967, <https://history.state.gov/historicaldocuments/frus1964-68v24/d553>.

³¹⁴ Ibid.

³¹⁵ Ibid.

³¹⁶ Joanna Warson, "France in Rhodesia: French policy and perceptions throughout the era of decolonisation," PhD diss., University of Portsmouth, 2013, 178.

persuasively argues that France firmly adhered to the principle of “non-intervention” at the time, believing that the situation in Southern Rhodesia was not a threat to international peace and security.³¹⁷ To support her argument, she notes that “...in cases where Rhodesia was perceived to threaten international peace, notably acts of aggression and provocation towards Zambia (Resolution 326), Botswana (Resolution 403 and 406) and the People’s Republic of Mozambique (Resolution 411), France voted in favour of the relevant Resolution.”³¹⁸

The UK vetoes demonstrate that it wanted to manage the decolonization process on its own terms, rather than have it imposed by the UN. The United Kingdom had to react to the tide of world opinion,³¹⁹ as reflected by the membership of the General Assembly and the Security Council, but it did not want the United Nations to hijack what it maintained was its own responsibility—i.e. stewarding Southern Rhodesia toward majority rule.³²⁰ In Council debates in the 1960s and 1970s, the United Kingdom was pilloried by African, Asian and Eastern bloc states for not doing more to precipitate the demise of the white supremacist regime in Salisbury and create the conditions for democratic rule based on universal suffrage.

With the best diplomatic skills they could muster, UK diplomats struggled to withstand the barrage coming from the developing and eastern bloc states. The vetoed draft resolution on 13 September 1963³²¹ invited the United Kingdom not to transfer military forces to Southern Rhodesia resulting from the dissolution of the Federation of Rhodesia and Nyasaland.³²² In meetings leading up to the vote, several African member states expressed concern that

³¹⁷ Ibid., 177-182.

³¹⁸ Ibid., 181-182.

³¹⁹ Johnny Ryan, “Principled failure: British policy toward Rhodesia, 1971-1972,” *The History Review* (2004), <https://johnnyryan.wordpress.com/2004/02/20/principled-failure-british-policy-toward-rhodesia-1971-72/>.

³²⁰ Ibid. Ryan writes: “...the longer Britain remained in possession of her colonies once decolonisation had begun and the voices of newly independent nations began to make themselves heard at the UN, the more she was vulnerable to the stigma of her former overlordship.”

³²¹ UN Security Council document (S/5425/Rev.1), 13 September 1963.

³²² Northern Rhodesia became Zambia, while Nyasaland became Malawi.

empowering Southern Rhodesia with additional military strength would pose a threat to international peace and security, given the nature of the regime and its capacity to undermine the security of its neighbors.³²³ The United Kingdom countered that Southern Rhodesia was not a “non-self-governing territory,” and referred to article 2 (7) of the UN Charter (i.e., that this was a matter of domestic jurisdiction).³²⁴ In a 13 September 1963 meeting, UK Ambassador Patrick Dean opined that the situation in Southern Rhodesia was “tranquil”³²⁵ and that the use of force outside of the territory required the approval of the UK government,³²⁶ implying that UK government would check external mischief by Salisbury.

Southern Rhodesia’s UDI in November 1965 was particularly disturbing to developing countries. In a Council meeting shortly after the UDI, Ghanaian Ambassador Alex Quaison-Sackey, speaking on behalf of African states, maintained that as a result “of this seizure of power, the 4 million Africans in Southern Rhodesia have been rendered impotent and powerless...,”³²⁷ while accusing the United Kingdom of emboldening the Salisbury regime by not using military force against it.³²⁸ Similarly outraged, Senegalese Ambassador Ousmane Diop called the UDI a “veritable act of international piracy,” and succumbing to hyperbole, added: “If this crime goes unpunished, it will be the end of the moral foundations of the British

³²³ Repertoire of the Practice of the Security Council, *Situation in Southern Rhodesia*, 218, http://www.un.org/en/sc/repertoire/59-63/Chapter%208/59-63_08-24-Situation%20in%20Southern%20Rhodesia.pdf. The repertoire refers to the 1064th and 1067th meetings of the Council.

³²⁴ Repertoire of the Practice of the Security Council, *Situation in Southern Rhodesia*, 218-219, http://www.un.org/en/sc/repertoire/59-63/Chapter%208/59-63_08-24-Situation%20in%20Southern%20Rhodesia.pdf. The repertoire refers to the 1064th the 1066th meeting of the Council. The repertoire refers to the UK position on this matter expressed in the 1066th meeting of the Council.

³²⁵ UN Security Council meeting record (S/PV.1069), 13 September 1963, 10, para. 49.

³²⁶ UN Security Council meeting record (S/PV.1069), 13 September 1963, 12, para. 54.

³²⁷ UN Security Council meeting record (S/PV.1257), 9, para. 39.

³²⁸ *Ibid.*, 10, para. 45.

Commonwealth, it will be the end of the authority of the Charter of the United Nations and it will be the end of international peace and security in Africa.”³²⁹

On 17 March 1970, Burundi, Nepal, Sierra Leone, Syria and Zambia introduced a draft resolution that would have condemned the United Kingdom for not using military force to overthrow the regime and that would have decided that states should immediately “sever all diplomatic, consular, economic, military and other relations with the illegal racist minority regime.”³³⁰ A request for the United Kingdom to forcibly overthrow the minority regime had already been made by the General Assembly in resolution 2022 of 5 November 1965.³³¹ The 17 March 1970 draft was vetoed by the United Kingdom and the United States. Abstentions were cast by Finland, France, and in this instance, even by Global South states Colombia and Nicaragua. Prior to the vote, the Permanent Representative of the United Kingdom, Lord Caradon, strongly criticized the draft, citing the unpredictable consequences that could arise from military actions against Southern Rhodesia and saying that it could not justify “an economic war against all southern African,”³³² most likely a reference to the draft resolution’s call for sanctions to be imposed on South Africa and Portugal, both violators of the sanctions on Southern Rhodesia.³³³ Regarding UK economic interests, Caradon bluntly noted that his country relied “as much as any country in the world...on its foreign trade” and that “to cut off trade with all those countries whose policies we dislike or oppose would be economic suicide.”³³⁴ At the same meeting, US Deputy Ambassador Charles Yost supported the UK position. He concurred that

³²⁹ Ibid., 21, para. 98.

³³⁰ UN Security Council document (S/9696), 11 March 1970.

³³¹ United Nations Department of Political Affairs, Trusteeship and Decolonization, *Issue of Southern Rhodesia II*, no. 5 (1975): 9, http://www.un.org/en/decolonization/pdf/decolonization/decon_num_6-1.pdf.

³³² UN Security Council meeting record (S/PV.1534), 17 March 1970, 4.

³³³ Boyd, *Fifteen Men on a Powder Keg*, 228.

³³⁴ UN Security Council meeting record (S/PV.1534), 17 March 1970, 3.

that there was no way to “fully foresee the repercussions and consequences”³³⁵ of the use of force to overthrow the regime, and that imposing full-fledged sanctions on South Africa and Portugal would be very difficult to enforce, requiring a blockade.³³⁶

In November 1971, “proposals for settlement” were agreed between British Foreign and Commonwealth Secretary Alec Douglas-Home and Southern Rhodesian Prime Minister Ian Smith after negotiations in Salisbury. These were based on “an intricate franchise system which was supposed to lead one day to African majority rule.”³³⁷ Property ownership still dictated the right to vote.³³⁸ According to the terms of these settlement proposals, the agreement had to be accepted by the Southern Rhodesian population “as a whole” before being implemented.³³⁹

A UK commission led by Lord Edward Pearce (The Pearce Commission) undertook a visiting mission to Southern Rhodesia from 11 January to 11 March 1972 to determine the level of support for the agreement.³⁴⁰ After the mission, the Pearce Commission issued a report saying that the population as a whole did not support the “proposals for settlement,” in part because the African population in the Southern Rhodesia was not allowed to participate in the negotiations.³⁴¹ The UK decision to put the settlement before the people of Southern Rhodesia

³³⁵ *Ibid.*, 15.

³³⁶ UN Security Council meeting record (S/PV.1534), 17 March 1970, 15-16.

³³⁷ United Nations Department of Political Affairs, *Issue of Southern Rhodesia*, 11.

³³⁸ Luise White, “‘Normal Political Activities’: Rhodesia, The Pearce Commission, and The African National Council,” *The Journal of African History* 52, no. 3 (2011): 326.

³³⁹ United Nations Department of Political Affairs, *Issue of Southern Rhodesia*, 11, http://www.un.org/en/decolonization/pdf/decolonization/decon_num_5-1.pdf.

³⁴⁰ *Ibid.*, 12.

³⁴¹ *Ibid.*

may have indicated that it was succumbing to international and domestic pressure to forge a fair political solution to the long-standing crisis in Southern Rhodesia.³⁴²

On 30 December 1971, less than two weeks before the arrival of the Pearce Commission in Southern Rhodesia, the Council met to vote on a draft resolution proposed by Burundi, Sierra Leone, Somalia and the Syrian Arab Republic. The draft rejected the “proposals for settlement,” emphasized the need for universal adult suffrage in the territory, and called for the United Kingdom “to facilitate the participation of a United Nations team of observers during the preparation for and actual conduct of” the UK “exercise” to ascertain the wishes of the population regarding the proposals.³⁴³ It was vetoed by the United Kingdom, while Belgium, France, Italy, Japan, and United States abstained.

The mood of the African members was reflected by Nigerian Ambassador Edwin Ogbu, who opined: “The agreement in all its aspects is tantamount to a British Government endorsement of the perpetual subjugation of the black people of Southern Rhodesia by the white minority.”³⁴⁴ This sentiment was largely echoed by Soviet Ambassador Malik who claimed that the UK veto and the abstentions of its NATO allies represent “a major failure of imperialism in the United Nations.”³⁴⁵ UK Ambassador Colin Crowe said that the United Kingdom was being pragmatic. In trying to strike a deal with the Smith government, its influence was limited. He maintained that now was the time to determine whether the settlement proposals were acceptable to the population of Southern Rhodesia “as a whole,” rather than to judge the proposals in the

³⁴² Ryan, “Principled failure.” Ryan argues: “The Government’s original decision to mount an unbiased test of acceptability, while no doubt principled, was also partly motivated by pragmatism since the Government operated under intense scrutiny from the Commonwealth Nations, the UN and liberal domestic opinion.”

³⁴³ UN Security Council document (S/10489), 30 December 1971.

³⁴⁴ UN Security Council meeting record (S/PV.1623), 30 December 1971, 11, para. 189.

³⁴⁵ *Ibid.*, 32, para. 312.

UN.³⁴⁶ He questioned whether the failure of the settlement to gain traction could “lead to intensification of discrimination and *apartheid*?”³⁴⁷ The representative of the United States, William Bennett, similarly argued against prejudging the agreement, while French Ambassador François de La Gorce said that for France “it is simply a matter of following the experiment and awaiting its results in the hope that maybe this will mark the end of the *status quo* and...reintroduce momentum into a stagnant situation.”³⁴⁸

The final two UK vetoes on Southern Rhodesia were cast in February 1972 and in May 1973, the second of these jointly with the United States. The first of these (S/10606 of 2 February 1972), proposed by Guinea, Somalia, and Sudan, would have urged the United Kingdom to immediately cease implementation of the settlement proposals and expressed the belief that an inclusive constitutional conference should be held to determine the political future of the country. In addition to the UK veto, abstentions were cast by Belgium, France, Italy, Japan and the United States. UK Ambassador Crowe argued that while he understood the Council’s concern with the situation in Southern Rhodesia, it could not alter the current political process, given that the Pearce Commission had yet to report on its findings.³⁴⁹ The Somali representative, Mr. Ghalib, said the veto contributed to the “long list of betrayals”³⁵⁰ committed by the United Kingdom, while the Soviet ambassador called the abstentions made by NATO members “equal in force to a veto and to solidarity with those who use the veto and prevent the adoption of just

³⁴⁶ Ibid., 20, para. 179.

³⁴⁷ Ibid., 19, para. 172.

³⁴⁸ UN Security Council meeting record (S/PV.1623), 30 December 1971, 21, para. 190.

³⁴⁹ UN Security Council meeting record (S/PV.1639), 4 February 1972, 5, para. 42-44.

³⁵⁰ Ibid., 5, para. 51.

resolutions,”³⁵¹ an accurate if somewhat hypocritical assessment given the Soviet Union’s history of breaking unanimity in the Council.

On 18 May 1973, the United Kingdom and the United States jointly vetoed a draft resolution on Southern Rhodesia, introduced by Guinea, Kenya and Sudan, that would have significantly ratcheted up the economic pressure not just on southern Rhodesia, but on Portuguese colonies in the region and South Africa. The draft resolution, if adopted, would have decided that “all states should limit, with immediate effect, any purchase of chrome ores, asbestos, tobacco, pig iron, copper, sugar, maize and any products from South Africa, Mozambique and Angola to the quantitative levels prevailing in 1965” (i.e., the year of Southern Rhodesia’s Universal Declaration of Independence).³⁵² It further would have extended the blockade on Beira to cover the port of Lourenço Marques, also in Portuguese Mozambique, while urging the United Kingdom to take measures to implement the blockade.³⁵³

Once again, the familiar divide was exhibited in the discussion on this draft resolution in the Council. Developing countries from Africa and Asia, again supported in their views by the Soviet Union, expressed their anger and frustration with the UK and US vetoes. Kenyan Ambassador Joseph Odera Jowi charged racism, suggesting that if the rebellion had been carried out by the indigenous population, it would have been crushed, while “Rebellion by a minority of colonial residents of British or white origin is fine.”³⁵⁴ The draft had crossed a redline for the United Kingdom by calling for the expansion of the sanctions to Portuguese colonies and South Africa, something that Caradon had argued in the Council would be detrimental to UK economic

³⁵¹ Ibid., 7, para. 70.

³⁵² UN Security Council document (S/10928), 18 May 1973.

³⁵³ Ibid.

³⁵⁴ UN Security Council meeting record (S/PV.1716), 22 May 1973, 1, para. 6.

interests years earlier, as noted above.³⁵⁵ Meanwhile, US Ambassador John Scali maintained that expanding the sanctions would be “unrealistic” and “unenforceable” and that, as a result, adopting the draft would harm the credibility of the United Nations.³⁵⁶ US economic interests were clearly at stake as well. In a March 1972 policy planning paper on South Africa, the US National Security Council noted that the country was “an important source of essential minerals—especially chrome, copper, platinum, gold, manganese and vanadium,” while listing “continued profitable trade with South Africa and maintenance of U.S investments and access to key resources” as an objective in the ensuing five years.³⁵⁷

The Middle East: Israel/Palestine

While the United States opposed Israel during the 1956 Suez crisis, strong support of Israel by the United States has been a consistent feature of Security Council practice during the past half a century, a policy that has varied little in this time period in terms of the level of this support. . In the Cold War, however, the veto was used more frequently by the United States than in the post-Cold War period on draft resolutions viewed as detrimental to Israeli interests. This had more to do with how the Council functioned than with any major shifts in US policy. As with a number of other agenda items, there was more willingness to table draft resolutions that might be vetoed than there has been during the post-Cold War period. From 1970-1990, the US cast 29 vetoes on matters related to Israel, whereas it cast 13 vetoes on such issues between 1991 and 2016.

³⁵⁵ UN Security Council meeting record (S/PV.1534), 17 March 1970, 3.

³⁵⁶ UN Security Council meeting record (S/PV.1716), 22 May 1973, 9.

³⁵⁷ Office of the Historian, “71. Paper Prepared by the National Security Council Interdepartmental Group for Africa,” Foreign Relations of the United States, 1969-1976, Volume XXVIII, Southern Africa, Washington, March 1972, <https://history.state.gov/historicaldocuments/frus1969-76v28/d71>.

At the root of the developing world's ire toward Israel has been its occupation of the territories acquired in the 1967 War, including East Jerusalem, the Gaza Strip³⁵⁸ and the West Bank. In the Cold War, vetoed resolutions on Israeli policies in the Occupied Territories were consistently proposed by developing countries, either Arab states or developing countries representing the Non-Aligned Movement more broadly.³⁵⁹

Indicative of the movement's opposition to the US use of the veto was its declaration at its Conference in Havana, Cuba in September 1979. In a Council debate on 30 April 1980, the Soviet representative read from the conference's declaration, observing that the Conference "condemned the threat by the United States to use the veto...against any resolution concerning the implementation of the Palestinian people's inalienable national rights."³⁶⁰ A rash of US vetoes on Israel/Palestine draft resolutions followed in the subsequent years, notwithstanding the NAM's condemnation.

Drafts resolutions in the Cold War on Israel/Palestine vetoed solely by the United States (and which states proposed them) include the following:

- On 29 June 1976, the United States cast the sole veto, with abstentions by France, Italy, Sweden, the United Kingdom, on a draft resolution sponsored by Guyana, Pakistan, Panama, and Tanzania, that would have affirmed "the inalienable rights of the Palestinian people to self-determination, including the right of return and the right of national

³⁵⁸ Israel relinquished control of the Gaza Strip in 2005.

³⁵⁹ See, for example, Colombian statement, UN Security Council meeting record (S/PV.2850), 17 February 1989, 12; or Soviet statement, UN Security Council meeting record (S/PV.2889), 7 November 1989, 11; and Soviet Union statement, UN Security Council meeting record (S/PV.2867), 9 June 1989, 8.

³⁶⁰ Quoted by Soviet representative, UN Security Council meeting record (S/PV.2220), 30 April 1980, 18, para. 168.

independence and sovereignty in Palestine, in accordance with the Charter of the United Nations.”³⁶¹

- On 30 April 1980, the United States vetoed a draft resolution proposed by Tunisia that would have affirmed the “right [of the Palestinian people] to establish an independent state in Palestine,” “[t]he right of Palestinian refugees wishing to return to their homes...to do so, and the right of those choosing not to return to receive equitable compensation for their property...”. The draft further reaffirmed that “Israel should withdraw from all the Arab territories occupied since June 1967, including Jerusalem...”.³⁶² While the US cast the only veto, France, Norway, Portugal and the United Kingdom abstained.
- On 20 January 1982, the United States vetoed a draft resolution proposed by Jordan that characterized Israeli measures to administer the Golan Heights as an “act of aggression.”³⁶³ While the United States registered the only veto, abstentions were cast by France, Ireland, Japan, Panama, and the United Kingdom.
- On 20 April 1982, the United States cast the only veto on a draft resolution sponsored by Iraq, Jordan, Morocco and Uganda condemning an attack on worshipers at Holy sites at the al-Haram al-Shareef.³⁶⁴ All 14 other members voted in favor of the draft.
- On 2 August 1983, the United States cast the only veto on a draft resolution deploring Israeli settlements in the occupied territories that was sponsored by Algeria, Bahrain, Democratic Yemen, Djibouti, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab

³⁶¹ UN Security Council document (S/12119), 29 June 1976.

³⁶² UN Security Council document (S/13911), 28 April 1980.

³⁶³ UN Security Council document (S/14832/Rev.1), 19 January 1982.

³⁶⁴ UN Security Council document (S/14985), 20 April 1982.

Emirates and Yemen.³⁶⁵ In addition to the US veto, 13 Council members supported the draft resolution, while Zaire abstained.

- On 13 September 1985, the United States vetoed a draft resolution proposed by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago that would have called upon Israel “to immediately stop all repressive measures including curfews, administrative detentions and forceful deportation and to release forthwith all detainees and refrain from further deportations...”.³⁶⁶ Australia, Denmark, France, and United Kingdom cast abstentions.
- On 30 January 1986, the United States vetoed a draft resolution proposed by Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates that would have deplored “provocative acts [by Israelis] which have violated the sanctity of the sanctuary of the Haram Al-Sharif in Jerusalem...”.³⁶⁷ Other than Thailand, which abstained, and the United States, the 13 remaining Council member voted in favor of the draft.
- On 1 February 1988, the United States vetoed a draft submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia that would have called on Israel “as the occupying Power and as a High Contracting Party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to accept the de jure applicability of the Convention to the Palestinian and other Arab territories occupied since 1967...and fully to comply with its obligations under that Convention...”.³⁶⁸ The 14 remaining members of the Council voted in favor of the draft.

³⁶⁵ UN Security Council document (S/15895), 1 August 1983.

³⁶⁶ UN Security Council document (S/17459), 12 September 1985.

³⁶⁷ UN Security Council document (S/17769/Rev. 1), 30 January 1986.

³⁶⁸ UN Security Council document (S/19466), 29 January 1988.

- On 15 April 1988, the United States vetoed a draft resolution proposed by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia that would have urged Israel to “abide immediately and scrupulously with the Geneva Convention relative to the Protection of Civilians in Time of War, of 12 August 1949...” and “to rescind the order to deport Palestinian civilians and ensure the safe and immediate return to the occupied Palestinian territories of those already deported...”.³⁶⁹ The 14 other Council members voted in favor of the draft.
- On 17 February 1989, the United States vetoed a draft resolution proposed by Algeria, Colombia, Ethiopia, Malaysia, Nepal, Senegal and Yugoslavia that deplored “Israel’s persistent policies and practices against the Palestinian people” in the occupied territories that had led to the deaths of Palestinian civilians.³⁷⁰ The 14 other members voted in favor of the draft.
- On 9 June 1989, the United States vetoed a draft resolution submitted by Algeria, Colombia, Ethiopia, Malaysia, Nepal, Senegal and Yugoslavia that demanded that Israel “desist forthwith from deporting Palestinian civilians from the occupied territory...ensure the safe and immediate return of those already deported...and expresse[d] great concern about the prolonged closure of schools in part of the occupied territory...”.³⁷¹ All 14 additional members voted in favor of the draft.
- On 7 November 1989, the United States vetoed a draft resolution proposed by Algeria, Colombia, Ethiopia, Malaysia, Nepal, Senegal, and Yugoslavia that “strongly deplore[d] those policies and practices of Israel, which violate the human rights of the Palestinian people in the occupied territory, and in particular the siege of towns, the ransacking of the

³⁶⁹ UN Security Council document (S/19780), 14 April 1988.

³⁷⁰ UN Security Council document (S/20463), 17 February 1989.

³⁷¹ UN Security Council document (S/20677), 8 June 1989.

homes of inhabitants...and the illegal and arbitrary confiscation of their property and valuables...,” while requesting the Secretary-General “to conduct on-site monitoring” of the Occupied Territories.³⁷² The other 14 members of the Council supported the draft.

- On 31 May 1990, the United States vetoed a draft resolution that would have “establishe[d] a Commission consisting of three members of the Security Council, to be dispatched immediately to examine the situation relating to the policies and practices of Israel, the occupying Power, in the Palestinian territory, including Jerusalem, occupied by Israel since 1967...”. All 14 other members supported the draft.

Certain clear patterns emerge during the meetings in which these drafts were vetoed. What is most striking is the isolation of the US position, especially in the final years of the Cold War, when it became even less frequent for Western allies such as France and the United Kingdom to abstain on the drafts. Israeli repression during the first Intifada, which began in December 1987 and ended in the early 1990s, prompted significant discussion in the Council, contributing the six US vetoes in which Washington was opposed by all other Council members.

The US rationales for casting these vetoes were consistent. It often maintained that the proposed drafts were not balanced or properly contextualized, condemning Israel for violence against Palestinians while not at the same time condemning Palestinians for violence against Israelis.³⁷³ The United States would also at times argue that the drafts, if adopted, would not advance the cause of peace.³⁷⁴ In the last years of the Cold War, a further source of the US vetoes very well may have been that it did not believe that the Security Council was the

³⁷² UN Security Council document (S/20945/Rev.1), 6 November 1989.

³⁷³ See, for example, UN Security Council meeting records (S/PV.2461), 2 August 1983, 23, para. 244; (S/PV.2605), 13 September 1985, 17, para. 186; (S/PV.2850), 17 February 1989, 33.

³⁷⁴ See, for example, UN Security Council meeting records (S/PV.2605), 13 September 1985, 17, para. 189; (S/PV.2790), 1 February 1988, 39-41; and S/PV.2850 (17 February 1989), 32.

appropriate forum for resolving the Israel-Palestine conflict,³⁷⁵ largely reflecting the negative view of the UN held by its Israeli ally. In April 1989, when UN Secretary-General Javier Pérez de Cuéllar asked the five permanent members whether there should be informal discussions among the five of them and with him on the issue, only the United States said no. France, the United Kingdom, and the Soviet Union supported the idea for such discussions, while China did not answer Pérez de Cuéllar's query.³⁷⁶

Another consistent feature of the discussions on Israel-Palestine was incendiary criticism directed toward Israel by Arab and other developing countries in Council meetings. Diplomats from the developing world maintained that the policies carried out by Israel were a form of racism³⁷⁷ or colonial oppression.³⁷⁸ The United States was at times criticized for its support of Israel.³⁷⁹ Sometimes there was a connection made between Israeli actions in the occupied territories and the policies of the repressive white minority apartheid regime in South Africa.³⁸⁰ These views were consistent with the platform of the Non-Aligned Movement at the time.

Nicaragua

For most of the 1980s, Council engagement on Nicaragua was fueled by concerns of the left-wing Sandinista government about US interference in Nicaragua's domestic affairs. With the

³⁷⁵ Javier Pérez de Cuéllar, *A Secretary-General's Memoir: Pilgrimage for Peace* (New York: St. Martin's Press, 1997), 76-77.

³⁷⁶ *Ibid.*, 76-77.

³⁷⁷ See, for example, UN Security Council meeting record (S/PV.2329), 20 January 1982, Granada intervention, 2, para. 15, and UN Security Council meeting record (S/PV.2806), 15 April 1988, Organization of Islamic Conference intervention, 18.

³⁷⁸ See, for example, UN Security Council meeting record (S/PV.2357), 20 April 1982, Kuwait intervention, 4, para. 29, and Syria intervention, 12, para. 129.

³⁷⁹ See, for example, UN Security Council meeting records (S/PV.2329), 20 January 1982, Syria intervention, 19, para. 209, 211, and (S/PV.2605), 13 September 1985, Qatar intervention, 19, para. 224.

³⁸⁰ See, for example, UN Security Council meeting record (S/PV.2605), 13 September 1985, Observer of the League of Arab States intervention, 2, para. 16, and Syrian intervention, 5, para. 51; UN Security Council meeting record (S/PV.2220), 30 April 1980, Nigerian intervention, 10, para. 74; and UN Security Council meeting record (S/PV.2329), 20 January 1982, Syrian intervention, 18, para. 203.

Cold War still at its height, the administration of US President Ronald Reagan expressed grave reservations about the rise of a left-leaning government in the Americas that was supported by Soviet Union and Cuba,³⁸¹ and consequently, funneled military and financial support to the Contras, a rebel group seeking to overthrow the Sandinista regime.

The United States cast the sole veto on four draft resolutions on the situation in Nicaragua in the 1980s. All four were proposed by developing states in the Council. The first, proposed by Guyana and Panama and vetoed by the US on 1 April 1982, would have emphasized principles related to state sovereignty in the UN Charter—for example, the importance of non-intervention and territorial integrity—and called on “all Member States to refrain from the direct, indirect, overt or covert use of force against any country of Central America or the Caribbean...,”³⁸² a thinly veiled reference to US covert operations against the Nicaraguan government. The second, vetoed on 4 April 1984, “condemn[ed] and call[ed] for an immediate end to the mining of the main ports of Nicaragua,”³⁸³ a reference to US subversive operations in Nicaraguan waters. This draft was proposed by Nicaragua, which was a Council member in 1983-1984. The non-aligned members of the Council—Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates—proposed the last two vetoed drafts on 31 July³⁸⁴ and 28 October 1986.³⁸⁵ Both would have called on states to comply with the ruling of the International Court of Justice (ICJ) of 27 June 1986 on “Military and Paramilitary Activities in and against Nicaragua,” a ruling that was favorable to Nicaragua and detrimental to US interests.

³⁸¹ Pérez de Cuéllar, *Pilgrimage for Peace*, 400.

³⁸² UN Security Council document (S/14941), 1 April 1982.

³⁸³ UN Security Council document (S/16464), 4 April 1984.

³⁸⁴ UN Security Council document (S/18250), 31 July 1986.

³⁸⁵ UN Security Council document (S/18428), 28 October 1986.

The states that proposed these four drafts must have anticipated a US veto on all of them, given that they directly targeted for criticism US policies in its own backyard and called for the United States to end military operations against a regime that it perceived as a threat to its national interests. The ICJ ruling, which was the subject of the 1986 drafts, must have been an especially bitter pill for the Reagan administration to swallow. In its advisory judgement, the Court decided by a vote of 12 to 3 that the United States had “acted, against the Republic of Nicaragua, in breach of its obligation under customary international law not to intervene in the affairs of another State.”³⁸⁶ It further decided, also by a vote of 12 to 3, that the United States should “immediately...cease and...refrain from all...acts...as may constitute breaches of...[its]...legal obligations.”³⁸⁷

The week prior to the vote on the April 1982 draft, Ambassador Raúl Roa Kourí of Cuba addressed the Security Council in a public session on behalf of the NAM, focusing on its apprehensions about external interference in the affairs of Central America and the Caribbean. He referred in particular to concerns about the “threats and hostile acts directed against the people and government of Nicaragua” and called on the Security Council to “unequivocally state its opposition to the threat or use of force against Nicaragua...”.³⁸⁸ This sentiment was at the heart of the draft resolution that the US vetoed the following week.

The April 1982 draft had the support of 12 Council members, with the United Kingdom casting one of two abstentions along with Zaire in addition to the US veto. In the 2 April 1982 meeting in which it cast its veto, US representative Jeanne Kirkpatrick stated her opposition to

³⁸⁶ International Court of Justice, “Case Concerning Military and Paramilitary Activities in and against Nicaragua,” *Nicaragua v. United States of America*, 27 June 1986, 146, para. 292 (3).

³⁸⁷ International Court of Justice, “Case Concerning Military and Paramilitary Activities in and against Nicaragua,” 149, para. 292 (12).

³⁸⁸ UN Security Council meeting record (S/PV.2336), 25 March 1982, 2, para. 12.

the NAM position. She said that the United States did not intend to invade Nicaragua, and sought to expose inconsistency and selectivity in the NAM's views on non-intervention. She referred to a number of developing states (as well as the Soviet Union) that backed the Nicaraguan position but did not support the General Assembly's call for the Soviet Union to withdraw from Afghanistan.³⁸⁹

In his explanation of vote, UK Ambassador Anthony Parsons was also critical of the text, complaining about its reference to General Assembly resolutions that the United Kingdom had not supported in the past.³⁹⁰ One of these, General Assembly resolution 2160 on "strict observance of the prohibition of the threat or use of force in international relations and of the right of people to self-determination,"³⁹¹ had been called "an exercise in political propaganda"³⁹² in November 1965 by Ambassador Caradon of the United Kingdom, which was still in the process of unwinding its colonial engagement in Southern Rhodesia at the time.

France, parting ways with both the United States and the United Kingdom, supported the draft. While it did not make an explanation of vote, Paris had previously espoused a more balanced position than its P3 colleagues. During a 29 March 1982 Council meeting, Ambassador Luc de La Barre de Nanteuil said that France understood the concerns of Nicaragua and other states in the region about their "national independence and territorial integrity," further noting that France recognized "the anxiety felt by a number of American States, including the United

³⁸⁹ UN Security Council meeting record (S/PV.2347), 2 April 1982, 2, para. 8-10.

³⁹⁰ *Ibid.*, 15, para. 149-152.

³⁹¹ UN General Assembly resolution (A/RES/2160), 30 November 1966.

³⁹² UN General Assembly meeting record (A/PV.1482), 30 November 1965, 6, para. 66.

States” regarding the need for “ensuring tranquility and the strengthening of democracy in that part of the world.”³⁹³

The P3 were once again divided on the April 1984 draft condemning the mining of Nicaragua’s ports. This draft was supported by 13 of the 15 members, with an abstention by the United Kingdom and the veto by the United States. The US Representative, Deputy Ambassador José Sorzano, argued that the draft lacked balance and did not reflect violations of El Salvador’s sovereignty by Nicaragua.³⁹⁴ While deploring mining activities described in the draft,³⁹⁵ UK Ambassador John Thompson nonetheless shared the US assessment that it lacked balance,³⁹⁶ arguing that it should have reflected an emphasis on “free elections, pluralism, democratic processes, human rights and economic and social development” in Central America.³⁹⁷ While it did not make an explanation of vote, just two days prior to the US veto, France was highly critical of the mining of Nicaragua’s waters,³⁹⁸ thus directly objecting to US actions. Its Deputy Ambassador, Philippe Louet, maintained that “this type of...action...by interfering with free access to the port facilities of a sovereign country, is leading to a kind of blockade in disguise...in fundamental violation to...international law.”³⁹⁹ Louet also expressed concern that the shipments, including from France, had to be rerouted “with considerable delay and at great cost, and only if neighboring countries’ transport systems make it possible,”⁴⁰⁰ noting that humanitarian aid was among these shipments.⁴⁰¹

³⁹³ UN Security Council meeting record (S/PV.2339) 29 March 1982, 4, para. 36-38.

³⁹⁴ UN Security Council meeting record (S/PV.2529) 4 April 1984, 26, para. 240 and 241.

³⁹⁵ *Ibid.*, 18, para. 169.

³⁹⁶ *Ibid.*, 22, para. 193.

³⁹⁷ UN Security Council meeting record (S/PV. 2529), 4 April 1984, 21, para. 191.

³⁹⁸ UN Security Council meeting record (S/PV.2527), 2 April 1984, 1, para. 5-7.

³⁹⁹ *Ibid.*, 1, para. 7.

⁴⁰⁰ *Ibid.*, 1, para. 6.

⁴⁰¹ *Ibid.*

In 1986, the positions of the P3 were less divided on the drafts on the ICJ ruling, although the US vetoed them while France and the United Kingdom abstained, reflecting some nuanced differences of view. In his explanation of vote on the July 1986 draft, US Ambassador Vernon Walters maintained that adopting the draft would not contribute to a peaceful and fair resolution of the turmoil in Central America, which he said made “no mention of Nicaragua’s own responsibility for the situation in Central America....”.⁴⁰² He questioned the competence of the Court,⁴⁰³ whose compulsory jurisdiction the United States refused to accept following the ICJ’s ruling on the particular case under discussion. Walters reiterated these same points prior to casting his vote on the October draft resolution. He also pointed to the fact that other states in the Council “which do not accept themselves the compulsory jurisdiction of the International Court of Justice denounce the United States” for not doing so,⁴⁰⁴ while questioning the commitment of the Sandinistas to the pursuit of peace and noting that they were being armed by the Soviet Union.⁴⁰⁵ French Ambassador Claude de Kemoularia said that his country had wanted to support a resolution that brought a settlement to the conflicts in Central America;⁴⁰⁶ however, he noted that France, which did not at the time and still does not support the compulsory jurisdiction of the Court, questioned the ICJ’s ruling “both on matters of substance and on the Court’s role.”⁴⁰⁷ The United Kingdom, the only permanent member that accepted the ICJ’s compulsory jurisdiction, nonetheless argued against the draft resolutions on political grounds.⁴⁰⁸ During the UK’s statements on the July and the October drafts, its representative, Ambassador John

⁴⁰² UN Security Council meeting record (S/PV.2704), 31 July 1986, 59-61.

⁴⁰³ *Ibid.*

⁴⁰⁴ UN Security Council meeting record (S/PV.2718), 28 October 1986, 44-45.

⁴⁰⁵ *Ibid.*, 47.

⁴⁰⁶ UN Security Council meeting record (S/PV.2704), 31 July 1986, 56; and UN Security Council meeting record (S/PV.2718), 28 October 1986, 53.

⁴⁰⁷ UN Security Council meeting record (S/PV.2718), 28 October 1986, 53.

⁴⁰⁸ UN Security Council meeting record (S/PV.2704), 31 July 1986, 48-52; and UN Security Council meeting record (S/PV.2718), 28 October 1986, 52.

Thomson, underscored his country's support for the Court's compulsory jurisdiction.⁴⁰⁹ In the July meeting, he reiterated London's condemnation of the mining of Nicaraguan waters, a chastisement of its US ally.⁴¹⁰ However, Thomson maintained that the drafts failed to account for the broader political context in the region, questioning Nicaragua's commitment to the wider Central American peace process (i.e. the Contadora process).⁴¹¹ With regard to the October draft resolution, he pointedly stated that Nicaragua was selectively applying the UN Charter for "narrow political ends"⁴¹² and that the draft "fails to acknowledge that Nicaragua has largely brought its troubles upon itself."⁴¹³

The October 1986 veto on the ICJ ruling was the final one the US cast on Nicaragua. By the time George H.W. Bush succeeded Ronald Reagan as US President in 1989, the Cold War was reaching its denouement, creating conditions for a peaceful settlement to the various conflicts in Central America.⁴¹⁴ Then UN secretary-general Pérez de Cuéllar has said that the US support for resolution 637 in July 1989, which backed the "good offices" role of the Secretary-General in Central America, represented "a major shift in U.S. policy."⁴¹⁵ Prior to that resolution, according to de Cuéllar, it had appeared that the "US Permanent Mission had standing instructions to keep the United Nations out of Central America."⁴¹⁶

⁴⁰⁹ UN Security Council meeting record (S/PV.2704), 31 July 1986, 46; and UN Security Council meeting record (S/PV.2718), 28 October 1986, 52.

⁴¹⁰ UN Security Council meeting record (S/PV.2704), 31 July 1986, 47.

⁴¹¹ *Ibid.*, 48-51.

⁴¹² UN Security Council meeting record (S/PV.2718), 28 October 1986, 52.

⁴¹³ *Ibid.*

⁴¹⁴ Pérez de Cuéllar, *Pilgrimage for Peace*, 403.

⁴¹⁵ *Ibid.*

⁴¹⁶ *Ibid.*

A question of process

In reading the transcripts of Security Council debates from the Cold War, one is struck by the vigorous discussion and spontaneous exchanges that often animated the Council's proceedings. They are now largely relics. Today's Council debates are generally staid and scripted affairs with little interactive discussion. On politically charged issues, such as Syria since 2011, there are occasional moments of off-the-cuff interaction, usually unconstructive outbursts of recriminatory anger between Russia and Western states, but such spontaneity is the exception that proves the rule.

While Cold War antagonisms and propaganda litter many of the early debates, much of the spontaneity and interactivity came from the fact that draft resolutions were often negotiated during them. Whereas today draft resolutions are negotiated in private before reaching the open chamber for a vote, for much of the Cold War it was common for draft resolutions to be negotiated in open sessions, during which amendments were at times proposed and voted on by the members.

Sievers and Daws have written that it was not until the mid-1960s that a working method developed whereby drafts would more frequently be discussed in consultations before being brought to a vote.⁴¹⁷ They note:

From 1966 onwards, another shift in Security Council decision-making was taking place. Increasingly, Council members abandoned the practice of bringing resolutions directly to a vote. Rather, they were first negotiating the drafts during consultations of the whole, with the hope of reaching consensus. Each time such efforts have been successful, potential vetoes have been avoided. In other cases, when it has become apparent in informal consultations that a draft resolution will be unacceptable to one or more of the

⁴¹⁷ Sievers and Daws, *The Procedure of the UN Security Council*, 299.

permanent members, the sponsors have often chosen not to bring it to a formal vote, thereby also avoiding potential vetoes.⁴¹⁸

The upshot of this analysis is that there may have been fewer vetoes and more unanimous resolutions had negotiating processes been more intensive prior to 1966. Along these lines, George Ignatieff, Canada's permanent representative to the UN during its 1967-68 Council tenure, observed that informal discussions with other members were "essential if any business is to be transacted by the Council" and that "if such consultations fail, the Council becomes merely a sounding board for sharply divergent views and a focus for confrontation, rather than for negotiation and compromise."⁴¹⁹

The historical evidence supports this view. Bailey, for example, refers to an early vetoed draft resolution that "would merely have called on Greece and her Communist neighbors to cease from provocative acts and would have directed them to enter into direct negotiations" and that might have been adopted "if more sustained negotiations" had occurred.⁴²⁰ Even after 1966, there are cases in which veto-wielding permanent members complained about insufficient negotiations. For example, when the United Kingdom vetoed a draft resolution on 10 November 1970 that would have called for Southern Rhodesia not to be granted independence prior to majority rule,⁴²¹ it complained that "no effort was made beforehand by the sponsors to consult with or even inform the United Kingdom delegation of their intention to ask for a debate and to submit a draft resolution", adding that this appeared "a curious procedure if the sponsors really

⁴¹⁸ Ibid.

⁴¹⁹ George Ignatieff, "Prompt and Regular Access to Political Government at Home is Essential," in *Paths to Peace: The UN Security Council and Its Presidency*, ed. Davidson Nicol (New York: Pergamon Press, 1981), 138.

⁴²⁰ Sydney D. Bailey, *Voting in the Security Council* (Bloomington: Indiana University Press, 1970), 38-39. This was UN Security Council document (S/471), 6 August 1947.

⁴²¹ UN Security Council document (S/9976), 6 November 1970.

wanted to achieve a constructive result.”⁴²² The UK position was echoed by the United States, which abstained on the draft resolution, stating that “little or no effort was made to consult in advance all the members of the Council in order to determine whether the draft was in fact non-controversial.”⁴²³ NAM efforts to isolate the UK politically, rather than achieve an immediate result, may have been behind the tabling of this draft.

One of the more divisive episodes in Council history occurred on 30 April 1981, when four draft resolutions that collectively would have imposed comprehensive political and economic sanctions on South Africa for its occupation of Namibia were jointly vetoed by France, the United Kingdom, and the United States.⁴²⁴ The first of these was proposed by Mexico, Niger, the Philippines, Tunisia, and Uganda;⁴²⁵ the remaining three were proposed by Niger, Tunisia, and Uganda.⁴²⁶ France in particular was disturbed by the way it was forced to repeatedly use its veto. French Ambassador Jacques Leprette stated:

The way in which they [the texts] were prepared, submitted, and... imposed did not make their adoption at all likely. In such complicated subjects having such important and diverse consequences, rigidity and haste and the absence of negotiations on substance could only doom to failure even attempts that seemed to have some aspects that merited more detailed study.⁴²⁷

There have been other occasions in the Cold War when multiple drafts were vetoed on the same day, but the four draft vetoes on 30 April 1981 were the highest single day total. As of the end of 2017, there had never been a case in the post-Cold War period in which more than one veto occurred in the same day. Furthermore, although elected members today often complain about

⁴²² UN Security Council meeting record (S/PV.1556), 10 November 1970, para. 130. The draft was sponsored by Burundi, Nepal, Sierra Leone, Syria and Zambia.

⁴²³ *Ibid.*, 19, para. 224.

⁴²⁴ UN Security Council documents (S/14459), 27 April 1981; (S/14460/Rev. 1), 29 April 1981; (S/14461), 27 April 1981; and (S/14462), 27 April 1981.

⁴²⁵ UN Security Council documents (S/14459), 27 April 1981.

⁴²⁶ UN Security Council documents (S/14460/Rev. 1), 29 April 1981; (S/14461), 27 April 1981; and (S/14462), 27 April 1981.

⁴²⁷ UN Security Council meeting record (S/PV.2277), 30 April 1981, 4, para. 41.

the short time allotted for negotiations—and while small groups of influential members sometimes negotiate texts among themselves and circulate them to the rest of the Council as virtual *fait accompli*—it is rare in the post-Cold War era for a draft resolution to be put to a vote without any prior negotiations.

This is not to suggest that the preparation and negotiation of Cold War resolutions were necessarily hasty affairs. The product of the Council’s efforts would at times be well-considered resolutions resulting from protracted and intensive negotiations.⁴²⁸ For example, Bosco writes about the weeks in October and November 1967 following the Six Day War needed to prepare and negotiate resolution 242, which created the idea of land-for-peace that has provided the basic framework for negotiations between Israeli and Palestinian officials ever since.⁴²⁹ However, it is important to underscore that in the Cold War, drafts that had little or no chance of being adopted were frequently put to a vote; while this still occurs on occasion, it happens less frequently in the post-Cold War era. Likewise, the Cold War “practice of bringing resolutions directly to a vote”⁴³⁰ described by Sievers and Daws is highly unusual in the post-Cold War era.

Conclusion

This chapter has provided a broad overview of P3 dynamics during the Cold War. It has demonstrated that while there were strong policy differences on some issues—the Suez crisis of 1956 and Israel/Palestine, for example—many of the divergent votes among the P3 had as much

⁴²⁸ Samar Sen, “The Rise in Importance of the Non-aligned Group,” in *Paths to Peace: The UN Security Council and Its Presidency*, ed. Davidson Nicol (New York: Pergamon Press, 1981), 296. Sen, who was India’s ambassador when it served on the Council in 1972-1973, writes of his tenure: “Negotiations were sometimes long and highly time-consuming, undertaken at odd hours and at odd places and with an intense urgency, which fortunately is far from common in day-to-day diplomatic life; at other times the discussions lacked any spirit or new substance (e.g., the extension of the mandate for United Nations forces in Cyprus).”

⁴²⁹ Bosco, *Five to Rule Them All*, 109-110.

⁴³⁰ Sievers and Daws, *The Procedure of the UN Security Council*, 299.

to do with the way the Council functioned from the early 1960s onward as with the views of the permanent members. The NAM had strong influence on the Council's agenda, and non-aligned states were not shy about tabling drafts that would be vetoed to make an ideological statement. The frequent tabling of drafts by non-aligned states exposed differences among the P3, which were not always significant but would at times be represented, for example, by one P3 member vetoing a draft while the others abstained. The level of disagreement with a draft represented by an abstention is difficult to gauge, as each case is unique. Even in the Cold War, permanent members preferred not to use the veto if they did not have to. However, the veto would be used when political concerns were strong enough, and there are numerous examples in which all three were strongly opposed to a proposed draft and would cast a veto simultaneously.⁴³¹ A final point made in this chapter is that negotiating processes in the Cold War were in general not as extensive as they have been in the post-Cold War era, most likely leading to less unanimous votes.

⁴³¹ This occurred on issues related to South Africa, Namibia, Libya and Panama. For examples, see United Nations Website, *Security Council - Veto List*, Dag Hammarskjöld Library, <http://research.un.org/en/docs/sc/quick>.

IV: The Council in the post-Cold War era: the ‘Brahmins’⁴³² consolidate their control

Simply put, the Security Council is important to its members, permanent and elected alike. As Edward Luck has written: “More than any other body in the United Nations system, the Council matters. The Council’s mandate—the maintenance of international peace and security—could not be more central, universal, or enduring.”⁴³³ This helps to explain why so much time and effort is spent negotiating resolutions and other outcomes on such a vast array of peace and security issues. It also helps to explain why elected members often spend several years and significant financial resources campaigning for a coveted two-year seat on this organ. While elected members can and have exhibited leadership on some issues (e.g., leading the humanitarian track in the Council’s engagement on Syria), the permanent members have largely dominated the work of the UN’s peace and security organ. More than any other configuration of members, the P3 have been the main drivers of the Council’s day-to-day work in the post-Cold War era. Of the other permanent members, China generally takes an understated approach, while Russia is very active in negotiations but, with the exception of issues on which it has major strategic interests, its engagement is largely reactive. One prominent E10 diplomat from the early 1990s said that the P3 acted like “masters of the universe,”⁴³⁴ while another said that the P3

⁴³² David Hannay, who served as London’s ambassador to the UN from 1990-1995, likened the P5 to “Brahmins...[who] move[d] around in a different world “from the “great unwashed... who aren’t members of the Security Council.” He acknowledged that “the distinction between permanent members and the non-permanent [sic] members of the Council” generated “more bitterness...than was necessary.” Sir David Hannay, interview by Malcolm McBain, British Diplomatic Oral History Project, 22 July 1999, 21, <https://www.chu.cam.ac.uk/media/uploads/files/Hannay.pdf>.

⁴³³ Edward C. Luck, “The Security Council at Seventy: Ever Changing or Never Changing,” in *The UN Security Council in the 21st Century*, ed. David M. Malone, Bruno Stagno Ugarte, and Sebastian von Einsiedel (Boulder, Colo.: Lynne Rienner Publishers, 2016), 196.

⁴³⁴ Ambassador Diego Arria of Venezuela, who served on the Council in 1992-93, interviewed by the author, New York, 19 September 2016.

drafted resolutions “in industrial quantities.”⁴³⁵ Today, the P3 draft the majority of resolutions and presidential statements, and lead the negotiations on these outcomes.⁴³⁶ In fact, the P3’s dominance of drafting has led in recent years to use of the term “penholdership.” This is a practice by which members (usually France, the United Kingdom and the United States) draft all the outcomes on specific agenda items or issues; it will be discussed in greater detail below. The P3 have agreed over the years on the overwhelming majority of issues. However, this tells only part of story of why their voting solidarity is so strong. An important part of why they vote together so frequently and why the veto is used by them infrequently (in fact, France and the UK have not used their veto since 1989) is because they manage so much of the Council’s work, enabling them to have considerable control of its outcomes, and because they have by and large underscored the value of unanimity.

In recent years, comity between the P3 and Russia and China has begun to break down on a number of issues. China and especially Russia have become increasingly assertive, and at times, the P3 have been willing to force through resolutions without unanimous agreement or to table drafts that they know will be vetoed, as with the draft resolution that Russia vetoed in April 2017 condemning the chemical attack in Khan Shaykhun, Syria.⁴³⁷ Nonetheless, the overall trajectory of Council decision-making in the post-Cold War period reflects a trend toward unanimous decision-making. Notwithstanding the divisions that have arisen in the Council in recent years over issues such as Syria, Ukraine, and Yemen, unanimity is still valued by its members and is achieved in the large majority of cases.

⁴³⁵ Jeremy Greenstock, UK ambassador to the UN from 1998 to 2003, interviewed by phone by the author, New York, 3 March 2017. Greenstock quoting a European diplomat who had served as his country’s ambassador during its two-year term on the Council.

⁴³⁶ Press statements are also drafted by penholders, but these are not considered formal outcomes of the Council.

⁴³⁷ UN Security Council document (S/2017/315), 12 April 2017.

This chapter has four major sections. The first section describes the P3's role in managing the Council's workload from the late Cold War period onward, which has contributed to consensual decision-making. The second section explores why efforts to achieve unanimity are important to members; it offers a typology of the different reasons why consensus is valued. The third section describes key areas of disagreement among the P3, exploring why efforts to overcome these differences were so difficult and how in some cases intensive diplomacy averted vetoes. The fourth section analyzes the tensions between the P3 on the one hand and China and Russia, on the other hand, which have become more pronounced in recent years, especially as Russia seeks to assert its great power status; some of these sources of disagreement are so fundamental, reflecting different worldviews, that they are difficult to overcome by negotiation.

The P3 and the pen

One of the most striking trends in Security Council voting patterns has been the relative unity among the permanent members in the post-Cold War era. This unity was largely borne out of the thaw in East-West relations at the end of the Cold War. However, as demonstrated in Chapter II, the P3 have also voted together more frequently since the early 1990s than beforehand. This P3 voting unity is in part a reflection of a broader effort among all the permanent members to work together to manage the work of the Council and forge agreement when possible.

By the late Cold War period, with the Security Council unhampered by superpower gridlock, the permanent members began to appreciate that this organ could fulfill its promise as envisioned by the UN's founders. They assiduously worked through the thorniest peace and security issues with a renewed sense of purpose in the late 1980s and early 1990s. As former Secretary-General Javier Pérez de Cuéllar wrote: "There were remarkable achievements: the end

of the war between Iran and Iraq; independence for Namibia; the withdrawal of the Soviet army from Afghanistan; the restoration of an independent Cambodia; the peace process in Central America; and...the defeat of Iraqi aggression in Kuwait.”⁴³⁸ At the same time, as discussed in Chapter V below, the NAM became less assertive in pushing its agenda in the Council with the end of the Cold War, and it lost much of its clout as a movement.⁴³⁹ One deputy ambassador representing an elected member in 1993-1994 noted that the “automaticity of NAM opposition to the United States was no longer there.”⁴⁴⁰

The monumental changes in global politics made the Council a more important foreign policy instrument for the permanent members because they perceived its newfound potential. Secretary-General Pérez de Cuéllar said that the permanent members in this period shared “an enthusiasm born of the realization of the power they could exert when acting together.”⁴⁴¹

There was a renewed sense of purpose and an enhanced effort to reach agreements on pressing issues of peace and security. Thomas Pickering, the US Ambassador to the UN from 1989-1992, said that the P5 tried “to find ways to reinvigorate the Council, and make it much more a centerpiece of cooperation.”⁴⁴² In an effort to achieve this cooperation, the permanent members—and the wider Council—began to meet more frequently to discuss their work in a determined effort to reach agreements and to manage the organ’s increasing workload. According to David Hannay, UK Ambassador to the UN from 1990-1995, the P5 ambassadors convened more than 50 times in the second half of 1990, when the Iraq-Kuwait crisis was a

⁴³⁸ Javier Pérez de Cuéllar, *A Secretary-General’s Memoir: Pilgrimage for Peace* (New York: St. Martin’s Press, 1997), 15.

⁴³⁹ Ambassador Diego Arria of Venezuela, who served as his country’s ambassador during his country’s in 1992-1993, has said that in the post-Cold War era the non-aligned have not been “very well aligned.” Diego Arria, interviewed by the author, New York, 19 September 2016.

⁴⁴⁰ UN diplomat, interviewed by the author, New York, 1 November 2016.

⁴⁴¹ Pérez de Cuéllar, *Pilgrimage for Peace*, 16.

⁴⁴² Thomas Pickering, interview by James S. Sutterlein, Yale-UN Oral History Project, Washington, DC, 3 April 2000, 17-18.

major focus of the Council's attention.⁴⁴³ Hannay adds that the "emergence of the permanent members as a group capable of acting together and of ironing out differences between themselves privately and before wider discussion in the Council began was an extremely significant development, with positive consequences for the Council's decision-making capacity."⁴⁴⁴

Pickering describes the intense negotiating process on resolution 687 (adopted in April 1991), which established a weapons inspection regime in Iraq, as well as other resolutions from the time period. His description is worth quoting at length because it demonstrates the painstaking efforts undertaken to reach agreement, as well as the efforts by the permanent members to manage the Council's work:

...this resolution was long discussed among the Permanent Five before it was introduced to other members of the Council. In that sense, the effort was to try to work out all problems before introduction to other members of the Council, and then, as we did with the Iraq resolution, receive their proposals and ideas for change; try to incorporate as many as we could, and to build consensus. It was critical, in building a consensus for any of these resolutions, that we have no opposition among the Permanent Five, either to the principle or the text of the resolution. Four of us, at a minimum, always undertook to present the resolution to the non-aligned members of the Security Council, so that we would either have...the Russians or the Chinese in that group. It almost invariably was the Russians, and it almost invariably helped enormously that the U.S., U.K., France and Russia presented this text on behalf of the five. In addition to that, in various times, ...we would have informal meetings as well, with either the members of the non-aligned or groups among the members of the non-aligned to give them a sense of this. There were also, of course, the non-non-aligned members of the Council, who were included. The principle formal way of proposing a resolution text to the other members of the Council was to have, in the informal meeting room of the Council, a kind of caucus meeting at which the four would present it to all the others. But in many cases, we had preliminary consultations, sometimes at bilateral levels, sometimes with groups among them, so that they had an idea of where we were going and what was included. The final...presentation involved give and take in the informal Council meeting, and then we would produce the

⁴⁴³ David Hannay, *New World Disorder* (London: I.B. Tauris, 2008), 15.

⁴⁴⁴ Ibid.

final draft that would be circulated to them. That normally opened up the way for formal passage.⁴⁴⁵

This description demonstrates a thorough effort by the permanent members to shape the work of the Council in an effort to reach agreements suitable to their interests in a new era in world affairs. Public displays of power, while they still had their place in the open chamber, occurred less frequently and gave way to more regular informal consultations,⁴⁴⁶ which provided opportunities to hash out disagreements and strike compromises. The consultations room, adjacent to the Council chamber, became a frequently used venue for private and often constructive dialogue.

By the early 1990s, the ability of the permanent members to manage the work of the Council and to control the content of its resolutions became greater for two primary reasons. First, the permanent members were less divided than they had ever been, approaching their work with a renewed sense of purpose. Second, the elected membership had less influence than it had before. In the Cold War, the NAM could exert leverage on the Council's agenda, usually because it had the support of the Soviet Union and the Eastern bloc. These efforts often resulted in one or more P3 vetoes, because making an ideological statement outweighed getting a positive result (i.e. an adopted text) more often than it did in the post-Cold War era. The NAM became more fragmented in the Council in the post-Cold War era in large part because of the pressure that one or more of the permanent members could exert on them when they want to get their way. Indeed, the elected members as a whole were subjected to the political pressures of the P5. One E10 diplomat, who served on the Council in the mid-1990s, noted that the only time during his two year tenure on the Council that the United Kingdom complained to his capital was when his

⁴⁴⁵ Thomas Pickering, interview by James S. Sutterlein, Yale-UN Oral History Project, Washington DC, 3 April 2000, 4-5.

⁴⁴⁶ Diego Arria (former Ambassador of Venezuela), interviewed by the author, New York, 19 September 2016.

mission convened a meeting of all the elected members.⁴⁴⁷ This was viewed as an “unfriendly” gesture: if the ten elected members could unify around common positions, they could create a majority that might necessitate the use of the veto.⁴⁴⁸

The enthusiasm for the Council’s potential that marked Pickering’s period as US ambassador would soon be tempered by the difficulties of managing the complexities of a new, messier international landscape. The mid-1990s were littered with high-profile failures by the UN in Rwanda and the former Yugoslavia, most notably the massacre of 8,000 Bosnian Muslim boys and men at the hands of the Bosnia Serb army at the so-called “safe area” of Srebrenica in July 1995. Already by 1993 tensions resurfaced among the permanent members, including within the P3.⁴⁴⁹ However, by this point, a pattern had been established by which consistent efforts were made by the permanent members (and the elected members as well) to use the Council as a tool to resolve differences through often protracted deliberations on complicated issues.

In the late 1990s and early 2000s, caucusing among the P5, or even the P3, was not done regularly,⁴⁵⁰ as had been the case in the late Cold War period and the immediate post-Cold War era. Ambassador Jeremy Greenstock, the UK’s ambassador to the UN from 1998 to 2003, maintains that there were concerns that such meetings would be viewed negatively by UN member states, who resented the permanent members for their privilege.⁴⁵¹ However, it is clear that much of the drafting of resolutions was still being performed by the P3, a consistent trend throughout the post-Cold War period. Moreover, on divisive issues of strategic importance to

⁴⁴⁷ UN diplomat, interviewed by the author, New York, 1 November 2016.

⁴⁴⁸ Ibid.

⁴⁴⁹ Hannay, *New World Disorder*, 152. Hannay writes “1993... was the year in which the solidarity of the five Permanent members began to fray and weaken.”

⁴⁵⁰ Jeremy Greenstock, interviewed by phone by the author, New York, 3 March 2017.

⁴⁵¹ Ibid.

permanent members such as Iraq, the P5 worked assiduously to maintain their control and, at least on this issue, held informal meetings among themselves.⁴⁵²

One key point to be made about at least the first decade of the post-Cold War period is that, while the permanent members clearly held a privileged position and would exert their authority when they believed it necessary to do so, there was some room for elected members “to take the initiative on major substantive items and to strongly contest the policy options on other items where a member of the P5 had the lead.”⁴⁵³ In spite of the power asymmetries between the P5 and the E10, elected members could and would frequently draft outcomes; furthermore, discussions in the consultations room were more collaborative than they are in the current period, with genuine dialogue among all members on difficult issues.⁴⁵⁴ This did not mean that the elected members suggestions were necessarily taken on board,⁴⁵⁵ but they at least had flexibility to engage in substantive problem-solving with the permanent members, something that rarely happens today.⁴⁵⁶

⁴⁵² Jeremy Greenstock, *Iraq: The Cost of War* (London: Arrow, 2017), 62. Greenstock writes of resolution 1284: “The detailed drafting work had to be done by the delegations of the five Permanent Members, as the rest found themselves unable to act unless the differences between the P5 over the justification for sanctions and over the real depth of Iraq’s defiance were somehow resolved.”

⁴⁵³ Colin Keating, “Power Dynamics Between Permanent and Elected Members,” in *The UN Security Council in the 21st Century* ed. David M. Malone, Bruno Stagno Ugarte, and Sebastian von Einsiedel (Boulder, Colo.: Lynne Rienner Publishers, 2016), 145.

⁴⁵⁴ Off-the-record meeting organized by New Zealand and Spain, *Demystifying the Security Council*, New York, 21 June 2017.

⁴⁵⁵ Kishore Mahbubani, “Permanent and Elected Council Members,” in *The UN Security Council: From the Cold War to the 21st Century* ed. David M. Malone, Bruno Stagno Ugarte, and Sebastian von Einsiedel (Boulder, Colo.: Lynne Rienner Publishers, 2004), 259. Mahbubani, who was Singapore’s ambassador during their 2001-2002 tenure on the Council writes: “In the two years that I served as permanent representative on Singapore on the Council, our delegation made several procedural suggestions to improve the working methods of the Council. We expected a positive response. Instead we ran into a lot of resistance, especially from some of the P-5. We were initially puzzled until we heard the private comments of a P-5 permanent representative who expressed surprise that the ‘tourists’ were trying to change the arrangements of the Council. This was a revealing comment. It showed that the P-5 believe that they ‘own’ the Council. In their eyes, the E10 should make no claim to co-ownership, even if they happen to be elected by 191 member states of the UN.”

⁴⁵⁶ Off-the-record meeting organized by New Zealand and Spain, *Demystifying the Security Council*, New York, 21 June 2017.

As Colin Keating has written, "...by the mid-2000s the dynamic had changed."⁴⁵⁷ Caucusing among the P3, and among the P5 more generally, began to occur more frequently by the mid-2000s, in particular on matters related to non-proliferation,⁴⁵⁸ which are of fundamental importance to the permanent members. All draft resolutions on these key strategic issues were first negotiated among the P5 before being circulated to the elected members: it was typical for France to organize the P5 meetings on Iran's nuclear program; the United States on North Korea's nuclear program; and the United Kingdom on "Weapons of Mass Destruction" (resolution 1540 of 28 April 2004 and subsequent resolutions related to this issue).⁴⁵⁹ There could be slight variations in the P5 stranglehold on these meetings; for example, Japan, a key regional player, participated in the initial P5 discussions on North Korea when it served on the Council in 2005-2006.⁴⁶⁰ While "experts," middle-level diplomats, generally negotiate outcomes, the negotiations on these matters were conducted at ambassadorial level, with deputy ambassadors sometimes standing in.⁴⁶¹

Negotiations among the P3 and the P5 on nuclear issues were often intense and time-consuming, requiring frequent meetings to reach agreement. For example, following North Korea's test of a nuclear device on 8 October 2006, the permanent members went into high-gear to develop a rapid and adequate response. In the six days leading up to the unanimous adoption of resolution 1718 on 14 October condemning the test and imposing sanctions on the regime, US Ambassador John Bolton notes that his UK colleague, Ambassador Emyr Jones Parry, had

⁴⁵⁷ Colin Keating, "Power Dynamics Between Permanent and Elected Members," 145.

⁴⁵⁸ John Bolton, *Surrender Is Not an Option: Defending America at the United Nations and Abroad* (New York: Simon & Schuster, 2007), 291-412.

⁴⁵⁹ UN diplomat, interviewed by the author, New York, 27 June 2016.

⁴⁶⁰ Ibid.

⁴⁶¹ Ibid.

“counted twenty-three Perm Three or Perm Five meetings (plus Japan in all cases).”⁴⁶² Bolton claims that the most important meeting he had during this process was a bilateral discussion with Chinese Ambassador Wang Guangya, who indicated that China would not veto the draft because, in Bolton’s words, “China did not want a public tiff over this resolution.”⁴⁶³

While the P3 have frequently spearheaded the drafting of resolutions in the post-Cold War era, there have been several permutations in how they have managed negotiations on texts that one or more of them have prepared. Sometimes, for example, influential states whose support is needed to implement the resolution are engaged in early rounds of negotiations, as in the case of Japan’s inclusion in the P5 discussions on North Korea’s nuclear program in the mid-2000s.

A notable example of regional actors being included early in negotiations occurred with respect to the Council’s handling of Côte d’Ivoire in the mid-2000s. While leading the drafting and negotiations on resolutions on UN peace operations in Côte d’Ivoire, France would initially consult at ambassador-level with African members of the Council, other influential African states, and at times, the African Union to ensure that the text was appropriately calibrated before enlarging the negotiating group to include the permanent members.⁴⁶⁴ Based on their interest in the issue, some elected members were kept informed about the content of the text, before it was ultimately presented to all Council members.⁴⁶⁵ Burkina Faso, which mediated the Ouagadougou Peace Agreement of 2007, was at times consulted about the content of resolutions following the signing of this peace agreement.⁴⁶⁶ African engagement on Côte d’Ivoire resolutions at an early

⁴⁶² Bolton, *Surrender Is Not an Option*, 306.

⁴⁶³ *Ibid.*, 306-307.

⁴⁶⁴ UN diplomat, interviewed by the author, New York, 27 June 2016.

⁴⁶⁵ *Ibid.*

⁴⁶⁶ *Ibid.*

stage was important, especially given the delicate regional politics,⁴⁶⁷ reflected by divisions on the issue between two heavyweights on the continent: Nigeria and South Africa, which had a close relationship with Ivoirian President Laurent Gbagbo.⁴⁶⁸

In the mid-2000s, in an interesting case of excluding the United Kingdom from their early negotiations, France and the United States worked closely on resolutions regarding Syria and Lebanon, including in cases when they were not in agreement.⁴⁶⁹ The difficult negotiations on resolution 1701 of 11 August 2006 demonstrate these efforts to cooperate. (Resolution 1701 increased the troop strength of UN Interim Force in Lebanon [UNIFIL] to 15,000 and called for the withdrawal of Israeli forces, which had been fighting Hezbollah in southern Lebanon, once UNIFIL troops and Lebanese troops were deployed in the area.)⁴⁷⁰ US Ambassador Bolton maintained that at one point French Ambassador Jean-Marc de La Sablière asked that discussions on the text be between just France and the United States, to avoid being perceived as an “Anglo” text that would not be as well received in the Middle East.⁴⁷¹ One UN diplomat active at the time noted that it was important that the text at least be acceptable to US ally Israel and French ally Lebanon, which would in turn help it gain support in the Council.⁴⁷²

These bilateral negotiations between Bolton and de La Sablière and their staffs enabled them to make compromises ultimately leading to the unanimous adoption of resolution 1701. Less than two weeks earlier, on 31 July 2006, Bolton asserted that de la Sablière had confided to him that “the conceptual gaps between our two positions on Lebanon might be unbridgeable.”⁴⁷³

⁴⁶⁷ Ibid.

⁴⁶⁸ Ibid.

⁴⁶⁹ Ibid.

⁴⁷⁰ UN Security Council resolution 1701, 11 August 2006.

⁴⁷¹ Bolton, *Surrender Is Not an Option*, 402.

⁴⁷² UN diplomat, interviewed by the author, New York, 27 June 2016.

⁴⁷³ Bolton, *Surrender Is Not an Option*, 400.

In the final text, several concessions were made. For example, the resolution called for a ““full cessation of hostilities,”” a distant cry from ““no cessation of hostilities without a political solution,”” which had been advocated by the United States and would have been preferable to Israel.⁴⁷⁴ Moreover, while the United States initially espoused the authorization of a robust international force in southern Lebanon, it ultimately consented to the French position, which entailed merely enhancing the force structure of UNIFIL to support efforts of the Lebanese force to provide security.⁴⁷⁵

Later that year, on 29-30 November 2006, during the annual workshop that the Finnish Government hosts to prepare the incoming members of the Security Council for their terms, there was discussion of the marginalization of the elected members in work of the Council. It was observed that: “Three of the five permanent members...are the lead countries on the bulk of active items on the Council’s agenda,”⁴⁷⁶ most likely a reference to the P3, given the fact that they, rather than China and Russia, have historically been more active drafters of Council outcomes. Similarly, the viewpoint was expressed that “elected members are brought into the resolution drafting process only at a later stage,”⁴⁷⁷ a common refrain of elected members over the past decade that highlights the tension between them and the permanent members. The counterargument to this viewpoint, also made at the workshop, is that on particularly difficult matters, “it is best to begin with a smaller group and then move towards a larger one,”⁴⁷⁸

⁴⁷⁴Ibid., 403.

⁴⁷⁵ Ibid., 406-407.

⁴⁷⁶ *Letter dated 9 March 2007 from the Permanent Representative of Finland to the United Nations addressed to the President of the Security Council* (UN Security Council document S/2007/137), 12 March 2007, 5. Since 2003, Finland has hosted this annual workshop in the New York City area called “Hitting the Ground Running.” Participation in the workshop includes the 15 members of the Council at the time, in addition to the incoming members. Themes frequently covered in these workshops include the state of the Council, working methods, and subsidiary bodies. In addition, outgoing members share lessons learned with the incoming members.

⁴⁷⁷ Ibid.

⁴⁷⁸ Ibid.

particularly relevant when each of the members of that “smaller group” (i.e. the P5) holds the veto.

Concerns about over-concentrating the preparation of drafts in the hands of a small minority has been reflected in presidential notes on working methods dating back to 1999. In 1999, 2006, 2010, 2014, and 2017, notes by the president emphasized the importance of allowing all members of the Council to participate in preparing its outcomes, including resolutions or presidential statements.⁴⁷⁹ The most recent of these presidential notes (in 2017) stated that “Any member of the Security Council may be a penholder” and that “Members of the Council are encouraged to act as the penholder(s) in the drafting of documents.”⁴⁸⁰ The 2017 presidential note further “encourage[d] penholders or co-penholders, as early as possible in the drafting exercise, to ensure the exchange of information among all Security Council members and to engage in timely consultations with all Council members with openness and flexibility.”⁴⁸¹

The consolidation of the pen in the hands of the P3 over the past decade has led to use of the term “penholdership.”⁴⁸² As noted above, according to this practice, a particular member (or members) monopolizes the drafting of outcomes (i.e., resolutions, presidential statements, and press statements) on a particular agenda item or issue. The common process by which penholdership works among the P3 is that a draft is produced by one of them, which agrees on the text with their P3 colleagues, before then circulating it to other permanent members China

⁴⁷⁹ See UN Security Council document (S/1999/165), 17 February 1999; UN Security Council document (S/2006/507), 19 July 2006, para. 41; UN Security Council document (S/2010/507), 26 July 2010, para. 42; UN Security Council document (S/2014/268), 14 April 2014; and UN Security Council document (S/2017/507), 30 August 2017, para. 79-84.

⁴⁸⁰ UN Security Council document (S/2017/507), 30 August 2017, para. 79.

⁴⁸¹ *Ibid.*, para. 81.

⁴⁸² For an overview of the penholdership system, see Security Council Report, “In Hindsight: The Security Council Penholders,” *October 2016 Monthly Forecast*, http://www.securitycouncilreport.org/monthly-forecast/2016-10/in_hindsight_the_security_council_penholders.php.

and Russia for their input and for further discussions.⁴⁸³ Only then is the draft circulated to the elected membership.⁴⁸⁴ The process enables the permanent members to largely control the content of resolutions (as well as presidential statement and press statements), and at times, make compromises among themselves at an early stage of negotiations.

Penholdership is not dissimilar to what had happened in earlier periods. The P3 have throughout the post-Cold War period been considered prolific drafters. A process akin to penholdership has occurred, especially on issues of high strategic importance to the permanent members, in other periods of the late Cold War and post-Cold War period. Pickering's description above of negotiations in the early 1990s attests to this. The P5 deliberations on nuclear programs in Iran and North Korea in the mid-2000s—whereby all drafts were negotiated on these issues by the permanent members at ambassador-level before being circulated to the elected members—were also akin to penholdership.

However, unlike in prior years, when it had not been uncommon for the elected members to initiate drafts on their own, some elected members in recent years have increasingly felt that they are being discouraged from drafting, although they do hold the pen on some issues and there have been some high-profile drafting initiatives led by elected members, such as the May 2016 resolution on the protection of health care in armed conflict, discussed in Chapter V.⁴⁸⁵ Penholdership is clearly exclusionary. At times, it can also delay the Council's reaction time to a crisis, when the penholder delays in taking action and others do not take the initiative. Another frequent criticism worth reiterating is that drafts produced by the permanent members are often

⁴⁸³ Security Council Report, "In Hindsight: The Security Council Penholders."

⁴⁸⁴ *Ibid.*

⁴⁸⁵ UN Security Council resolution 2286, 3 May 2016.

shared with elected members very late in negotiations when there is little, if any, time for them to contribute constructive inputs.

However, it is possible to muster arguments in favor of penholdership. Given that the permanent members have advantages of capacity and institutional knowledge (of the Council and of particular issues) and political influence, they are often well-qualified to spearhead drafting and negotiating. Furthermore, for the purposes of building consensus on a draft resolution, it is helpful to ensure that all of the veto-wielding permanent members support a resolution at an early stage before the draft is circulated to the elected members. In this way, differences of perspective can frequently be worked out early on among these powerful states, possibly avoiding unnecessary vetoes.

Table 4. Security Council Penholders - 2017⁴⁸⁶

Issue	Penholder
Afghanistan	Japan
Bosnia/Herzegovina	Monthly rotation among contact and drafting group members (including France, Germany, Italy, Russia, Sweden, the United Kingdom, Ukraine and the United States)
Burundi	France
Central African Region (UN Office for Central Africa/Lord's Resistance Army)	United Kingdom
Central African Republic	France
Central Asia (UN Regional Centre for Preventive Diplomacy for Central Asia)	Russia
Côte d'Ivoire	France
Cyprus	United Kingdom
Democratic Republic of the Congo	France
Democratic People's Republic of North Korea	United States
Golan Heights (UN Disengagement Observer Force)	Russia and the United States
Guinea-Bissau	Senegal
Haiti	United States after negotiation among the Group of Friends of Haiti (Argentina, Brazil, Canada,

⁴⁸⁶ Security Council Report, "2017 Chairs of Subsidiary Bodies and Penholders," *February 2017 Monthly Forecast*, <http://www.securitycouncilreport.org/images/homepage/Penholders%20and%20Subsidiary%20Body%20Chairs.pdf>.

	Colombia, France, Guatemala, Peru, the United States, Uruguay and Venezuela)
Iran (Non-Proliferation)	United States; Italy facilitates implementation of resolution 2231 which authorized the Joint Comprehensive Plan of Action (i.e., the Iran nuclear deal)
Iraq	United States
Iraq/Kuwait	United Kingdom
Lebanon	France
Liberia	United States
Libya	United Kingdom
Mali	France
Middle East (Israel/Palestine)	Various Council members
Somalia	United Kingdom; United States on piracy issues
Sudan and South Sudan	United States on South Sudan, as well as on Sudan/South Sudan and UN Interim Security Force for Abyei; United Kingdom on Darfur
Syria	Egypt, Japan and Sweden on the humanitarian track; on other matters the United States and Russia normally seek agreement on texts before circulating to the broader Council; France and the United Kingdom also propose texts and request meetings.
Ukraine	The United States and Russia have drafted texts. Other members have requested meetings.
Yemen	United Kingdom
West Africa, including the Sahel	Senegal
Western Sahara	United States drafts; resolution is then negotiated among the Group of Friends of Western Sahara (France, Russia, Spain, the UK and the US) before being circulated to the Council for negotiation.
Children and Armed Conflict	Sweden
Counter-terrorism (resolutions 1267/1989/2253)	United States
Counter-Terrorism (resolution 1373)	United States
International Criminal Tribunal for the former Yugoslavia and International Residual Mechanism for Criminal Tribunals	Uruguay
Non-proliferation of Weapons of Mass Destruction (resolution 1540)	Bolivia
Peacekeeping	United Kingdom
Protection of Civilians in Armed Conflict	United Kingdom
Women, Peace and Security	United Kingdom on women's participation in resolving conflict and in peace processes and women's protection issues (resolution 1325); United States on sexual violence in armed conflict (resolution 1820)
Working Methods	Japan

Why is consensus important?

Council members frequently emphasize the importance of a unified Council, sometimes underscoring the consensus achieved following difficult negotiations. When resolutions are adopted without unanimous support, members express their concerns about the broken unity of the Council, even though such resolutions have the same legal status as those resolutions that are unanimously adopted.

It is useful to unpack the motivations underpinning efforts to achieve consensus to improve our understanding of how the Council works and what role it plays in the foreign policies of its members. Four primary reasons can be adduced for why unanimity is so desired by members: the legitimacy it accords to decisions;⁴⁸⁷ the notion that a consensus document is the product of the good stewardship of the negotiation process by those leading it; the perceived impact of unanimous resolutions on the party or parties who are the object of the resolution; and the fear of isolation of those considering breaking the consensus. Analyzing these four reasons gives a clearer indication of why consensus is important to members.

Legitimacy of Unanimity

Using Hurd's definition of legitimacy as "an actor's normative belief that a rule or institution ought to be obeyed,"⁴⁸⁸ it can be assumed that a resolution—if allowed to substitute for a "rule"—has greater political clout when it is unanimously adopted. The unanimity of the

⁴⁸⁷ As noted above, on the Council's legitimating role, see, for example, Mats Berdal, "The UN Security Council: Ineffective but Indispensable," *Survival* 45, no. 2 (2003): 9; Inis L. Claude, Jr., "Collective Legitimation as a Political Function of the United Nations," *International Organization* 20, no. 3 (1996): 367-379; Bruce Cronin, "International consensus and the changing legal authority of the UN Security Council," in *The UN Security Council and the Politics of International Authority*, ed. Bruce Cronin and Ian Hurd (New York, NY: Routledge, 2008), 57-79; and Ian Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council* (Princeton: Princeton University Press 2007).

⁴⁸⁸ Ian Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council* (Princeton: Princeton University Press, 2007), 7.

Council in difficult cases is particularly important because it consists of only 15 members, representing a small percentage of the wider membership in UN General Assembly; since the Council is the main arbiter of international peace and security, representing all 193 member states, a divided Council can be perceived as an indication that the broader international community of states is divided and therefore not fully supportive of its action.⁴⁸⁹

The relationship between legitimacy and unanimity is especially relevant to why the P3 strived to secure a unanimous vote on resolution 1441 of 8 November 2002 on Iraq, a last ditch effort to forestall a US-UK invasion of the country, one that ultimately failed. UK Ambassador Greenstock notes that in the later stages of the negotiations on the resolution, US Ambassador John Negroponte “confirmed...that the US was becoming increasingly interested in securing a unanimous vote.”⁴⁹⁰ In the lead up to the vote, once it had settled its differences on the text with the United States, France—along with Arab countries and Secretary-General Kofi Annan—pressured Syria, the one hold-out expected to abstain, to support the resolution.⁴⁹¹

During the explanations of vote, several members alluded to the importance of the unanimity that had been achieved. Representing a US administration known primarily for its unilateralism, Negroponte commended the “international consensus on how to proceed towards Iraq,” an implicit acknowledgement that the Council reflects the will of the global community of states on peace and security matters.⁴⁹² French Ambassador Jean-David Levitte was explicit in upholding the centrality of the Council’s responsibility as the main arbiter of international peace and security. Levitte said that “the resolution that has just been adopted

⁴⁸⁹ Jeremy Greenstock (former UK ambassador to the UN), interviewed by phone by the author, New York, 3 March 2017.

⁴⁹⁰ Greenstock, *Iraq: The Cost of War*, 141.

⁴⁹¹ *Ibid.*, 146.

⁴⁹² UN Security Council meeting record (S/PV.4644), 8 November 2002, 3.

unanimously...strengthens the role and authority of the Security Council,” referring to France’s desire to ensure that violation of the resolution would not automatically lead to the use of force without explicit Council approval.⁴⁹³ In spite of the failure of the resolution to prevent the ensuing war in Iraq, the major powers valued the legitimacy of a unified Council at this moment.

Good Stewardship

There is a certain amount of pride that comes with leading a successful negotiation process. When resolutions are adopted unanimously, it can be perceived as an indication that the drafters, who lead the negotiations, have done a good job of managing the process, especially when differences of perspective have been accommodated or compromises are made.⁴⁹⁴ They are thus viewed as effective stewards of the Council’s work,⁴⁹⁵ who have demonstrated good judgement and diplomatic skill.⁴⁹⁶ How negotiation processes are led is especially relevant to the British and the French, who have consistently been active drafters of resolutions in the post-Cold War period and who have over the past decade taken hold of the pen on a high percentage of issues. As waning powers whose permanent seats have been called into question, it is important for them to demonstrate their competence and skill to the wider UN membership. It is not uncommon for UK diplomats to highlight their proficiency at drafting,⁴⁹⁷ especially since draft resolutions are produced and negotiated in English before being translated into the other five languages of the UN (Arabic, Chinese, French, Russian, and Spanish) once they are adopted.

⁴⁹³ UN Security Council meeting record (S/PV.4644), 8 November 2002, 5.

⁴⁹⁴ UN Security Council diplomat, interviewed by the author, New York, 4 July 2016.

⁴⁹⁵ Ibid.

⁴⁹⁶ Jeremy Greenstock (former UK ambassador to the UN), interviewed by phone by the author, New York, 3 March 2017.

⁴⁹⁷ Former UK diplomat to the UN Security Council, interviewed by the author, New York, 23 April 2017.

The adoption of resolution 2296 on 29 June 2016, which renewed the mandate of the UN/AU Hybrid Operation in Darfur (UNAMID) for one year, provides an example of members emphasizing the importance of achieving unanimity through compromise. The United Kingdom drafted the text and led the complex negotiations, accommodating different views regarding how to calibrate language on the security situation, on obstacles imposed on the mission by the government, and on the efforts of a joint AU, UN and government of Sudan working group designed to create an exit strategy for the mission.⁴⁹⁸ When the text was unanimously adopted, UK Ambassador Matthew Rycroft “welcome[d] the constructive spirit in which all members...engaged with us during the negotiations” and noted that the “balance” of the text.⁴⁹⁹ Likewise, Deputy Ambassador Pyotr Ilyichev of Russia, which has clashed with the United Kingdom and other Western countries on Darfur, maintained that “As a result of intensive consultations, members of the Council managed to make the text sufficiently balanced.”⁵⁰⁰

Obviously, there are times when unanimity cannot be achieved because the differences to be bridged are too great; in such cases, no matter how long a negotiation process endures and no matter how creatively and constructively the members engage, the text simply does not have the requisite support to be adopted unanimously or to be adopted at all. This is especially the case when the core national interests of the permanent members are at stake. From the beginning of the Syria crisis in 2011, it has been clear that Russia has been inflexible in its unwillingness to pressure the Assad regime; the veto has been the most common outcome of drafts attempting to do so. Likewise, given the Trump administration’s early policy pronouncements on the Middle

⁴⁹⁸ Security Council Report, “AU-UN Hybrid Operation in Darfur Mandate Renewal,” *What’s In Blue*, 28 June 2016, <http://www.whatsinblue.org/2016/06/au-un-hybrid-operation-in-darfur-mandate-renewal.php>.

⁴⁹⁹ UN Security Council meeting record (S/PV.7728), 29 June 2016, 5.

⁵⁰⁰ *Ibid.*, 2.

East, it is hard to imagine that any draft resolution critical of Israel would not be vetoed by the United States.

However, when unanimity is not achieved and when the negotiation process is considered to have been poorly managed, the member or members leading the process are subject to criticism. Sometimes in their explanations of vote, members complain not only about the substance of the text but also about the way the negotiating process has been conducted, arguing that their concerns have not been taken into account or that too little time was allowed for substantive discussions.

The negotiations on resolution 2333 of 23 December 2016, which was drafted by the United States and which renewed the mandate of UN Mission in Liberia (UNMIL), illustrate this point. The resolution significantly downsized the mission in anticipation that UNMIL will close when its mandate expires in March 2018; however, the resolution kept in place some 700 peacekeepers. The vote represented a rare case of disunity among the P3, with France and the United Kingdom joining Russia in abstaining, while all other members supported the draft. Ambassador Isobel Coleman of the United States maintained that it was necessary to keep in place the peacekeepers “to support the Liberian security services through [elections planned for October 2017]...in order to consolidate the hard-earned security gains that Liberia has made.”⁵⁰¹ France, Russia, and the United Kingdom all believed that maintaining the peacekeepers was unnecessary, as they could have been better used in other missions in need of personnel.

While there was considerable criticism of the substance of the text, Council members expressed displeasure with the United States for the way in which the negotiations were led and

⁵⁰¹ UN Security Council meeting record (S/PV.7851), 23 December 2016, 2-3.

for the failure to make a genuine effort to reach consensus. There was a political price to be paid, with the US lambasted in the public chamber for its poor management of the process. French Ambassador François Delattre said in his explanation of vote: "...we can only regret the absence of genuine negotiations among Council members...our proposals were never taken into serious account...We hope...that in the future we are able to strengthen the Council's unity on this key topic."⁵⁰² Deputy Ambassador Luis Bermudez of Uruguay, although supportive of the text, argued that "The Security Council must show that it is able to adopt resolutions that achieve the broadest possible support among its members. The role of the penholder is crucial in such negotiating situations, and it is desirable that penholders demonstrate more flexibility and be more receptive to proposals from other Council members."⁵⁰³ And New Zealand's Deputy Ambassador Phillip Taula similarly maintained that "more could have been done to bridge the diverging views within the Council in order to achieve consensus and thereby send a united message to Liberia."⁵⁰⁴

The perceived impact of a unified Council

There is a generally held view that a unified Council has greater impact in exerting leverage on the actors who are the object of its attention than one that is divided. Members frequently argue that a unified Council sends an important message to the party or the parties on the ground either about the strength of the UN's support for their efforts or about the consequences of a failure to comply with its demands. This perception has been evident at the annual Finnish Workshop for incoming members of the Council; at the 15 and 16 November 2007 workshop, one of the speakers contended that "When members were 'determined to come together'...the prospects for

⁵⁰² UN Security Council meeting record (S/PV.7851), 23 December 2016, 4.

⁵⁰³ *Ibid.*, 5.

⁵⁰⁴ *Ibid.*, 6.

implementation [of resolutions] rose,”⁵⁰⁵ while at the 18-19 November 2010 workshop, “several participants spoke of the tendency of members of the Security Council to see consensus decisions as the most effective ones.”⁵⁰⁶ A frequent refrain as well is that Council unity is essential with regard to effectiveness of UN peace operations in particular. During the 6 April 2017 debate on peacekeeping, Uruguayan Ambassador Elbio Rosselli captured this sentiment: “Experience has shown and continues to show that when there is a lack of unity in the Council and the lack of a clear role in support of the peace process, the success of a peacekeeping operation can be seriously compromised.”⁵⁰⁷

Whether or not these assertions are true merits further study. Nonetheless, the view that consensus means that “the full weight of the Council is behind a decision” or that this organ is “stronger when it is united” is frequently heard. This perception, true or not, is at least one rationale for efforts to achieve unanimity. The caveat that should be observed is that a unanimous adoption does not necessarily mean a united Council. The concessions that are made to achieve unanimity in voting can lead to ambiguity in language that allows for significant latitude in how a resolution is interpreted. Resolution 1441 is an example of this, as the United States and the United Kingdom believed that this resolution and prior ones on Iraq provided a legal justification for intervention in March 2003,⁵⁰⁸ while France, Russia and other members did not accept this view.

⁵⁰⁵ *Letter dated 20 March 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Finland to the United Nations addressed to the President of the Security Council* (UN Security Council document S/2008/195), 20 March 2008, 22.

⁵⁰⁶ *Letter dated 1 August 2011 from the Permanent Mission of Finland to the United Nations addressed to the President of the Security Council* (UN Security Council document S/2011/484), 2 August 2011, 17.

⁵⁰⁷ UN Security Council document (S/PV.7918), 6 April 2017, 6.

⁵⁰⁸ Greenstock, *Iraq: The Cost of War*, 219-220.

Fear of Isolation

In addition to vetoes, there are numerous cases when one or more abstentions are cast on resolutions that have the support of most members. However, as Bolton has written, the compulsion to seek unanimity “could also increase the pressure on some members to go along with the majority.”⁵⁰⁹ At times, hold-outs from smaller states find it difficult to resist the pressure placed on them by more powerful states to vote a certain way, especially if those powerful states have political or economic leverage over them. Even powerful states at times vote along with a resolution not entirely to their liking, so as not to appear divisive. Bolton, for example, describes the unanimous adoption of the resolution 1679 of 16 May 2006, which paved the way for the transition from an African Union to a UN peacekeeping operation in Darfur, as an instance in which China and Russia succumbed and supported the resolution “because they feared being exposed and isolated on a subject as sensitive as Sudan.”⁵¹⁰

Differences among the P3

In spite of being united on most issues, there have nonetheless been several points of friction among the P3 in the post-Cold War period on peace and security issues that have featured to a greater or lesser extent in the Council’s deliberations. This section is not intended to be exhaustive in describing the differences among the P3, but rather to highlight some of the key ones. Significant areas of differences included the Bosnian conflict in the early to mid-1990s, Iraq beginning in the 1990s and culminating with the US-led invasion in March 2003, and Israel/Palestine over several decades. Disagreements on Israel/Palestine extended beyond the

⁵⁰⁹ *Letter dated 8 April 2010 from the Permanent Representative of Finland to the United Nations addressed to the President of the Security Council* (UN Security Council document S/2010/177), 8 April 2010, 5. This was an observation of several members at the 19-20 November 2009 “Hitting the Ground Running” Workshop for newly elected Council members in Greentree, NY, sponsored by the Finnish government.

⁵¹⁰ Bolton, *Surrender Is Not an Option*, 353-354.

Cold War and have continued until the present day; all but one US veto in the post-Cold War era has pertained to Israel/Palestine.

Descriptions of these issues demonstrate why agreement could not be reached on them. In some cases, the divisions among the P3 (and the P5 more broadly) were simply too vast, leading to diverging votes or even the bypassing of the Council altogether (e.g., the US decision to invade Iraq in 2003 without Council approval). However, when there are opportunities to bridge the divide on difficult issues, considerable efforts are frequently made to hammer out differences and make agreements. While it is not always possible to achieve unanimity, in some cases vetoes have been avoided as a result of these discussions. With regard to resolutions critical of Israel, a major US client benefiting from a powerful US lobby, the domestic costs of not vetoing resolutions can be significant, as reflected by the US abstention on resolution 2334 in December 2016.

Bosnia-Herzegovina

Bosnia was a particular strong point of contention between the United States, on the one hand, and France and the United Kingdom, on the other hand. John Weston, UK Ambassador to NATO from 1992 to 1995 and to the UN from 1995 to 1998, has said that the NATO alliance was almost broken over Bosnia.⁵¹¹ The crux of the disagreement was that the United States endorsed a muscular approach against the Bosnian Serbs—including by advocating robust NATO-led air strikes—but the British and the French were more circumspect, particularly since both countries,

⁵¹¹ UK Ambassador John Weston, interview by Charlie Rose. *Charlie Rose*, PBS, 23 June 1998.

unlike the United States, had peacekeepers on the ground and were worried about potential retaliation against their personnel by the Bosnian Serbs.⁵¹²

The so-called “dual key” approach—a cumbersome process by which all bombing decisions had to be approved by both NATO and the UN—reflected the divergent views among the allies.⁵¹³ As Hannay notes: “There was a permanent tension between NATO, dominated by the USA, where substantial strategic deployment of air power was favoured, and the UN hierarchy, which listened more to the concerns of the main troop contributors (France and Britain) and which favoured limited tactical use of air power in narrowly defined circumstances.”⁵¹⁴ The result of this tension was to promote further intransigence of the Bosnian Serbs, with the support of Slobodan Milosevic.⁵¹⁵ The controversial dual key policy was discarded by NATO in 1995, amidst ongoing Serb bombing of Sarajevo⁵¹⁶ and “the unwillingness of the United States and NATO to accept the halfhearted Bosnian Serb efforts at appeasement and to accept UN authority over NATO’s actions.”⁵¹⁷

A further frustration of the United States during the Bosnia War—and a source of tension with all the other permanent members of the Council—was the inability to adopt a resolution endorsing the lifting the arms embargo on Bosnia, with the goal of enabling the Bosnian Muslims to defend themselves from the Bosnian Serbs who were supplied with weapons by Belgrade. This issue came to a head on 29 June 1993 when the Council voted on a draft resolution that would have lifted the arms embargo. Reminiscent of what happened frequently in

⁵¹² Boutros Boutros-Ghali, *Unvanquished: A U.S.-U.N. Saga* (New York: Random House, 1999), 240-241; Hannay, *New World Disorder*, 162; and Lawrence S. Kaplan, *NATO and the UN: A Peculiar Relationship* (Columbia: University of Missouri Press, 2010), 155.

⁵¹³ Hannay, *New World Disorder*, 162.

⁵¹⁴ *Ibid.*

⁵¹⁵ *Ibid.*

⁵¹⁶ Kaplan, *NATO and the UN*, 154.

⁵¹⁷ *Ibid.*

the Cold War days but less frequently since then, the draft resolution was proposed by the non-aligned caucus in the Council, and was consistent with the 24 May 1993 declaration of the Organisation of Islamic Conference calling for a lifting of the embargo.⁵¹⁸ The draft received only six affirmative votes—including all the NAM members (Cape Verde, Djibouti, Morocco, Pakistan, and Venezuela) and the United States. Abstentions were cast by Brazil, China, France, Hungary, Japan, New Zealand, Russia, Spain, and the United Kingdom.

This was one issue that no amount of discussion or dialogue could overcome. The Council was too divided. During the meeting in which the vote occurred, those states supporting the lifting of the embargo maintained that the Bosnian Muslims needed to be able to defend themselves.⁵¹⁹ Those states against lifting the embargo argued that lifting the embargo would lead to increased fighting, with the Bosnian Serbs and Croats redoubling their military actions, while undermining the political process.⁵²⁰ For France and the United Kingdom, perhaps the most important consideration for their decision to oppose the lifting of the embargo was that they (unlike the United States) had troops on the ground, whose safety was a major concern. Along these lines, French Ambassador Jean-Bernard Mérimée reacted against impassioned pleas for the lifting of the embargo by saying that France “will not accept lessons in morality from anyone,”⁵²¹ noting that 11 French personnel had already died in the conflict.⁵²²

⁵¹⁸ UN Security Council meeting record (S/PV.3246), 29 June 1993, intervention by Ambassador Jamsheed Marker of Pakistan, 23.

⁵¹⁹ UN Security Council meeting record (S/PV.3246) 29 June 1993. See, for example, interventions by Ambassador Jamsheed Marker of Pakistan, 26; Ambassador Diego Arria of Venezuela, 129; and Ambassador Madeleine Albright of the United States, 148.

⁵²⁰ *Ibid.* See, for example, interventions by Ambassador David Hannay of the United Kingdom, 133, and by Ambassador Jean-Bernard Mérimée of France, 137.

⁵²¹ *Ibid.*, 138.

⁵²² *Ibid.*, 137.

Iraq

While many people recall P3 divisions in the lead up to the March 2003 US-led invasion of Iraq, less frequently discussed is that the divergence of views between France, on the one hand, and the United States and the United Kingdom, on the other hand, on Iraq policy began years earlier. Hannay writes that as early as 1993, elections in France had brought in a government that was “instinctively more friendly towards Saddam Hussein’s Iraq than its predecessor.”⁵²³

In the aftermath of the brief US-UK bombing campaign against Baghdad in December 1998—which was precipitated by Saddam Hussein’s lack of cooperation with weapons inspectors and the withdrawal of the UN Special Commission (UNSCOM) in August 2008⁵²⁴—the Council established a new weapons inspection regime through UN Monitoring, Verification and Inspection Commission with the adoption of resolution 1284 in December 1999. France—along with China, Malaysia, and Russia—was one of four countries that abstained on the draft. In its explanation of vote, while noting the humanitarian impact of sanctions on Iraq, France said that the draft left open for interpretation the “criteria for the suspension and then lifting of sanctions,”⁵²⁵ an indication of its trepidation that the sanctions on Iraq might be unfairly maintained even if it improved its compliance.⁵²⁶

In spite of the four abstentions on this resolution, significant efforts were made to strike agreement. Greenstock observed that the negotiations on resolution 1284 lasted eight months, from April to December 1999, surmising that this was “one of the longest negotiations of any

⁵²³ Hannay, *New World Disorder*, 152.

⁵²⁴ Greenstock, *Iraq: The Cost of War*, 51.

⁵²⁵ UN Security Council meeting record (S/PV.4084), 17 December 1999, intervention by French Ambassador Alain Dejammet, 16.

⁵²⁶ Greenstock, *Iraq: The Cost of War*, 51.

[Security Council] resolution.”⁵²⁷ Some of the negotiations were held at ministerial level.⁵²⁸ The resolution was negotiated only after the Council considered the recommendations proposed by three panels it established in January 1999 to “discuss options which would lead to the full implementation of all relevant Security Council resolutions regarding Iraq.”⁵²⁹ These panels—consisting of UN and International Atomic Energy Agency experts—focused on disarmament and monitoring and verification issues; humanitarian matters; and Kuwaiti prisoners and property seized by Iraq.⁵³⁰ Greenstock concludes that while the negotiations on resolution 1284 “failed to unite the Security Council around a single position,”⁵³¹ they at least avoided vetoes from the three permanent members that abstained.⁵³²

The negotiations on resolution 1441 of 8 November 2002, which gave Iraq “a final opportunity to comply with its disarmament obligations” or “face serious consequences” were also highly divisive.⁵³³ The language had to be calibrated to allay French and Russian concerns that violation of the resolution’s terms would not lead automatically to the use of force without further Council discussion—concerns which would have led to vetoes by both countries if left unaddressed.⁵³⁴ Ultimately, after several weeks of negotiations that included engagement among P5 foreign ministers, a compromise was struck,⁵³⁵ not only avoiding French and Russian vetoes but resulting in a unanimous adoption. The unanimity achieved was not strong enough to survive

⁵²⁷ *Ibid.*, 62.

⁵²⁸ UN Security Council meeting record (S/PV.4084), 17 December 1999, intervention by Russian Ambassador Sergei Lavrov, 5.

⁵²⁹ UN Security Council document (S/1999/100), 30 January 1999.

⁵³⁰ *Ibid.*

⁵³¹ Greenstock, *Iraq: The Cost of War*, 62.

⁵³² *Ibid.*

⁵³³ UN Security Council resolution 1441, 8 November 2002.

⁵³⁴ Greenstock, *Iraq: The Cost of War*, 140.

⁵³⁵ *Ibid.*, 143.

the profound divisions among the major powers, with Washington and London determined to pursue a military option.

However, this only happened after the United States and the United Kingdom attempted to secure a second resolution in late February/March 2003 to authorize the decision to use force. The effort met stiff resistance from several Council members, including permanent members China, France, and Russia, which believed that the weapons inspectors needed more time to complete their work.⁵³⁶ On 11 March, French President Jacques Chirac publicly stated that his country would veto a resolution resulting in military intervention.⁵³⁷ In spite of US/UK lobbying of permanent and elected members alike,⁵³⁸ it became clear that not only would the draft be vetoed but that it would not even receive nine votes, the required number to adopt a resolution absent a veto. The draft was never put to a vote.

Israel/Palestine

The Israel/Palestine conflict has been a persistent problem on the Council's agenda. Since August 2002, the Council has met every month on this issue⁵³⁹—and sometimes more than once per month—and yet, no progress has been made in addressing the conflict's underlying issues; in fact, relations between Israel and Palestine are far worse now than they were in the early post-Cold War era when the Oslo process provided at least a modicum of hope for a better future for Israelis and Palestinians. Blame heaped on the Security Council for its failings on this issue can be widely dispersed onto other actors; its gridlock is a reflection of the great power divides that

⁵³⁶ UN Security Council meeting record S/PV.4714, 7 March 2003.

⁵³⁷ Elaine Sciolino, "Threats and Responses: Discord; France to Veto Resolution on Iraq War, Chirac Says," *The New York Times*, 11 March 2003, <http://www.nytimes.com/2003/03/11/world/threats-and-responses-discord-france-to-veto-resolution-on-iraq-war-chirac-says.html>.

⁵³⁸ On these lobbying efforts, see Heraldo Muñoz, *A Solitary War: A Diplomat's Chronicle of the Iraq War and Its Lessons*, (Golden, Colorado: Fulcrum Publishing, 2008), 62-67.

⁵³⁹ Security Council Report, "Middle East Open Debate," *What's In Blue*, 19 April 2017, <http://www.whatsinblue.org/2017/04/middle-east-open-debate-2.php>.

exist outside the organ as well. The parties themselves have missed several opportunities to make peace, bilateral efforts to exert leverage on them have not been particularly effective, and the issues involved have always been complex and intractable. While the UN has often been accused of an anti-Israel bias (both during and after the Cold War) and it could be argued that this bias applies to the General Assembly, the Human Rights Council, and the UN Educational, Scientific, and Cultural Organization (UNESCO), it is much harder to make this case with regard to the outcomes of the Security Council, where Israel is often protected by the US veto and threat of veto and where resolutions on Israel/Palestine are moderate and balanced. *Thirteen* of the 14 US vetoes in the post-Cold War era through the end of 2016 have been on this Israel/Palestine, and they have all been sole vetoes.

In recent years, draft resolutions on Israel/Palestine are usually initially drafted by the Palestinians and presented by the Arab group member of the Council. Thus, the P3 does not exercise control of the pen, as they do on so many other issues. For obvious reasons, the United States prefers to keep the focus off of Israel in the Council. France and the United Kingdom as close allies of the US are inclined to exercise caution in proposing drafts on Israel/Palestine; one notable exception to this, discussed below, was the draft resolution vetoed by the United States in March 1997, which would have condemned settlements, that was proposed by Council members belonging to the European Union.

On Israel/Palestine in the post-Cold War era, three vetoes were cast during President Bill Clinton's administration; nine during President George W. Bush's administration; and one during President Barack Obama's administration. The United States was particularly isolated with regard to the three vetoes cast under President Clinton in the 1990s. The first of these texts,

voted on 17 May 1995,⁵⁴⁰ would have condemned Israel's annexation of 53 hectares of land in East Jerusalem, while the second (7 March 1997)⁵⁴¹ and third (21 March 1997)⁵⁴² would have condemned Israeli settlement building in East Jerusalem. The first two received fourteen affirmative votes, meaning that no other member even abstained, while the third one received thirteen affirmative votes with only one abstention, cast by Costa Rica. The 7 March 1997 draft was sponsored by the European members of the Council—including France, Portugal, Sweden, and the United Kingdom—demonstrating the depth of division between the United States and its Western allies. What is particularly striking about the US explanations of vote in all of their vetoes in the Clinton years is that it did not directly criticize the substance of the draft resolutions; rather, it argued that the Council was not the appropriate venue to address the issue, maintaining that the parties themselves should resolve their differences through negotiations.⁵⁴³ This is a case of the United States marginalizing the Council to protect one of its closest allies, instead of using it as a pressure point to exert leverage on it.

The nine vetoes cast on Israel/Palestine under the Bush administration came during years of heightened tension and violence between Israel and Palestinians, marked by the Second Intifada (2000-2005) and the fighting between Israel and Hamas in 2006, following Hamas' seizure of the Gaza strip. A common thread running through these drafts was their call for an end to the violence between the parties. The 26 March 2001 draft called for the establishment of a UN observer force to protect Palestinian civilians,⁵⁴⁴ while the 10 November 2006 draft called for the "possible establishment of international mechanism for protection of the civilian

⁵⁴⁰ UN Security Council document S/1995/394, 17 May 1995.

⁵⁴¹ UN Security Council document S/1997/199, 7 March 1997.

⁵⁴² UN Security Council document S/1997/241, 21 March 1997.

⁵⁴³ See UN Security Council meeting record (S/PV.3538), 17 May 1995, 6-7; UN Security Council meeting record (S/PV.3747), 7 March 1997, 4-5; and UN Security Council meeting record (S/PV.3756), 21 March 1997, 5-6.

⁵⁴⁴ UN Security Council document (S/2001/270), 26 March 2001, 8.

populations.”⁵⁴⁵ A frequent US refrain in explaining their vetoes in the 2000s was that the texts lacked balance, maintaining that they failed to distinguish between Israel’s right to self-defense and Palestinian terrorism or that their condemnation of Palestinian terrorist acts was insufficient.⁵⁴⁶

There has been an interesting dynamic among the P3 on Israel/Palestine in the post-Cold War era in the Council. While France and the United Kingdom have disagreed with US policy on Israel/Palestine and have voted in favour of resolutions condemning settlement-building, there has been some difference between them on this issue, with the United Kingdom less inclined than France to criticize Israel. It is particularly telling, for example, that the UK abstained, rather than voting affirmatively, on eight of the nine draft resolutions on this issue vetoed by the United States during the Bush administration; France abstained on only one of these drafts, voting with the majority on the eight other texts and thus willing to exert more pressure on Israel than its P3 colleagues. UK Ambassador Greenstock captures the dilemma facing the United Kingdom in voting on Israel/Palestine resolutions in the Security Council or the General Assembly: “...these were always agonizing occasions, torn as we were between firm support for Israel’s security and insistence on justice for the Palestinians...we drove our EU colleagues to distraction as we looked for one or more element of balance to set beside the mild but noticeable European bias in favour of the Palestinians.”⁵⁴⁷

The explanations of vote on the vetoed draft resolution on 24 March 2004 demonstrate the differences in the P3 perspectives. This draft condemned extrajudicial killings by Israel,

⁵⁴⁵ UN Security Council document (S/2006/878), 10 November 2006, 8.

⁵⁴⁶ See, for example, UN Security Council meeting record (S/PV.4438), 14 December 2001, 11; UN Security Council meeting record (S/PV.4828), 16 September 2003, 2; UN Security Council meeting record (S/PV.4934), 25 March 2004, 2; and UN Security Council meeting record (S/PV.5051), 5 October 2004, 2-3.

⁵⁴⁷ Greenstock, *Iraq: The Cost of War*, 70.

particularly of Hamas leader Sheik Ahmed Yassin, a targeted assassination that led to six additional Palestinian deaths.⁵⁴⁸ In explaining its veto, US Ambassador John Negroponte gave a common US refrain by saying that the draft would “not further the goals of peace and security in the region.”⁵⁴⁹ He further argued that the draft was “silent about the terrorist atrocities committed by Hamas,” maintaining that while it condemned the assassination of Yassin, it did not mention a recent suicide bombing that killed 10 Israelis in Ashdod, Israel.⁵⁵⁰ Ambassador Emyr Jones Parry of the United Kingdom, which abstained, argued that his country would have voted for the text, if there had been stronger language on terrorism.⁵⁵¹ The text did indeed say that the Council “condemns...all terrorist acts against civilians;”⁵⁵² however, whereas this reference was sufficient to satisfy France, which supported the text, it was not detailed enough for the United Kingdom, and certainly not for the United States.

The Council was very active on Israel/Palestine in the Bush years. Between 2002 and 2004, for example, it convened 68 meetings regarding the “Middle East situation, including the Palestine question.”⁵⁵³ In spite of the high number of vetoes under Bush, the United States also allowed a number of resolutions to be adopted on Israel/Palestine.⁵⁵⁴ It sponsored resolution 1397, adopted in March 2002, calling for the two parties to “live side by side within secure and recognized borders”⁵⁵⁵ and “to cooperate... with the aim of resuming negotiations on a political

⁵⁴⁸ UN Security Council document (S/2004/240), 24 March 2004.

⁵⁴⁹ UN Security Council meeting record (S/PV.4934), 25 March 2004, 2.

⁵⁵⁰ *Ibid.*

⁵⁵¹ *Ibid.*, 4-5.

⁵⁵² UN Security Council document (S/2004/240), 24 March 2004.

⁵⁵³ Security Council Report, “Can the Security Council Prevent Conflict?” 9 February 2017, 8, http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/research_report_conflict_prevention_2017.pdf.

⁵⁵⁴ Markus E. Bouillon, “The Arab-Israeli Conflict,” in *The UN Security Council in the 21st Century* ed. David M. Malone, Bruno Stagno Ugarte, and Sebastian von Einsiedel (Boulder, Colo.: Lynne Rienner Publishers, 2016), 534.

⁵⁵⁵ UN Security Council resolution 1397, 12 March 2002. See also Bouillon, “The Arab-Israeli Conflict,” 534.

Bouillon notes that this draft was sponsored by the US and says that its call for Israel and Palestine to “live side by

settlement.”⁵⁵⁶ UK Ambassador Greenstock maintains that headway on the Middle East (i.e., Israel/Palestine) peace process was one of the conditions attached to the United Kingdom’s support for the military option in Iraq—which provides a possible explanation for the increased US engagement on Israel/Palestine at the time.⁵⁵⁷ The level of activity in the Council is also understandable considering that it occurred amidst the violence of the Second Intifada. However, as Marcus Bouillon has argued, the increased engagement was indicative of “deterioration, rather than progress” as the “Council became essentially a venting mechanism.”⁵⁵⁸ The Middle East Quartet—formed in 2002 and comprising the European Union, the United Nations, the United States, and Russia—guided international decision-making on Israel-Palestine, and the Council was largely left to rubberstamp its decisions.⁵⁵⁹

During the Obama administration, the United States cast one veto on Israel/Palestine issues, on yet another draft resolution condemning the building of settlements in February 2011.⁵⁶⁰ Given the resonance of this issue among UN member states, the draft—which received the votes of all other 14 members—garnered co-sponsorship from 79 UN member states. All indications are that the United States was reluctant to cast this veto and worked hard to find a way out of its diplomatic isolation. Rather than a resolution, it proposed that the Council pursue a presidential statement, an outcome with less political clout, but one that needs unanimous support to be adopted.⁵⁶¹ The United States further demonstrated willingness to consider a Council visiting mission to Israel/Palestine and other parts of the Middle East, based on a

side within secure and recognized borders” represents in his words “The Council’s most significant pronouncement on the Arab-Israeli conflict since resolution 242.”

⁵⁵⁶ UN Security Council resolution 1397, 12 March 2002.

⁵⁵⁷ Greenstock, *Iraq: The Cost of War*, 95-96.

⁵⁵⁸ Bouillon, “The Arab-Israeli Conflict,” 535.

⁵⁵⁹ Ibid.

⁵⁶⁰ Security Council document (S/2011/24), 18 February 2011.

⁵⁶¹ Security Council Report, “Insights on the Draft Israeli Settlements Resolution,” *What’s In Blue*, 16 February 2011, <http://www.whatsinblue.org/2011/02/insights-on-the-draft-israeli-settlements-resolution.php>

Russian proposal,⁵⁶² and to “publicly declare its support for a peace deal based upon the 1967 lines with mutually agreed land swaps.”⁵⁶³ However, these concessions were not enough to prevent the draft from being put to a vote, in spite of a call from President Obama to Mahmoud Abbas, the head of the Palestinian Authority, the day before the vote, in an unsuccessful effort to have the draft resolution pulled.⁵⁶⁴ US Ambassador Susan Rice, who reportedly would have preferred the US *not* to veto the draft,⁵⁶⁵ gave the US response, condemning settlements but maintaining, if adopted, the draft would not further the peace process.⁵⁶⁶

Another resolution condemning settlements came before the Council in December 2016.⁵⁶⁷ Egypt—which initially co-sponsored the draft along with elected members Malaysia, New Zealand, Senegal, and Venezuela—was expected to present it for a vote on 22 December.⁵⁶⁸ However, after a phone call from US President-elect Donald Trump to Egyptian President Abdel Fatah al-Sisi, Egypt succumbed to the diplomatic pressure and delayed tabling the draft.⁵⁶⁹ The other four cosponsors, however, decided to table the text for a vote anyway, which occurred on 23 December. A lame duck with less than a month left in office, President Obama let the resolution go through, with the United States abstaining.

The Obama administration’s abstention generated considerable domestic repercussions that put the administration on the defensive in its waning days. Following the vote, President-

⁵⁶² Ibid.

⁵⁶³ Peter Beinart, *The Crisis of Zionism* (New York: Times Books, 2012), 146.

⁵⁶⁴ Richard Roth, “U.S. vetoes U.N. resolution calling Israeli settlements illegal,” *CNN*, 18 February 2011, <http://www.cnn.com/2011/WORLD/meast/02/18/un.israel.settlements/>.

⁵⁶⁵ Beinart, *The Crisis of Zionism*, 146.

⁵⁶⁶ UN Security Council meeting record (S/PV.6484), 18 February 2011, US intervention, 4-5.

⁵⁶⁷ Security Council Report, “In Hindsight: Resolution on Israeli Settlements,” *February 2017 Monthly Forecast*, http://www.securitycouncilreport.org/monthly-forecast/2017-02/in_hindsight_resolution_on_israeli_settlements.php.

⁵⁶⁸ Ibid.

⁵⁶⁹ Ibid.

elect Trump tweeted that things would “be different at the UN”⁵⁷⁰ when he assumed office.⁵⁷¹ On 5 January 2017, the US House of Representatives adopted a resolution that had bipartisan support condemning the decision by a vote of 342-80.⁵⁷² In January 2017, US Senators Ted Cruz (Republican) of Texas and Lyndsey Graham (South Carolina) proposed a bill (known as the Safeguard Israel Act of 2017) calling for an end to all US financial support for the UN pending the rescinding of the resolution; while it is unlikely that such a bill could pass, its introduction is an indication of the ire aroused by resolution 2334.⁵⁷³ And during her confirmation hearing before the US Senate, UN Ambassador Nikki Haley called the adoption of resolution 2334 “a terrible mistake, making a peace agreement between the Israelis and Palestinians harder to achieve.”⁵⁷⁴

Israel/Palestine is one issue on which the United States will consistently defend Israeli interests in the Security Council, at least for the foreseeable future, and notwithstanding the US abstention on resolution 2334. The Trump administration has demonstrated that its policies will be largely in line with the positions of the current right-wing Israeli government, as has been abundantly clear from statements and actions by President Trump and his UN Ambassador Nikki Haley.

There are long-standing historical roots to the relationship between Israel and the United States, where there is a strong pro-Israel lobby and where any US administration that attempts to

⁵⁷⁰ Harper Neidig, “Trump Warns UN after Israel vote: ‘Things will be different’ soon,” *The Hill*, 23 December 2016, <http://thehill.com/policy/international/311703-trump-warns-un-after-israel-vote-things-will-be-different-soon>.

⁵⁷¹ Indeed, they have been. The Trump administration has attempted to steer the monthly Middle East meeting, which usually deals with Israel/Palestine, toward other regional crises, and it opposed the appointment of a Special Representative of the Secretary-General to Libya merely because he is Palestinian.

⁵⁷² Cristina Marcos, “House votes to rebuke UN settlement resolution,” *The Hill*, 5 January 2017, <http://thehill.com/blogs/floor-action/house/312956-house-votes-to-rebuke-un-vote-on-israel>.

⁵⁷³ The text of the bill is available at <https://www.congress.gov/bill/115th-congress/senate-bill/107/text>.

⁵⁷⁴ Nikki Haley, Opening Statement of Confirmation Hearing, Senate Foreign Relations Committee, 18 January 2017.

criticize or exert strong diplomatic pressure on Israel through the UN Security Council does so at its own peril. The domestic reaction to the Obama administration's abstention on resolution 2334 is an indication of the immense pressures imposed on any US administration considering a position more in keeping with the international mainstream.

The below charts demonstrate differences in voting among the P3 in the post-Cold War era.

Table 5. P3 Voting Divergences on Adopted Resolutions

Resolution Number and Date	Agenda Item	Vote Tally
S/RES/946 of 30 September 1994	The situation in Somalia	14-0-1 (US abstention)
S/RES/1073 of 28 September 1996	The situation in the occupied Arab territories	14-0-1 (US abstention)
S/RES/1280 of 3 December 1999	The situation between Iraq and Kuwait	11-0-3 (China, Malaysia and Russia abstained, while France did not participate in the vote)
S/RES/1284 of 17 December 1999	The situation between Iraq and Kuwait	11-0-4 (China, France, Malaysia and Russia abstained)
S/RES/1322 of 7 October 2000	The situation in the Middle East, including the Palestine question	14-0-1 (US abstention)
S/RES/1372 of 28 September 2001	Security Council Resolution 1054 of 26 April 1996 [Sudan]	14-0-1 (US abstention)
S/RES/1435 of 24 September 2002	The situation in the Middle East, including the Palestine question	14-0-1 (US abstention)
S/RES/1487 of 12 June 2003	United Nations peacekeeping	12-0-3 (France, Germany and Syria abstained)
S/RES/1497 of 1 August 2003	The situation in Liberia	12-0-3 (France, Germany, and Mexico abstained)
S/RES/1506 of 12 September 2003	Libya	13-0-2 (France and the United States abstained)
S/RES/1544 of 19 May 2004	The situation in the Middle East, including that Palestinian question	14-0-1 (US abstention)
S/RES/1593 of 31 March 2005	Reports of the Secretary-General on the Sudan	11-0-4 (Algeria, Brazil, China, and the United States abstained)
S/RES/1828 of 31 July 2008	Reports of the Secretary-General on the Sudan	14-0-1 (US abstention)

S/RES/1860 of 8 January 2009	The situation in the Middle East, including that Palestinian question	14-0-1 (US abstention)
S/RES/1958 of 15 December 2010	The situation concerning Iraq	14-0-1 (French abstention)
S/RES/2334 of 23 December 2016	The situation in the Middle East, including the Palestinian question	14-0-1 (US abstention)
S/RES/2333 of 23 December 2016	The situation in Liberia	12-0-3 (France, Russia and the United Kingdom abstained)

Table 6. P3 Voting Divergences on Drafts that did not Receive the Required Number of Votes for Adoption

Document Symbol and Date	Agenda Item	Vote Tally
S/25997 of 29 June 1993	The situation in Bosnia and Herzegovina	6-0-9 (Cape Verde, Djibouti, Morocco, Pakistan, United States, and Venezuela in favour; abstentions by Brazil, China, France, Hungary, Japan, New Zealand, Russia, Spain, and the United Kingdom)
S/2014/916 of 30 December 2014	The situation in the Middle East, including the Palestinian question	8-2-5 (Argentina, Chad, Chile, China, France, Jordan, Luxembourg and Russia in favor; Australia and the United States opposed; abstentions by Lithuania, Nigeria, the Republic of Korea, Rwanda, and the United Kingdom)

Table 7. US Vetoes (1992-2016)⁵⁷⁵

Document Symbol and Date of Vote	Agenda Item	Vote Tally
S/1995/394 of 17 May 1995	The situation in the Occupied Arab Territories	14-1-0 (14 in favor; the US veto)
S/1997/199 of 7 March 1997	The situation in the Occupied Arab Territories	14-1-0 (14 in favor; US veto)
S/1997/241 of 21 March 1997	The situation in the Occupied Arab Territories	13-1-1(14 in favor; US veto; abstention by Costa Rica)

⁵⁷⁵ Dag Hammarskjöld Library, *Security Council – Veto List*, <http://research.un.org/en/docs/sc/quick>. These were all US vetoes since France and the United Kingdom have not used the veto since the Cold War. Also, all US vetoes since the end of the Cold War have been sole vetoes.

S/2001/270 of 27 March 2001	The situation in the Middle East, including the Palestinian question	10-1-4 (10 in favor; US veto; abstentions by France, Ireland, Norway, and the United Kingdom)
S/2001/1199 of 15 December 2001	The situation in the Middle East, including the Palestinian question	12-1-2 (12 in favor; US veto; abstentions by Norway and the United Kingdom)
S/2002/712 of 30 June 2002	The situation in Bosnia and Herzegovina	13-1-1 (14 in favor; US veto; abstention by Bulgaria)
S/2002/1385 of 20 December 2002	The situation in the Middle East, including the Palestinian question	12-1-2 (12 in favor; US veto; abstentions by Bulgaria and Cameroon)
S/2003/891 of 16 September 2003	The situation in the Middle East, including the Palestinian question	11-1-3 (11 in favor; US veto; abstentions by Bulgaria, Germany and the United Kingdom)
S/2003/980 of 14 October 2003	The situation in the Middle East, including the Palestinian question	10-1-4 (10 in favor; US veto; abstentions by Bulgaria, Cameroon, Germany and the United Kingdom)
S/2004/240 of 25 March 2004	The situation in the Middle East, including the Palestinian question	11-1-3 (11 in favor, US veto, abstentions by Germany, Romania and the United Kingdom)
S/2004/783 of 5 October 2004	The situation in the Middle East, including the Palestinian question	11-1-3 (11 in favor; US veto; abstentions by Germany, Romania and the United Kingdom)
S/2006/508 of 13 July 2006	The situation in the Middle East, including the Palestinian question	10-1-4 (10 in favor; US veto; abstentions by Denmark, Peru, Slovakia and the United Kingdom)
S/2006/878 of 11 November 2006	The situation in the Middle East, including the Palestinian question	10-1-4 (10 in favor; US veto; Denmark, Japan, Slovakia, and the United Kingdom)
S/2011/24 of 18 February 2011	The situation in the Middle East, including the Palestinian question	14-1-0 (14 in favor; US veto)

The permanent members and the breakdown of consensus: toward a new Cold War?

The Council has gone through a particularly contentious period in recent years, marked by sometimes bitter divisions among the permanent members (and at times, even among the elected

members) on Syria, Ukraine, South Sudan, and Yemen, among other issues. While unanimous adoptions are still the norm, a higher number of non-unanimous adoptions (nine) occurred in 2016 than in any other year in the post-Cold War period⁵⁷⁶ to go along with two vetoed draft resolutions, both on Syria-related matters: the first⁵⁷⁷ vetoed solely by Russia, the second⁵⁷⁸ by both China and Russia. What is happening and does this reflect changes in the geo-political landscape?

One point to be noted is that the high number of non-unanimous votes is in part a reflection of the Council's hyper-activity, including on a number of complicated issues. The nine non-unanimous adoptions in 2016 occurred on a total of 77 resolutions, the most adopted by the Council in any calendar year since 1993.⁵⁷⁹ This means that in 2016 members still managed to achieve unanimity roughly 86 percent of the time (i.e. on 68 of 79 drafts put to a vote, including the 77 adopted and the two vetoed drafts). Despite clear divisions among the members, this is still a high-level of unanimity, especially if compared to the Cold War years.

However, there has been a definite cooling in relations between Russia and the Western powers during the Putin years, so much so that people question whether a new Cold War is upon us. Following years of humiliation in the 1990s—and an inability to act more assertively to prevent the US invasion of Iraq in 2003⁵⁸⁰—Russia has demonstrated an incessant desire to be

⁵⁷⁶ Security Council Report, “The Security Council in 2016,” *February 2017 Monthly Forecast*, http://www.securitycouncilreport.org/monthly-forecast/2017-02/the_security_council_in_2016.php.

⁵⁷⁷ UN Security Council document (S/2016/846), 8 October 2016.

⁵⁷⁸ UN Security Council document (S/2016/1026), 5 December 2016.

⁵⁷⁹ Security Council Report, “The Security Council in 2016,” *February 2017 Monthly Forecast*, http://www.securitycouncilreport.org/monthly-forecast/2017-02/the_security_council_in_2016.php.

⁵⁸⁰ Dmitri Trenin, “The Revival of the Russian Military: How Moscow Reloaded,” *Foreign Affairs* 95, no. 3 (2016): 23.

respected as a great power in more recent years,⁵⁸¹ and it has been willing to use hard power to achieve that end. In the past decade, it has used military force to assert its authority in South Ossetia and Abkhazia, Georgia, in 2008, and to annex Crimea from Ukraine in 2014, both formerly part of the Soviet empire. Furthermore, from the outset of the Syrian civil war in 2011, Russia has staunchly defended the legitimacy of the Assad government, and it continues to use its air force to attack the anti-government opposition in a conflict that has now claimed some 400,000 lives and displaced over half the country's population.⁵⁸²

All of these issues—Georgia, Ukraine, and Syria—have been a focus of Council deliberations, and all of them have resulted in Russian vetoes. In June 2009, Russia vetoed a draft that would have extended the mandate of the UN Observer Mission in Georgia.⁵⁸³ It has vetoed two drafts resolutions on Ukraine: one on 15 March 2014 that would have delegitimized the referendum that Russia was organizing on the status of Crimea, which it had recently seized, for the following day;⁵⁸⁴ and a second on 29 July 2015 that would have established an international tribunal to try those responsible for the downing of a civilian aircraft over Ukraine (flight MH17).⁵⁸⁵ There have furthermore been eleven Russian vetoes between February 2011 and the end of 2017 on drafts designed to put pressure on or hold accountable the Assad government for its actions in Syria.

⁵⁸¹ Kimberly Marten. Interview by Charlie Rose. *Charlie Rose: The Week*, PBS, 14 April 2017. Marten, a Columbia University professor specializing in US-Russia relations, states: "...more than anything else [Putin] wants to be treated as an equal with the United States."

⁵⁸² Anne Barnard and Hwaida Saad, "It's Hard to Believe, but Syria's War Is Getting Even Worse," *The New York Times*, 8 February 2018, https://www.nytimes.com/2018/02/08/world/middleeast/syria-war-idlib.html?rref=collection%2Fsectioncollection%2Fmiddleeast&action=click&contentCollection=middleeast®ion=stream&module=stream_unit&version=latest&contentPlacement=10&pgtype=sectionfront.

⁵⁸³ UN Security Council document (S/2009/310), 15 June 2009.

⁵⁸⁴ UN Security Council document (S/2014/189), 15 March 2015.

⁵⁸⁵ UN Security Council document (S/2015/562), 29 July 2015.

Russia's opportunistic aggression in former Soviet Republics is understandable. Notwithstanding Putin's desire to project an image of power, the country harbors a strong sense of insecurity, given its extensive borders and its history of suffering invasions from European neighbors.⁵⁸⁶ Kimberly Marten, for example, has noted that: "The Russian military genuinely fears a surprise Western attack along the country's long borders, including possible U.S. or NATO intervention in one of Russia's ongoing military conflicts."⁵⁸⁷

While Russia does not share a border with Syria, there are several reasons for its support of the Assad government. Salman Shaikh and Amanda Roberts maintain that these include such factors as "preserving its security and arms-trading agreements and keeping its largely symbolic naval base in Tartous on the eastern Mediterranean coast...",⁵⁸⁸ as well as "maintaining its last significant sphere of influence in the region, containing Islamic extremism..., and ensuring the safety of Syria's Christian community."⁵⁸⁹

If, as Stephen Kotkin argues, "Russian governments have generally oscillated between seeking closer ties with the West and recoiling in fury at perceived slights,"⁵⁹⁰ then the current period falls into the latter category. This insecurity is at times reflected in Council deliberations. For example, following the Khan Shaykhun chemical weapons attack in Syria on 4 April 2017, when Russia was pilloried by Western countries in the Council chamber on 7 April for defending the Assad regime, including through the use of the veto, Russian Deputy Ambassador Vladimir Safronkov took the floor a second time at the end of the proceedings, requesting "the

⁵⁸⁶ Kimberly Marten, "Reducing Tensions between Russia and NATO," *Council on Foreign Relations*, Special Report No. 79 (2017): 13.

⁵⁸⁷ Ibid.

⁵⁸⁸ Salman Shaikh and Amanda Roberts, "Syria," in *The UN Security Council in the 21st Century*, ed. David M. Malone, Bruno Stagno Ugarte, and Sebastian von Einsiedel (Boulder, Colo.: Lynne Rienner Publishers, 2016), 731.

⁵⁸⁹ Ibid.

⁵⁹⁰ Stephen Kotkin, "Russia's Perpetual Geopolitics: Putin Returns to the Historical Pattern," *Foreign Affairs* 95, no. 3 (2016): 4.

representatives of the United States and other countries not to insult my country” and adding that “they have no moral right to do so.”⁵⁹¹ A week later, in response to criticism of Russia’s action on Syria from UK Ambassador Matthew Rycroft, Safronkov made the point again in the open chamber, retorting that Rycroft “should not dare to insult Russia again.”⁵⁹²

However, Russia’s behavior in the Security Council can be explained by much more than merely defending strategic interests or demanding respect as a great power. Russia, like China, has a fundamentally different worldview from the P3, one that strongly underscores the importance of state sovereignty and respect for non-intervention, a perspective shared with many developing countries that maintain that sovereignty is their main source of protection from Western interventionism. In addition, China and Russia have a more narrow perspective than the other permanent members of the mandate of the Council (i.e. what constitutes a threat to international peace and security.) Both are less amenable to discussing matters related to human rights, among other issues, in the Council than their P3 colleagues. Russia, for example, maintains that discussion of such matters encroaches on the work of other UN organs and questions the connection between human rights violations and violent conflict.⁵⁹³

Over the past decade, as Russia has reasserted itself as a major power, and as China has grown in strength and confidence, both countries have not been shy about throwing their weight around in the Council. Russia has done so through its statements and its vetoes. Although

⁵⁹¹ UN Security Council meeting record (S/PV.7919), 7 April 2017, 20.

⁵⁹² UN Security Council meeting record (S/PV.7921), 12 April 2017, 12.

⁵⁹³ UN Security Council meeting record (S/PV.7561), 17 November 2015, 19. During a debate on “Security, development and the root causes of conflict,” Russian ambassador Vitaly Churkin said “... questions of international law, human rights and development — in other words, essentially peacebuilding — is a role that should fall to the General Assembly...”. He went on to assert: “We have repeatedly heard the argument that human rights violations are one of the root causes of crises. However, everyone is well aware of countries that have extremely harsh laws in that regard, but on whose territories there are no conflicts. Indeed, in a number of cases, no one even complains about them.”

China's approach is generally more muted—with its consistent calls for negotiation and cooperation—it at times forcefully expresses its views in public, especially on issues of key strategic importance such as North Korea or Myanmar⁵⁹⁴ and when it upholds the notion that a country's domestic affairs are its own business.⁵⁹⁵ Moreover, it has in the past ten years demonstrated less reluctance to use its veto, a course of action that was extraordinarily rare for China prior to 2007.

In several cases in which these countries have either abstained or used their vetoes, sovereignty concerns have been a major consideration. This is often reflected through a reluctance to support sanctions, international legal prosecution, or military action as means to address threats to international peace and security, frequently maintaining that such tools are counterproductive. Public statements, including explanations of vote on several draft resolutions resulting in Chinese and Russian vetoes or even abstentions, highlight their view that sovereignty is sacrosanct and that coercive measures should be pursued cautiously, if at all.

- When vetoing a 12 January 2007 draft calling on Myanmar to stop its violence against ethnic minorities and to initiate “substantive political dialogue, which would lead to a genuine democratic transition,”⁵⁹⁶ Chinese Ambassador Wang Guangya said “the Myanmar issue is mainly the internal affair of a sovereign State. The current domestic situation does not constitute a threat to international peace and security.”⁵⁹⁷ Russian

⁵⁹⁴ Shaikh and Roberts, “Syria,” 732.

⁵⁹⁵ For example, see UN Security Council meeting record (S/PV.7621), 15 February 2016, focusing on the UN Charter. During this open debate, Chinese Ambassador Liu Jieyi stated: “Important principles enshrined in the Charter—including respect for national sovereignty, territorial integrity, peace settlement of disputes and non-interference in the internal affairs of States—are the cornerstone of modern international law and international relations. Our only option is to reinforce them, not weaken them.”, 25.

⁵⁹⁶ UN Security Council document (S/2007/14), 12 January 2007.

⁵⁹⁷ UN Security Council meeting record (S/PV.5619), 12 January 2007, 3.

ambassador Vitaly Churkin likewise stated that the issue “does not pose any threat to international or regional peace.”⁵⁹⁸

- When vetoing a July 2008 draft resolution that the P3 and other states sponsored that sought to impose an arms embargo on Zimbabwe and targeted sanctions (i.e. travel bans and assets freezes) on key government and military officials in the midst of government repression during a fraudulent electoral process, Chinese Ambassador Wang Guangya said that “lightly using or threatening to use sanctions is not conducive to solving problems,”⁵⁹⁹ while Russian Ambassador Churkin asserted that “the draft resolution represents nothing but an attempt by the Council to interfere in the internal affairs of States, contrary to the [UN] Charter.”⁶⁰⁰
- Following the 11 March 2011 adoption of resolution 1973—which authorized a no fly zone in Libya to protect civilians and which resulted in 10 affirmative votes and abstentions by five members (including China, Russia, and elected members Brazil, Germany, and India)—Chinese Ambassador Li Baodong underscored that “the Security Council should follow the United Nations Charter and the norms governing international law, respect for sovereignty, independence, unity and territorial integrity of Libya and resolve the current crisis...through peaceful means,”⁶⁰¹ while Russian Ambassador Churkin expressed concerns that the resolution “could potentially open the door to large-scale military intervention,”⁶⁰² which approximates what occurred when NATO undertook an air campaign that contributed to the downfall of President Muamar Gaddafi.

⁵⁹⁸ Ibid., 6.

⁵⁹⁹ UN Security Council meeting record (S/PV.5933), 11 July 2008, 13.

⁶⁰⁰ Ibid., 9.

⁶⁰¹ UN Security Council meeting record (S/PV.6498), 17 March 2011, 10.

⁶⁰² Ibid., 8.

- In the early phases of the Syria conflict, China and Russia both maintained that the fighting was an internal matter and upheld the principles of sovereignty and non-intervention.⁶⁰³ As the conflict took on clear cross-border implications—with large-scale refugee flows out of Syria and several foreign states and terrorist groups playing a role in the fighting—arguments that the Syria crisis did not impact on international peace and security no longer had weight.⁶⁰⁴ While China has continued to emphasize the importance of negotiations to find a solution to the conflict,⁶⁰⁵ Russia has, according to Shaikh and Roberts, “shifted to a threefold argument in the Security Council: rejecting regime change by external force, denying any legitimacy to the opposition, and amplifying the threat of terrorism.”⁶⁰⁶

In recent years, while China and especially Russia have become more assertive, the United States has demonstrated an increased propensity to force controversial drafts to a vote. Depending on one’s view, this could be interpreted as the United States demonstrating less patience with careful diplomacy or, more charitably, as a greater unwillingness to compromise on principles and values. Why this change in approach has occurred is not clear, but there are some plausible explanations. First, geopolitical tensions have polluted the Council’s engagement on a wide-range of agenda items, even when core national interests are not at stake. Second, the issues addressed have been intractable and reaching agreement on them is difficult, given the philosophical differences among members on how to approach peace and security matters. Most

⁶⁰³ See, for example, UN Security Council meeting record (S/PV.6627), 4 October 2011, 3 and 5; and Security Council meeting record (S/PV.6810), 19 July 2012, 8 and 13.

⁶⁰⁴ Shaikh and Roberts, “Syria,” 731.

⁶⁰⁵ See, for example, UN Security Council meeting record (S/PV.7825), 12 May 2016, 8; and UN Security Council meeting record (S/PV.7893), 28 February 2017, 10.

⁶⁰⁶ Shaikh and Roberts, “Syria,” 731.

likely, a combination of both of these factors is at play.⁶⁰⁷ Whatever the case may be, there have been since 2015 a number of non-consensual resolutions on issues on which the United States is penholder; in fact, the United States was the penholder on 5 of the 9 non-consensual resolutions adopted in 2016. These five were on a wide-range of issues, including S/RES/2272 (11 March 2016) on UN peacekeeping; S/RES/2285 (29 April 2016) on the UN Mission for the Referendum in Western Sahara (MINURSO);⁶⁰⁸ S/RES/2304 (12 August 2016) on South Sudan; S/RES/2310 (23 September 2016) on nuclear non-proliferation; and S/RES/2333 (23 December 2016) on the UN Mission in Liberia.

The limited US willingness to compromise has been particularly noticeable on South Sudan, an issue on which it holds the pen. Since October 2015, three resolutions on the mandate of UN Mission in South Sudan (UNMISS) have been adopted without unanimous support,⁶⁰⁹ and one draft resolution in December 2016 seeking to impose an arms embargo and further targeted sanctions on South Sudanese spoilers did not receive the requisite number of votes to be adopted.⁶¹⁰ In general, these resolutions have faced criticism because they call for measures that some members—including China and Russia, among others—view as intruding too heavily on South Sudan’s sovereignty.

⁶⁰⁷ I thank my colleague, Dahlia Morched, Policy Analyst at Security Council Report, for this insight that both of these factors could be at play.

⁶⁰⁸ While the MINURSO draft resolution is produced by the Group of Friends of Western Sahara before circulation to the Council, the United States is a member of this Group and produces the initial draft to be discussed among its members.

⁶⁰⁹ UN Security Council resolution 2241, 9 October 2015, received 13 affirmative votes and two abstentions (Russia and Venezuela). UN Security Council resolution 2252, 15 December 2015, also received 13 affirmative votes and two abstentions (Russia and Venezuela). UN Security Council resolution 2304, 12 August 2016, received 11 affirmative votes and four abstentions (China, Egypt, Russia and Venezuela).

⁶¹⁰ UN Security Council document (S/2016/1085), 23 December 2016, received seven affirmative votes and eight abstentions. A draft resolution requires 9 or more affirmative votes to be adopted, absent a veto from one of the permanent members.

One consistent element of recent UNMISS resolutions has been the threat of targeted sanctions against spoilers to the faltering efforts to promote peace in the country. While several Council members supported these threats, some maintained that they risked undermining chances for peace by hardening the positions of the parties; the inclusion of these threats contributed to the decision by Russia and Venezuela to abstain on the 9 October and 15 December 2015 UNMISS resolutions.⁶¹¹ Resolution 2304 of 12 August 2016, which authorized a Regional Protection Force (RPF) to serve under the umbrella of the UNMISS, indicated that the Council would consider an arms embargo if the deployment of the RPF were obstructed or the operations of UNMISS in general continued to be impeded. Several members were concerned that the government was not properly consulted about the establishment of the force and were opposed to possible implementation of an arms embargo on South Sudan.⁶¹² In large part for these reasons, China, Egypt, Russia, and Venezuela abstained on the resolution.

Perhaps the most controversial effort in 2016 on South Sudan in the Council was the US decision in December to force to a vote a draft resolution imposing an arms embargo on South Sudan and targeted sanctions on high-level figures in the country. The vote was doomed to failure, as it was clear that the United States did not have the nine votes needed for adoption. It pushed the resolution to a vote anyhow, perhaps from a sense of moral obligation, the need to show that at least it tried to do “something” in the face of the ongoing commission of atrocities, even if the proposed “something” was rejected by the Council. As US Ambassador Samantha Power said in her explanation of vote: “At a certain point, drifting along and internalizing the constraints imposed by those Council members who do not want to take action in the face of the

⁶¹¹ See UN Security Council meeting record (S/PV.7532), 9 October 2015; and UN Security Council meeting record (S/PV.7581), 15 December 2015, for explanations of vote on these two resolutions, which demonstrate concern by Russia and Venezuela about the threat of sanctions.

⁶¹² Security Council Report, “Vote on Resolution Strengthening UN Mission in South Sudan Mandate,” *What’s In Blue*, 12 August 2016.

violence, that is not option. We learned that from Rwanda, Srebrenica and chapters past.”⁶¹³ The supreme irony was that the United States—unlike France, the United Kingdom, and others—had been opposed to an arms embargo until the latter half of 2016, and that in Rwanda especially, the United States in 1994 had joined all the other permanent members, who did “not want to take action in the face of the violence.”⁶¹⁴

There were a number of other elements of South Sudan resolutions in late 2015 and in 2016 that were controversial and that were incorporated into drafts produced by United States in spite of the opposition of some Council members. Russia and Venezuela, in particular, objected to references in the resolutions to unarmed aerial vehicles (UAVs).⁶¹⁵ The Department of Peacekeeping Operations advocated for this technology to be used by the mission to enhance its situational awareness and early warning capabilities—a view supported by the P3 and some other members—but Russia and Venezuela maintained that their deployment would violate the sovereignty of South Sudan, considering that the government disapproved on their potential use.⁶¹⁶ Furthermore, although language on accountability was diluted in the October 2015 resolution to accommodate Angola, Russia, and Venezuela, references to the Council’s role in assessing efforts to set up the Hybrid Court for South Sudan, envisioned in the August 2015 South Sudan peace agreement, remained problematic to them.⁶¹⁷ In its explanations of vote on both resolutions 2241(October 2015) and 2252 (December 2015) Russia argued that under the

⁶¹³ UN Security Council meeting record (S/PV.7850), 23 December 2016, 4.

⁶¹⁴ *Ibid.*, 4.

⁶¹⁵ See Security Council Report, “Council to Vote on Draft Resolution on South Sudan,” *What’s In Blue*, 8 October 2015, <http://www.whatsinblue.org/2015/10/council-to-vote-on-resolution-on-south-sudan.php>; and Security Council Report, “Council to Vote on a Resolution on UN Mission in South Sudan,” *What’s In Blue*, 14 December 2015, <http://www.whatsinblue.org/2015/12/council-to-vote-on-a-resolution-on-un-mission-in-south-sudan.php>.

⁶¹⁶ *Ibid.*

⁶¹⁷ *Ibid.*

peace agreement, the court was under the auspices of the African Union, implying that the UN should not encroach on its efforts.⁶¹⁸

Thus, on South Sudan—as on other issues in recent years—the United States has decided to forfeit the unity of the Council in exchange for pursuing what it believes are stronger resolutions or resolutions more in keeping with its interests. Such principled efforts are understandable, and sometimes it is impossible to achieve unity when there are strongly contrasting views on complex issues. However, an argument could be made that political leverage is limited without a unified Council. For a penholder, trying to ensure that a resolution is meaningful (and not weakened by unwise concessions) while also securing the unity of the Council can be a difficult balancing act.

Conclusion

This chapter has explored Council decision-making and dynamics in the post-Cold War era. It maintained that the drafting and negotiating of resolutions (as well as other outcomes) has been dominated by the permanent members, particularly the P3, given the importance of the Council to their foreign policies. It argued that they have often made considerable efforts to promote consensus, a goal that is shared by all members. It posited that there are four primary reasons why a high percentage of unanimous resolutions are adopted: the legitimacy of unanimity; the importance of good stewardship for penholders; the perceived impact of a unified Council; and the fear of isolation. The chapter further described key instances in which the P3 have disagreed and the efforts that were made to avoid vetoes. Finally, it described the current deterioration of

⁶¹⁸ UN Security Council meeting record (S/PV.7532), 9 October 2015, 2; and UN Security Council meeting record (S/PV.7581), 15 December 2015, 2.

relations among the permanent members (particularly between the P3 and China and Russia), what underlies these differences, and how they have impacted voting patterns.

Although normative factors play a significant part in the Council's work, it is important to note that rational calculations and power politics ultimately determine how this body functions. While penholders seek the enhanced legitimacy of a unanimously adopted resolution, the legitimacy afforded to such resolutions is often undergirded by instrumental concerns, most notably the view that a unanimous resolution is more likely to have the support of the wider membership and to be adhered to by the subject party or parties. Even the notion that penholders like to be viewed as good stewards of the Council's work has an instrumental value for members such as France and the United Kingdom, if not for the United States, because they need to demonstrate that they warrant a permanent seat at the horseshoe table; since their political and military heft is not the same as the other P5, they try to compensate with their competence and effectiveness. Although the unity of the Council is perceived as important, that unity will fracture once big power tensions become too strong, no matter how much effort is made to compromise. While not using the veto is preferable, it will inevitably be used, especially by China, Russia and the United States, when core strategic interests are at stake. Furthermore, the penholder system, which is the product of P3 efforts, is symptomatic of the permanent members' efforts to consolidate their control of the Council. As the next chapter attempts to demonstrate, the elected members are not always passive in accepting the domination of the permanent members, and they often play an important role in the Council's work. Nonetheless, the permanent members run the show.

V: The elected members and efforts to build consensus

At the conclusion of the workshop that the government of Finland hosts every November for incoming elected members of the Security Council, there is a session in which the outgoing elected members share reflections of their time on the Council and impart their knowledge to the incoming members about to embark on two years of intense diplomatic engagement on the world body's peace and security organ. One theme emphasized over the years has been the role that elected members can play in building bridges among their fellow members, especially the permanent ones, whose support, or at the very least acquiescence, is needed to for them to contribute effectively to the Council's work. Such thinking is captured by observations made by departing members such as: "When the permanent members are divided, there may be opportunities to claim some middle ground. Look for them."⁶¹⁹ Or "Do not undermine any of the 15 members. At one point or another, you will need each of them. The Council works best when everyone tries to work together. Consensus is the preferred option."⁶²⁰

The point of highlighting these observations is to demonstrate that one of the key reasons why the Council has been able to achieve greater voting unity in the post-Cold War period, in spite of persistent differences among its members on specific issues, is because the mindset of the elected members about the function of this organ has changed in addition to that of the permanent members. The role of the elected members has frequently been downplayed because of the institutional obstacles that they encounter and the power disparities between them and the permanent members, but many elected members strive to compensate for their status as "less

⁶¹⁹ *Letter dated 30 May 2017 from the Permanent Representative of Finland to the United Nations addressed to the President of the Security Council* (UN Security Council document S/2017/468), 1 June 2017, 26.

⁶²⁰ *Letter dated 26 May 2016 from the Permanent Representative of Finland to the United Nations addressed to the President of the Security Council* (UN Security Council document S/2016/506), 2 June 2016, 34.

than equal citizens” by making the most of their two year terms. In many instances, genuine efforts have been made by elected members, either acting alone or in unison with others, to unify the organ’s membership around initiatives they believe will promote international peace and security. The E10 often divided the Council in the Cold War era, as reflected by the agenda forcefully pushed by Non-aligned Movement (NAM); in more recent years, although there are cases in which elected members have challenged the unity of the Council out of principle or to pursue national interests, the elected members have frequently tried to use their limited influence to unify the Council, notwithstanding their varied policy perspectives.

This chapter has two key sections, before some brief concluding observations. The first section is on the waning influence of the NAM in the post-Cold War era, which has led to a less divided Council. It maintains that in recent decades there has been no cohesive, ideologically-driven bloc of elected members in the Council that will push the agenda in ways that consistently lead to vetoes and more generally fracture the voting unity of the organ, as had been the case with the NAM in the Cold War era. In fact, as the second, longer section argues, despite the significant variation in priorities and world views among the elected members, they frequently strive to strike agreements with all members, but most notably with the veto-wielding permanent ones, in order to help produce constructive outcomes in accordance with Council’s mandate to promote international peace and security. Three small cases studies are presented in an effort to demonstrate this point with respect to how particular elected members have addressed issues including: 1.) humanitarian access in Syria; 2.) the protection of health care workers and facilities in armed conflict; and 3.) the UN’s sanctions work.

Divided we stand: the elected membership in the post-Cold War era

In the Cold War, the Non-aligned Movement represented a cohesive and influential political force in the Council, its members confidently asserting their positions and tabling controversial draft resolutions, often out of a sense of principle, even if the result was a veto. As demonstrated in Chapter III, a large number of the vetoes cast in the Cold War period were on draft resolutions proposed by NAM members.

This dynamic had changed by the early post-Cold War period. The ideological zeal that fueled the non-aligned movement had weakened. Many of the issues that drove its anti-colonial, anti-apartheid agenda—and which had occupied the Security Council’s attention—had largely been sorted out. Southern Rhodesia became the independent state of Zimbabwe in 1980; Namibia gained its independence in 1990; and the death of apartheid in South Africa led to the election in 1994 of Nelson Mandela, who had once been the country’s most famous political prisoner. Furthermore, while the movement had leaned considerably more closely to the Soviet Union than the United States, the question of “non-alignment” lost its meaning with the fall of one of the two superpowers. In the bi-polar international system of the Cold War, “Third World nations generally benefited by playing...[the United States and the Soviets] off against the other.”⁶²¹ This was no longer the case.

In the early 1990s, the permanent members sometimes referred to the elected members as the non-aligned and the non-non-aligned members.⁶²² This categorization, in and of itself,

⁶²¹ Daniel Patrick Moynihan with Suzanne Weaver, *A Dangerous Place* (Boston: Little, Brown and Company, 1978), 118. In this quote, Moynihan was referring to the views of Zbigniew Brzezinski. He adds that, according to Brzezinski, the playing of the two superpowers “off against the other” by the Third World had been replaced by a situation in which “the dominant struggle in the world was between the West and the Third World, with the Soviets the principle beneficiaries.”

⁶²² UN diplomat, interviewed by the author, New York, 1 November 2016.

suggests that the NAM were still considered an important grouping in the Council, and at times, they would (and still do) band together to advocate common positions. Their effort, albeit a failed one, to push through a resolution removing the arms embargo on Bosnia-Herzegovina in June 1993 was an example of this.⁶²³ Among the elected members in the Council at the time, the NAM members included Cade Verde, Djibouti, Morocco, Pakistan, and Venezuela, while the “non-non-aligned” members consisted of Brazil, Hungary, Japan, New Zealand, and Spain. A more recent example is the broader NAM caucuses’ response to the public briefing in the Council specifically on human rights on 18 April 2017; on the same day as the briefing, the Coordinating Bureau of the NAM released a communiqué that “reject[ed] the on-going practice of the Security Council of dealing with human rights issues in pursuit of certain states’ political objectives,”⁶²⁴ a pronouncement perhaps most directly aimed at the United States, which initiated the briefing as a highlight of its April 2017 presidency of the Council.

However, notwithstanding such examples, the NAM does not have the same political influence or cohesion in the Council as it had in the Cold War. While the NAM tries to coordinate its positions, its 120 members are essentially an aggregation of developing countries whose members have different views on a number of issues.⁶²⁵ For example, Council members such as Guatemala (2013-2014) and Chile (2014-2015) were less inclined to support the traditional, ultra-sovereignty views of their NAM counterparts Angola (2015-2016), Venezuela (2015-2016), and Bolivia (2017-present), on peace and security issues during their Council tenures. In recent years, one issue of considerable division among NAM Council members has been Western Sahara; in 2016, for example, there were two NAM elected members that were

⁶²³ UN Security Council document (S/25997), 29 June 1993.

⁶²⁴ Communiqué of the Coordinating Bureau of the Non-Aligned Movement, NAM 2017/CoB/128 (18 April 2017).

⁶²⁵ Venezuelan diplomat, interviewed by the author, New York, 18 January 2017.

generally supportive of Morocco's position (Egypt and Senegal) and three that were more sympathetic of the Polisario Front (Angola, Malaysia, and Venezuela).

The propensity of the NAM caucus in the Council—or for that matter, any elected member or bloc of elected members—to propose draft resolutions out of principle that have a high-risk of failure is by and large a distant memory. The pattern since the mid-2000s of the Palestinian Authority producing drafts regarding the Israeli occupation, getting buy in from the Arab Group for the draft, and then having the Arab member of the Council table the draft even though failure is a distinct possibility (either through a veto or insufficient votes) is arguably the closest example. However, even this pattern is a departure from what the NAM often did during the Cold War. Such drafts are voted upon infrequently in comparison with the Cold War, extended periods of intense negotiations are the norm, and there is at times the hope, if not always the expectation, of an adoption. The veto forced on the United States in December 2017 for its decision to recognize Jerusalem as the capital of Israel was quite rare by current standards, but something that would have been more common in the Cold War.

The fragmentation of the NAM is representative of the broader fragmentation among the elected membership as a whole. In a multi-polar world, the variation of views of the E10 is only natural since the elected membership is drawn from an even large grouping of states than the NAM. Although some UN member states have not served on the Council and some have served multiple times, the E10 is drawn from the entire membership of the world body with the exception of the five permanent members—that is, 188 member states. Therefore, these member states come from all the regional groupings—Africa, Asia-Pacific, Eastern Europe, Latin

American and Caribbean, and Western Europe and Others Group (WEOG)⁶²⁶—and include countries that vary greatly in terms of military power, economic strength, political influence and population size.

One must be careful about making broad generalizations about the behavior of the elected membership as a whole, or even about the policy positions of members within distinct regional groupings. The WEOG members are perhaps the most consistent in their policy views of all the regional groups, its members often promoting the integration of human rights issues into the Council's work and frequently willing to espouse measures such as sanctions or international legal prosecution. However, even among WEOG members, there are some variations in policy. For example, during its 2009-2010 Council tenure, WEOG member Turkey⁶²⁷ parted ways with its WEOG colleagues on several votes. In June 2009, when the Council voted to strengthen sanctions on Iran because of its continuing pursuit of nuclear weapons, Turkey voted against the resolution along with fellow Council member Brazil.⁶²⁸ Both of these members believed that a fuel exchange agreement they were negotiating with Iran needed more time to produce results before the Council pursued additional sanctions.⁶²⁹ While a *sui generis* issue, Turkey also differed from the rest of the Council by voting against four resolutions⁶³⁰ renewing the UN

⁶²⁶ See UN website, Department for General Assembly and Conference Management, "United Nations Regional Groups of Member States," available at <http://www.un.org/depts/DGACM/RegionalGroups.shtml>. The "Others" include the CANZ countries (Canada, Australia and New Zealand) as well as Israel. The United States is a WEOG observer and participates in WEOG in elections, but it is not a member of the Group.

⁶²⁷ See UN website, Department for General Assembly and Conference Management, "United Nations Regional Groups of Member States," available at <http://www.un.org/depts/DGACM/RegionalGroups.shtml>. According to the UN website, Turkey is a special case in that it "participates fully in both WEOG and Asian Group [sic], but for electoral purposes is considered a member of WEOG only."

⁶²⁸ See UN Security Council resolution 1929, 9 June 2010, adopted with 12 affirmative votes, 2 negative votes (Brazil and Turkey), and one abstention (Lebanon).

⁶²⁹ UN Security Council meeting record (S/PV.6335), 9 June 2010, statements by Brazil and Turkey, 2-4.

⁶³⁰ These were UN Security Council resolution 1874, 29 May 2009; UN Security Council resolution 1898, 14 December 2009; UN Security Council resolution 1930, 15 June 2010; and UN Security Council resolution 1953, 14 December 2010.

Peacekeeping Force in Cyprus (UNFICYP) because of its view that the Council failed to account for the lack of Turkish Cypriot participation in the government of Cyprus.⁶³¹

Indeed, in recent years, on political charged issues such as Burundi, South Sudan and Western Sahara, the divisions among the elected members have been as stark as they have been among the permanent members. Alignments with and political pressure from different members of the P5 tend to further fragment the elected members.⁶³² With the exception of Israel/Palestine, even when one or more of the elected members are able to unite most of the Council in support of a controversial draft resolution, they are generally unwilling to put such a draft to a vote if it were to force a veto, just to make a political point.

Indeed, it is striking that elected members vote together so frequently—and even at times, attempt to unify the Council—when they themselves are divided on so many issues. The reasons why all members strive for a united Council was highlighted in Chapter IV, but as the next section attempts to demonstrate, there are times when the elected members in particular are uniquely positioned to unite the Council around mutually acceptable outcomes. On occasion, they have demonstrated the ability in recent years to be the responsible adults in the room when the permanent members are compromised by their strategic interests and resort to political grandstanding rather than engaging in constructive problem-solving.

⁶³¹ See UN Security Council meeting records: S/PV.6132 (29 May 2009), S/PV.6239 (14 December 2009), S/PV.6339 (15 June 2010), and S/PV.6445 (14 December 2010) for Turkey’s explanations of votes on resolutions renewing the mandate of UNFICYP. See also Security Council Report, “Update Report No. 2: Cyprus,” 19 May 2009, http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Update%20Report%2019%20May_Cyprus.pdf.

⁶³² E10 diplomat, interviewed by the author, New York, 17 July 2017.

The elected members: making their mark?

The opportunity to spend two years on the Council as an elected member is desired for several reasons. Often cited is the prestige value of serving with major powers on the organ responsible for the maintenance of international peace and security.⁶³³ Just being in the arena of big power politics is a perceived benefit to some members. Furthermore, states that have a particular national interest in one or more country issues on the agenda are motivated to serve in order to have a role in decisions affecting such issues.⁶³⁴ Finally, a number of elected members believe that multilateralism is the cornerstone of a peaceful international order and that all member states have a responsibility to strive for a principled, “rules-based” international system.⁶³⁵ This is a point that is often downplayed because of the circumscribed power they have to influence the organ’s deliberations, as they do not have the veto privilege and as they generally have difficulty matching the institutional memory and staffing capacity of the permanent members. But elected members coming onto the Council frequently express a desire to make a positive impact on the international peace and security environment. Of course, any combination of these different factors may motivate countries to pursue Council membership.

Unfortunately, several member states have strategic or political interests on certain issues that prevent them from playing a constructive role, or that make them less than objective arbiters, when they get on the Council. Big power interests are frequently accused of polluting the organ’s work, but elected members also have strong political interests that can undermine the Council’s work. Rwanda’s participation as an elected member in 1994 while it was committing genocide

⁶³³ Former E10 diplomat, interviewed by the author, New York, 9 June 2017; and Ian Hurd, *After Anarchy: Legitimacy and Power in the United States Security Council* (Princeton: Princeton University Press, 2007), 121-123.

⁶³⁴ Former E10 diplomat, interviewed by the author, New York, 9 June 2017.

⁶³⁵ Former E10 diplomat, interviewed by the author, New York, 16 June 2017.

against its own people, erecting “significant obstacles to Council action during the time of crisis,”⁶³⁶ is perhaps the most egregious example of the deleterious impact that a member can have, especially when it is a party to a dispute.

However, elected members by and large do not have the same large variety and depth of strategic and political interests as the permanent members. One E10 diplomat has said that positions of the elected members are usually “milder,”⁶³⁷ while this observation may not be true of elected members with specific “intimacy issues”⁶³⁸—e.g. Turkey on Cyprus in 2009-2010 or Morocco on Western Sahara in 2013-2014—it is a fair generalization of the elected membership as a whole with regard to the broad panoply of issues with which the Council deals. In many instances, this can give the E10 the flexibility needed to compromise in a negotiation. Furthermore, in spite of the policy differences among the elected members, they are generally unified on the need to improve the working methods of the Council, as they frequently chafe at the permanent members’ domination of the Council’s work. Especially on issues in which the permanent members are at loggerheads or are politically compromised, the elected members can be viewed as more neutral parties and play a bridging role among the permanent members. Indeed, “modest sized delegation can serve as inconspicuous brokers on issues in which they do not have a strong national interest and can often facilitate progress by providing important ideas.”⁶³⁹ Since the permanent members so jealously guard their privileges as penholders on so many issues, when the elected members do take the initiative, they often work hard to make their mark by building widespread support for resolutions they pursue. The permanent members work

⁶³⁶ Colin Keating, “Rwanda: An Insider’s Account,” in *The Security Council: From Cold War to the 21st Century* ed. David M. Malone (Boulder, Colo.: Lynne Rienner Publishers, 2004), 503.

⁶³⁷ E10 diplomat, interviewed by the author, New York, 10 November 2017.

⁶³⁸ This is a term used by a UN insider to describe the relationship of elected members with key issues of national interest that are reflected by their behavior on the Council.

⁶³⁹ Paul Romita, Naureen Chowdhury Fink, and Till Papenfuss, “What Impact? The E10 and the 2011 Security Council,” *International Peace Institute* (March 2011), 3.

at times to circumscribe the initiative of the elected members. Nonetheless, in spite of the fact that the P3 dominate the drafting on most issues, there are several examples of elected members taking the pen and working hard over long periods of time, sometimes lasting several months, in an effort to garner the support of their fellow members, especially the veto-wielding permanent members, and to achieve unanimous adoptions on the resolutions they steward.

Below are three notable examples from recent years: the Syrian humanitarian initiative led by Australia, Luxembourg and Jordan in 2013-2014; the protection of health care in armed conflict resolution⁶⁴⁰ led by Egypt, Japan, New Zealand, Spain, and Uruguay in 2016; and the Australian effort in 2014, albeit an ultimately an unsuccessful one, to adopt a resolution focused broadly on sanctions. I have chosen to focus on these more recent examples because it has enabled me to garner granular detail on negotiations from diplomats and other sources with close proximity to the recent events. With the passage of time, memories fade and it is difficult to capture in intimate detail the various aspects of negotiations. Additionally, I have relied heavily in this chapter on the analysis of the not-for-profit organization Security Council Report, which is the one organization that consistently provides in-depth coverage of negotiations on Council outcomes through its *What's in Blue* site. This service was not available prior to 2011, making it harder to access the specific details of behind the scenes deliberations on draft resolutions and presidential statements before that year.

Syria Humanitarian Initiative (2013-2014)

One of the more notable initiatives spearheaded by the elected members has been the Security Council's engagement on the humanitarian crisis in Syria. Over the years, the Council's

⁶⁴⁰ UN Security Council resolution 2286, 3 May 2016.

treatment of Syria has been divided into three separate areas: political matters, chemical weapons, and humanitarian issues. Permanent members have taken the lead on the political and chemical weapons tracks. In 2013-2014, three elected members (Australia and Luxembourg, joined by Jordan in 2014) made a determined effort to rally the Council around several outcomes addressing the humanitarian crisis in Syria, in the face of significant resistance from China and Russia. Referring to Australia and Luxembourg in particular, one UN official has noted that they were “not naïve about the difficulties” they would face, which buoyed them and gave them the “staying power” they would need to achieve constructive outcomes.⁶⁴¹

The origin of the elected members’ leadership of the humanitarian track can be traced to 18 April 2013.⁶⁴² On that day, several high-level UN officials briefed the Council on the humanitarian and human rights situation in the country: Under Secretary-General for Humanitarian Affairs Valerie Amos, High Commissioner for Refugees António Guterres, Special Representative of the Secretary-General on Sexual Violence in Conflict Zainab Hawa Bangura, and Special Representative of the Secretary-General for Children and Armed Conflict Leila Zerrougui.⁶⁴³ The Council retreated to closed consultations after the briefings, which one E10 diplomat described as particularly disturbing and graphic in terms of the abuses detailed.⁶⁴⁴ Following the meeting, Ambassador Eugène-Richard Gasana of Rwanda, Council president that month, came out to the stakeout outside the consultations room and read press elements (or “elements to the press,” as they are often called). Australia was a key force behind the decision to produce the elements to the press.⁶⁴⁵

⁶⁴¹ UN Department of Political Affairs official, interviewed by the author, New York, 4 August 2017.

⁶⁴² Former E10 diplomat, interviewed by the author, New York, 16 June 2017.

⁶⁴³ UN Security Council meeting record (S/PV.6949), 18 April 2013.

⁶⁴⁴ Former E10 diplomat, interviewed by the author, New York, 21 August 2017.

⁶⁴⁵ Former E10 diplomat, interviewed by the author, New York, 16 June 2017.

Press elements are the weakest pronouncement Council members can make; unlike resolutions and presidential statements, they are not even considered formal documents of the Security Council. However, since they have limited clout and no legal standing, members generally do not have to consult with their capitals on the substance of these documents, so it is frequently possible to agree on them quickly, and since all members must agree them, they are at least in theory a reflection of the will of all members. Nonetheless, even negotiations on these elements were not easy, demonstrating the depth of the division.⁶⁴⁶ One former E10 diplomat has noted that while this was a very small step, at least the members were not mute, as the Council had not produced an outcome on Syria in several months.⁶⁴⁷

Some of the language in the press elements foreshadowed language that would ultimately find its way into Council outcomes on Syria humanitarian issues. Members “urged all parties to ensure safe and unimpeded access for aid organisations to those in need in all areas of Syria.”⁶⁴⁸ They “deplored the obstacles to the provision of humanitarian assistance and underlined the urgent need to remove such obstacles...”⁶⁴⁹ And they “underlined the need to facilitate the provision of humanitarian assistance through the most effective ways, including where appropriate across borders in accordance with guiding principles of humanitarian assistance...”⁶⁵⁰

By June 2013, Australia and Luxembourg had started working on a draft resolution focused on ways to improve humanitarian access in Syria.⁶⁵¹ They were hopeful that as elected members taking the lead on this initiative, they could reduce some of the tensions on Syria

⁶⁴⁶ Former E10 diplomat, interviewed by the author, New York, 21 August 2017.

⁶⁴⁷ Ibid.

⁶⁴⁸ Ambassador Eugène-Richard Gasana of Rwanda, press elements read out at the media stakeout, 18 April 2013.

⁶⁴⁹ Ibid.

⁶⁵⁰ Ibid.

⁶⁵¹ Former E10 diplomat, interviewed by the author, New York, 16 June 2017.

generated by divisions among the permanent members.⁶⁵² Over the ensuing weeks, they held in depth negotiations on the substance of the text with the permanent members, and they were making progress in these negotiations.⁶⁵³ However, this momentum was delayed following the 21 August 2013 chemical weapons attacks in Ghouta, Syria, which “killed hundreds of civilians, including large numbers of children.”⁶⁵⁴ On 20 August 2012, US President Barack Obama had issued his famous warning that the use of chemical weapons in Syria would be “a red-line,” which “would change my calculations significantly.”⁶⁵⁵ The magnitude of these attacks and the fact that Obama had a year earlier issued this ultimatum heightened international tensions over Syria, including between the United States and Russia, and generated expectations that United States, as well as France, might respond with military force against the Assad regime.⁶⁵⁶

The Council’s bandwidth on Syria was taken up by the immediate crisis at hand—namely addressing the Ghouta attack and calming political tensions—and the space to continue discussions on Syria humanitarian matters was not readily available. The humanitarian initiative spearheaded by Australia and Luxembourg would temporarily be put on hold, and the focus shifted to the use of chemical weapons in Syria. A UK effort in late August 2013 to introduce a draft resolution that would have “condemn[ed] the alleged chemical weapons attack on rebel-held areas in Syria...and [sought] Council authorisation for ‘all necessary means’ under Chapter

⁶⁵² Former E10 diplomat, interviewed by the author, New York, 21 August 2017.

⁶⁵³ Former E10 diplomat, interviewed by the author, New York, 16 June 2017.

⁶⁵⁴ Human Rights Watch, “Attacks on Ghouta: Analysis of Alleged Use of Chemical Weapons in Syria,” *Human Rights Watch*, 10 September 2013, <https://www.hrw.org/report/2013/09/10/attacks-ghouta/analysis-alleged-use-chemical-weapons-syria>.

⁶⁵⁵ US President Barack Obama, “Remarks by the President to the White House Press Corps,” James S. Brady Press Briefing Room, Washington, DC, 20 August 2013, <https://obamawhitehouse.archives.gov/the-press-office/2012/08/20/remarks-president-white-house-press-corps>.

⁶⁵⁶ Vivienne Walt, “France’s Case for Military Action in Syria,” *Time*, 31 August 2013, <http://world.time.com/2013/08/31/frances-case-for-military-action-in-syria/>. Walt recalls that the UK parliament failed to support military action against the Syrian government.

VII...to protect Syrian civilians from chemical weapons”⁶⁵⁷ stalled and failed to gain momentum amidst Chinese and Russian objections.⁶⁵⁸

In the following weeks, the Council became largely a spectator to the real action on the chemical weapons issue, with Russia-US bilateral diplomacy taking center stage. On 9 September 2013, Russia proposed that Syria do away with its chemical weapons under international supervision, a clever diplomatic maneuver that contributed to an easing of tensions with the United States. This proposal became the basis of resolution 2118 of 27 September 2013, through which the Council decided that Syria would terminate its chemical weapons program with the UN with the Organisation for the Prohibition of Chemical Weapons playing a key role in the process and endorsed the (ultimately unsuccessful) 30 June 2012 Geneva Communiqué, which “called for the establishment of a transitional governing body”⁶⁵⁹ in Syria. The resolution was negotiated in Geneva and New York by the United States and Russia, including involvement from Russian Foreign Minister Sergei Lavrov and US Secretary of State John Kerry.⁶⁶⁰ The other members were left to endorse the agreement that had been struck by these two big powers.⁶⁶¹

After the adoption of resolution 2118, the focus shifted back to the humanitarian situation in Syria. However, Australia and Luxembourg decided to pursue a presidential statement rather than a resolution. While still a formal outcome of the Council, a presidential statement has less political weight than a resolution, although it needs the support of all 15 members to be adopted. Some of the permanent members encouraged Australia and Luxembourg to pursue “a more

⁶⁵⁷ Security Council Report, “Syria Draft Resolution,” *What’s In Blue*, 28 August 2013, <http://www.whatsinblue.org/2013/08/syria-draft-resolution.php>.

⁶⁵⁸ Ibid.

⁶⁵⁹ UN Security Council resolution 2118, 27 September 2013.

⁶⁶⁰ Former E10 diplomat, interviewed by the author, New York, 24 August 2017; and Security Council Report, “Syria: From Stalemate to Compromise,” *What’s In Blue*, 27 September 2013, <http://www.whatsinblue.org/2013/09/syria-adoption-of-a-chemical-weapons-resolution.php>.

⁶⁶¹ Ibid.

gradual approach.”⁶⁶² The strategy to forgo the pursuit of a resolution was based on apparent P3 concerns, already expressed to Australia and Luxembourg in August 2013, that a draft resolution risked being vetoed,⁶⁶³ and could have polluted the political process being pursued in Geneva.⁶⁶⁴

The negotiations on the draft presidential statement were not difficult. This text was perceived by members as being measured.⁶⁶⁵ Australia and Luxembourg had already conducted negotiations in July and August with the permanent members,⁶⁶⁶ hammering out some of the more difficult elements of the text, which was at the time envisioned as a possible resolution but which ultimately came to birth as a presidential statement. Adopted on 2 October 2013, the presidential statement was the first formal Council outcome on the humanitarian track.⁶⁶⁷ In the statement, the Council urged that the government of Syria to remove bureaucratic obstacles and other impediments to humanitarian operations and urged all parties to “take all appropriate steps to ensure the safety and security of United Nations personnel...and all other personnel engaged in humanitarian relief activities.”⁶⁶⁸

By January 2014, Australia and Luxembourg—joined by new Council member Jordan—had reengaged with the P3 in a renewed effort to negotiate a resolution addressing the humanitarian crisis in Syria. Jordan’s inclusion as a third penholder made sense as a neighboring country directly impacted by the fighting in Syria.⁶⁶⁹ Apparently eager to play more of a leadership role, the United Kingdom suggested that it assume the role of co-penholder with

⁶⁶² Former E10 diplomat, interviewed by the author, New York, 16 June 2017.

⁶⁶³ Former E10 diplomat, interviewed by the author, New York, 21 August 2017.

⁶⁶⁴ Security Council Report, “Syria: Addressing the Humanitarian Crisis,” *What’s In Blue*, 2 October 2013, <http://www.whatsinblue.org/2013/10/syria-addressing-the-humanitarian-crisis.php>.

⁶⁶⁵ Ibid.

⁶⁶⁶ Ibid.

⁶⁶⁷ UN Security Council presidential statement (S/PRST/2013/15), 2 October 2013.

⁶⁶⁸ Ibid.

⁶⁶⁹ Former E10 diplomat, interviewed by the author, New York, 16 June 2017.

Jordan, which would have meant wresting the pen away from Australia and Luxembourg.⁶⁷⁰ Australia and Luxembourg tactfully rebuffed the effort.⁶⁷¹ How serious the United Kingdom was about seizing the pen is not entirely clear. Although the United Kingdom has traditionally taken pride in drafting outcomes, it was not a penholder on Syrian issues.⁶⁷² One diplomat close to the negotiations has suggested that United Kingdom may have restrained its more assertive instincts because it had confidence that the penholders would manage the process effectively.⁶⁷³ The fact that the penholders worked closely with the United Kingdom—as well as the other permanent members—throughout the negotiations likely encouraged this perspective.⁶⁷⁴

A key challenge was producing a text that could secure the support of all the permanent members, particularly China and Russia, but that still maintained strong language critical of the government and contained meaningful references to measures of accountability for the violence.⁶⁷⁵ Finding the right balance proved to be a difficult endeavor. After the three penholders negotiated the text with the P3, they circulated it on 6 February 2014 to China and Russia,⁶⁷⁶ whose initial reactions were not favorable.⁶⁷⁷ China expressed concern that pursuing the initiative could disrupt the Geneva negotiations, while Russia maintained that the members should instead be pursuing a counter-terrorism resolution with regard to Syria.⁶⁷⁸ The draft had gone some way in trying to anticipate and address such potential concerns: for example, terrorism was referenced in operational paragraphs; violence by all parties, not just by the

⁶⁷⁰ Ibid.

⁶⁷¹ Ibid.

⁶⁷² Former E10 diplomat, interviewed by the author, New York, 24 August 2017.

⁶⁷³ Former E10 diplomat, interviewed by the author, New York, 21 August 2017.

⁶⁷⁴ Former E10 diplomat, interviewed by the author, New York, 21 August 2017.

⁶⁷⁵ Former E10 diplomat, interviewed by the author, New York, 16 June 2017.

⁶⁷⁶ Security Council Report, “Draft Humanitarian Resolution on Syria and Briefing by Humanitarian Chief,” *What’s In Blue*, 11 February 2014, <http://www.whatsinblue.org/2014/02/draft-humanitarian-resolution-on-syria-and-briefing-by-humanitarian-chief.php>.

⁶⁷⁷ Ibid.

⁶⁷⁸ Former E10 diplomat, interviewed by the author, New York, 25 August 2017; and Security Council Report, “Draft Humanitarian Resolution on Syria and Briefing by Humanitarian Chief.”

government, was denounced; and there was language backing the political process in Geneva.⁶⁷⁹ However, the draft did not go far enough to get Chinese and especially Russian support, and further concessions would need to be made.

Two weeks of vigorous negotiations of the full Council ensued before the unanimous adoption of resolution 2139 on 22 February 2014.⁶⁸⁰ It is not by coincidence that the adoption was scheduled during the Sochi Olympics,⁶⁸¹ which closed on 23 February. This was a way of raising the stakes on Russia, which was less likely to risk international opprobrium by casting a veto on a Syria humanitarian resolution while it was basking in the glow of hosting the Winter Olympics.⁶⁸²

The final text resulting from the negotiations demanded that “all parties immediately cease all attack attacks against civilians”⁶⁸³ and that “all parties, in particular the Syrian authorities, fully implement the provisions of the 2 October Statement by the President of the Security Council...”.⁶⁸⁴ It further demanded that “all parties, in particular the Syrian authorities, promptly allow rapid, safe and unhindered humanitarian access for United Nations humanitarian agencies and their implementing partners, including across conflict lines and across borders, in order to ensure that humanitarian assistance reaches people in need through the most direct routes.”⁶⁸⁵ One of the more notable features of the resolution was that it established a monthly

⁶⁷⁹ Ibid.

⁶⁸⁰ Security Council Report, “Possible Vote on Syria Draft Resolution,” *What’s In Blue*, 20 February 2014, <http://www.whatsinblue.org/2014/02/possible-vote-on-syria-draft-humanitarian-resolutiontomorrow.php>.

⁶⁸¹ Former E10 diplomat, interviewed by the author, New York, 24 August 2017.

⁶⁸² Ibid.

⁶⁸³ UN Security Council resolution 2139, 22 February 2014.

⁶⁸⁴ Ibid.

⁶⁸⁵ Ibid.

reporting requirement regarding the resolution's implementation,⁶⁸⁶ which was still in effect as of December 2017.

This final product was significantly different from the initial draft proposed by the penholders.⁶⁸⁷ A number of revisions had to be made to get all the permanent members, especially Russia, on board. Resolution 2139 “stresse[d] the need to end impunity for violations of international humanitarian law and violations of abuses of human rights” and “reaffirme[d] that those who have committed or are otherwise responsible for such violations and abuses in Syria must be brought to justice.”⁶⁸⁸ However, a clear reference to the International Criminal Court (ICC), which had been included in an earlier draft of the resolution, was omitted as it had discomfited Russia, Rwanda, and the United States in particular⁶⁸⁹—none of which are state parties to the ICC’s Rome Statute.

Furthermore, the Council merely “expresse[d] its intent to take further steps in the case of non-compliance with the resolution,”⁶⁹⁰ rather than threatening to impose article 41 measures (usually a reference to sanctions) in case of non-compliance, language that had been in the draft initially forwarded to China and Russia.⁶⁹¹ The weakened accountability language was a concession to Russia, which had “said publicly and during negotiations that the threat of sanctions was a non-starter.”⁶⁹²

Another difficult matter was how to refer to cross-border humanitarian access. Resolution 2139 demands cross-border access, but only does so in cursory fashion. An early draft had

⁶⁸⁶ Ibid.

⁶⁸⁷ Security Council Report, “Possible Vote on Syria Draft Resolution.”

⁶⁸⁸ UN Security Council resolution 2139, 22 February 2014.

⁶⁸⁹ Security Council Report, “Possible Vote on Syria Draft Resolution.”

⁶⁹⁰ UN Security Council resolution 2139, 22 February 2014.

⁶⁹¹ Security Council Report, “Possible Vote on Syria Draft Resolution.”

⁶⁹² Ibid.

specifically called for all restrictions on such access, particularly from neighboring countries Iraq and Turkey, to be lifted.⁶⁹³ However, this more specific language proved to be controversial and was removed from the text ultimately adopted.⁶⁹⁴ Syria continued to restrict humanitarian access, including cross-border access, in the months following the adoption of resolution 2139. This would set the stage for the intense negotiations on resolution 2165, which focused on means of achieving cross-border access.

With the humanitarian situation in Syria continuing to deteriorate, Australia, Jordan, and Luxembourg had produced a draft resolution in late May 2014 that, according to Shaikh and Roberts, “under Chapter VII, permitted the UN to carry out cross-border and cross-line humanitarian aid operations in the absence of state consent, and included the threat to impose sanctions.”⁶⁹⁵ The negotiation process followed the same pattern as had been the case on resolution 2139. Australia, Jordan, and Luxembourg first discussed the draft among the P3, then among the P5 as a group, and finally with the whole membership of the Council. The negotiations lasted for six weeks, five of which were with the permanent members.⁶⁹⁶

There was some guilt among the penholders that they were excluding the other elected members from the initial negotiations.⁶⁹⁷ By excluding their fellow elected members, they could be perceived of the same exclusionary tactics for which the permanent members were often criticized. However, the penholders realized that this approach was the most effective way to ensure a successful outcome, as the permanent members, notably China and Russia, had to be on

⁶⁹³ Security Council Report, “Possible Vote on Syria Draft Resolution.”

⁶⁹⁴ Ibid.

⁶⁹⁵ Salman Shaikh and Amanda Roberts, “Syria” in *The UN Security Council in the 21st Century*, ed. David M. Malone, Bruno Stagno Ugarte, and Sebastian von Einsiedel (Boulder, Colo.: Lynne Rienner Publishers, 2016), 736. Chapter VII is the part of the UN Charter that outlines coercive measures such as sanctions or the use of force.

⁶⁹⁶ Security Council Report, “Syria: Monday Vote on Draft Resolution on Cross-Border and Cross-Line Humanitarian Access,” *What’s In Blue*, 13 July 2014, <http://www.whatsinblue.org/2014/07/syria-monday-vote-on-draft-resolution-on-cross-border-and-cross-line-humanitarian-access.php>.

⁶⁹⁷ Former E10 diplomat, interviewed by the author, New York, 24 August 2017.

board for the draft to be adopted.⁶⁹⁸ Moreover, a concerted effort was made by the penholders to consult with their fellow elected members on their negotiations with the permanent members so they would be able to engage fully once the draft was circulated to the whole Council.⁶⁹⁹ This effort at transparency appeared to be appreciated by the other members.⁷⁰⁰

A number of significant concessions were made to get China and Russia on board. Calibrating the language was a tug of war. China and Russia wanted to soften the language so that the resolution could not be perceived as containing legally binding obligations on Syria under Chapter VII of the UN Charter. The penholders wanted stronger language that would impose such obligations. Reference to Chapter VII was struck at an early stage.⁷⁰¹ The threat of article 41,⁷⁰² usually a reference to sanctions, in case of failure to comply with the resolution, was replaced with a much weaker formulation affirming that the Council “will take further measures in the event of non-compliance with this resolution or resolution 2139 (2014) by any Syrian party.”⁷⁰³ However, in spite of these concessions, the penholders did get some language in the final draft that could be interpreted as binding, informally consulting legal experts for their input.⁷⁰⁴ The final draft, for example, underscores the obligation of member states to comply with Article 25 of the UN Charter, which says that “Members of the United Nations agree to accept and carry out the decisions of the Security Council...”.⁷⁰⁵ In addition, there are several

⁶⁹⁸ Former E10 diplomat, interviewed by the author, New York, 16 June 2017.

⁶⁹⁹ Former E10 diplomats, interviewed by the author, New York, 16 June 2017 and 24 August 2017.

⁷⁰⁰ Former E10 diplomat, interviewed by the author, New York, 24 August 2017.

⁷⁰¹ Security Council Report, “Syria: Monday Vote on Draft Resolution on Cross-Border and Cross-Line Humanitarian Access.”

⁷⁰² Article 41 is under Chapter VII of the UN Charter.

⁷⁰³ UN Security Council resolution 2165, 14 July 2014; see also Security Council Report, “Syria: Monday Vote on Draft Resolution on Cross-Border and Cross-Line Humanitarian Access.”

⁷⁰⁴ Former E10 diplomat, interviewed by the author, New York, 24 August 2017.

⁷⁰⁵ United Nations, *Charter of the United Nations*.

operative paragraphs that begin with the verb “decides” with regard to the Council’s decisions, one of the stronger formulations used by the Council.⁷⁰⁶

One of the key impasses in the negotiations related to the modalities for cross-border aid deliveries.⁷⁰⁷ While Syria agreed to permit aid to be delivered at four UN-specified border crossings not under its control, it wanted to exercise oversight of the distribution of the aid once inside Syria.⁷⁰⁸ This constituted a red-line for the penholders and the P3,⁷⁰⁹ given evidence that the Syrian government “had used the distribution of humanitarian aid as a tactic of war.”⁷¹⁰ The impasse was ultimately resolved during negotiations on 2 July 2014 between the penholders and the permanent members, when Australia, Luxembourg, and Jordan proposed that the “UN would notify the Syrian authorities of the contents of the humanitarian convoys, creating a notification system that would offer transparency with no corresponding requirement for the regime’s approval.”⁷¹¹ Russia appeared to accept this proposal,⁷¹² which in retrospect represented a tipping point in the negotiations.

Nonetheless, in spite of the many concessions made and the fact that Russia seemed to consent to proposal offered by the penholders, a positive outcome was not taken for granted. On the day of the vote, it was not entirely clear if China and Russia would support the draft, although members were “cautiously optimistic.”⁷¹³ One advantage that the penholders had was that China and Russia were “clearly uncomfortable with the prospect of casting a fifth veto on

⁷⁰⁶ Former E10 diplomat, interviewed by the author, New York, 24 August 2017. Other weaker formulations used by the Council include “urges,” “calls on,” or “requests.”

⁷⁰⁷ Security Council Report, “Syria: Monday Vote on Draft Resolution on Cross-Border and Cross-Line Humanitarian Access.”

⁷⁰⁸ Ibid.

⁷⁰⁹ Ibid.

⁷¹⁰ Ibid.

⁷¹¹ Ibid.

⁷¹² Shaikh and Roberts, “Syria,” 736.

⁷¹³ Security Council Report, “Syria: Monday Vote on Draft Resolution on Cross-Border and Cross-Line Humanitarian Access.”

Syria,”⁷¹⁴ having already jointly vetoed four draft resolutions on the issue in less than three years, including one as recently as 22 May 2014 that was drafted by France and that would have referred the situation in Syria to the ICC. It was most likely the case that the penholders coordinated with France, the penholder on the ICC draft, regarding the timing of the vote on the humanitarian draft resolution.⁷¹⁵ Tabling this draft shortly after the vetoes in May increased the political pressure on China and Russia not to veto another Syria resolution less than two months later.⁷¹⁶

Resolution 2165 was adopted on 14 July 2014 with the support of all Council members. One diplomat involved in the negotiations maintained that it was important to get a unanimous vote, because it “sends a message to the Syrian government.”⁷¹⁷ The resolution authorized aid delivery “across conflict lines and the border crossings of Bab al-Salam, Bab al-Hawa, Al Yarubiyah and Al-Ramtha, in addition to those already in use, in order to ensure that humanitarian assistance...reaches people in need throughout Syria through the most direct routes, with notification to the Syrian authorities...”⁷¹⁸ It further established a monitoring mechanism, under the UN Secretary-General’s authority, to “monitor, with the consent of the relevant neighboring countries of Syria...the loading of all humanitarian relief consignments...and any subsequent opening of the consignments by the customs authorities of the relevant neighboring countries...in order to confirm the humanitarian nature” of the relief items shipped.⁷¹⁹ Other key elements of the resolution decided that all parties to the conflict “enable the immediate and unhindered delivery of humanitarian assistance directly to people

⁷¹⁴ Ibid.

⁷¹⁵ UN Department of Political Affairs official, interviewed by the author, New York, 4 August 2017; and former E10 diplomat, interviewed by the author, New York, 24 August 2017.

⁷¹⁶ Ibid.

⁷¹⁷ Former E10 diplomat, interviewed by the author, New York, 21 August 2017.

⁷¹⁸ UN Security Council resolution 2165, 14 July 2014.

⁷¹⁹ Ibid.

throughout Syria” and that they “take all appropriate steps to ensure the safety and security of United Nations and associated personnel...”.⁷²⁰

In their explanations of vote on the resolution, several members emphasized the unanimity achieved. Jordanian Ambassador Zeid Ra’ad Al Hussein said that Australia, Jordan, and Luxembourg tried their “best to come up with the highest degree of consensus,” while adding their appreciation for “the unified position taken by the Council.”⁷²¹ Australian Ambassador Gary Quinlan thanked his co-penholders for their efforts to bring about a unanimous adoption, positing that: “Decisively, the Council has been united today in recognizing that the humanitarian situation...has become even more desperate, and that immediate action is necessary...”.⁷²² And US Ambassador Samantha Power closed her remarks with the following: “The Council must now take the cooperation and unity we have shown today and bring it to bear in ensuring the end of the horrors being perpetrated against the Syrian people.”⁷²³

Unfortunately, as of late 2017, the horrors have not ended, and these resolutions, and subsequent ones reauthorizing cross-line and cross-border humanitarian access (resolution 2165 was authorized for 180 days), have not been as impactful as had been hoped. It would be foolhardy, even blindly insensitive and divorced from reality, to talk about success on the humanitarian front in Syria, given large-scale displacements, the restrictions of humanitarian access, and the siege and starvation tactics of the regime which have continued unabated. The lack of meaningful consequences for non-compliance with the resolutions, necessary concessions to avoid vetoes by China and Russia, provided a greenlight for continued obstructionism by Syrian authorities. However, resolution 2165 has had a positive impact, allowing humanitarian

⁷²⁰ Ibid.

⁷²¹ UN Security Council meeting record (S/PV.7216), 14 July 2014, 2.

⁷²² Ibid., 3.

⁷²³ Ibid., 7.

assistance to reach people in need who otherwise would not have received it.⁷²⁴ For example, in November 2017 alone, the United Nations noted that “902,000 people were reached through cross-border convoys” in Syria.⁷²⁵ Furthermore, the monthly reporting requirement to the Council on the humanitarian situation in Syria, initiated through resolution 2139, has in the very least helped to maintain a constant high-level focus on the crisis. In a Council that has been largely feckless in recent years, the passage of these resolutions may be the closest to a bright spot that the Council has been able to achieve on Syria, as the conflict continues to rage and a political solution remains elusive.

Negotiations on resolution 2286: protection of health care in armed conflict (2016)

On 3 May 2016, the Security Council unanimously adopted resolution 2286 on the protection of healthcare workers and facilities in armed conflict. This was the first time it had adopted a resolution specifically on this issue, although it had adopted one condemning “violence and intimidation” against humanitarian workers.⁷²⁶ Resolution 2286 condemned attacks against healthcare workers, facilities, and “their means of transport and equipment,” while “deplor[ing] the long-term consequences of such attacks for the civilian population and the health-care systems of the countries concerned.”⁷²⁷ It demanded that parties to conflict respect and protect humanitarian and medical workers engaged exclusively in medical activities, in accordance with their obligations under international law.⁷²⁸ It further strongly urged states to develop “domestic legal frameworks,” to collect data, and to share “challenges and good practice” with regard to attacks on medical and humanitarian workers engaged solely in medical activities and “their

⁷²⁴ Former E10 diplomat, interviewed by the author, New York, 24 August 2017.

⁷²⁵ *Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016), Report of the Secretary-General*, (Security Council document S/2017/1057), 15 December 2017, 2.

⁷²⁶ UN Security Council resolution 2175, 29 August 2014.

⁷²⁷ UN Security Council resolution 2286, 3 May 2016.

⁷²⁸ *Ibid.*

means of transport and medical facilities.”⁷²⁹ The resolution requested the Secretary-General to provide recommendations to prevent such attacks, to strengthen the protections afforded to the wounded and sick and those exclusively involved in medical duties, and to enhance accountability for those responsible for attacks on health care.⁷³⁰ Finally, to ensure continuity of focus on this issue, it requested that the Secretary-General brief the Council annually on the resolution’s implementation.⁷³¹

The drafting and negotiations were spearheaded by five elected members. Coordination among them to produce the desired outcome was a difficult task.⁷³² The resolution was the result of painstaking negotiations that took place over several months, with numerous concessions made, including to all of the permanent members, in order to secure a unanimously adopted text. This intensive legwork was necessary, given the political sensitivities involved with such a resolution. These sensitivities were highlighted by Joanne Liu, the International President of Médecins Sans Frontières (MSF), when she briefed the Council moments after the resolution’s adoption. Ms. Liu stated, “The Council is charged with protecting peace and security. Yet four of the five permanent members...have, in varying degrees, been associated with coalitions responsible for attacks on health care structures during the past year. Those include the NATO-led coalition in Afghanistan, the Saudi-led coalition in Yemen and the Russian-backed, Syrian-led coalition.”⁷³³

⁷²⁹ Ibid.

⁷³⁰ Ibid.

⁷³¹ Ibid.

⁷³² UN diplomat, interviewed by the author, New York, 1 November 2016.

⁷³³ UN Security Council meeting record (S/PV.7685), 3 May 2016, 8.

Indeed, the resolution had its genesis in these attacks and the toll they had taken on health care workers and facilities.⁷³⁴ In MSF’s 2015 US Annual Report—referring to attacks on MSF facilities in towns in Afghanistan, the Central African Republic, South Sudan, Syria, and Yemen—the President of the organization’s US Board of Directors (Deane Marchbein) and its US Executive Director (Jason Cone) warned of “an existential threat to the practice of humanitarian action.”⁷³⁵ In his 18 June 2015 report to the Security Council on the protection of civilians in armed conflict, UN Secretary-General Ban Ki-moon expressed his concern about “continuing attacks against humanitarian and health-care workers and facilities,”⁷³⁶ referring to such attacks on such workers or facilities in several country cases, including South Sudan, Syria and Yemen.⁷³⁷ Similarly, when addressing the Council during its 19 January 2016 debate on the protection of civilians, Deputy Secretary-General Jan Eliasson stated: “Hospitals must be treated as sanctuaries in wartime. But recently we have seen a surge in attacks on hospitals and health centres.”⁷³⁸

Those initiating the drafting and negotiations on resolution 2286 represented a regionally diverse group of elected members with varying political interests (Egypt, Japan, New Zealand, Spain and Uruguay), who shared a clear strategy to garner maximum support for the initiative. (Malaysia, which had initially shown interest in a leadership role in the initiative, remained supportive of the effort throughout but withdrew as one of the penholders; it was replaced by Japan, which became the fifth and final penholder.) The diverse composition of the group was by design. The logic was that the wide-range of political views and the regional diversity of the five

⁷³⁴ UN diplomat, interviewed by the author, New York, 11 May 2017.

⁷³⁵ Médecins Sans Frontières, US Annual Report 2015, New York, 2, https://www.doctorswithoutborders.org/sites/usa/files/msf-usa_annual_report_2015.pdf.

⁷³⁶ *Report of the Secretary-General on the protection of civilians in armed conflict* (Security Council document S/2015/453), 18 June 2015, 11.

⁷³⁷ *Ibid.*, 8, 9 and 10.

⁷³⁸ UN Security Council meeting record (S/PV.7606), 19 January 2016, 3.

members were a microcosm of the broader Council, thus making it less difficult to get other members on board with the initiative.⁷³⁹ The five were also careful to depoliticize the initiative as much as possible from the outset.⁷⁴⁰ The permanent members were excluded from the drafting.⁷⁴¹ Furthermore, the penholders pursued a thematic resolution, rather than a country-specific one,⁷⁴² apparently to make it clear that attacks on health care had become a serious problem in several different contexts and to avoid charges of bias. If, for example, the resolution had focused on attacks on health care in Syria alone, Russia would most likely have been less inclined to support the text, and probably would have pointed to cases in which health care workers and facilities had been bombed by the P3 or its allies in Afghanistan or Yemen. Likewise, if the resolution had focused on attacks on health care specifically in Yemen, for example, the P3 might have argued that it was more appropriate to have a resolution on attacks on health facilities and workers in Syria.

By January 2016, the groundwork for the resolution was already being prepared. At the Council's open debate on the protection of civilians on 19 January 2016, the New Zealand and Spanish representatives noted that they were working on an initiative to protect health care in armed conflict, along with colleagues from Egypt and Uruguay.⁷⁴³ A roundtable discussion was convened at the New Zealand mission during January with a variety of stakeholders to brainstorm about a possible resolution, including which elements would be most useful to practitioners in the field, which would be most workable for the UN system, and which were not plausible to include.⁷⁴⁴ In addition to the penholders, the discussion included humanitarian actors

⁷³⁹ UN diplomat, interviewed by the author, New York, 11 May 2017.

⁷⁴⁰ Ibid.

⁷⁴¹ Ibid.

⁷⁴² Ibid.

⁷⁴³ UN Security Council meeting record (S/PV.7606), 19 January 2016, 11 and 21.

⁷⁴⁴ UN diplomat, interviewed by the author, New York, 11 May 2017.

both inside the UN system (such as the UN Children’s Fund, the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs, the World Health Organization) and outside of the system (including the International Committee of the Red Cross [ICRC] and non-governmental organizations such as MSF and the Physicians for Human Rights).⁷⁴⁵ Advice from ICRC and MSF in particular played a key role in shaping the text.⁷⁴⁶

While it was not until late March that the group had a draft ready to distribute to the wider Council, the penholders made extensive efforts to be transparent about their own internal deliberations. On 3 March, they held an informal discussion on their initiative during the “another other business” part of consultations and “shared the objectives of the draft...”.⁷⁴⁷ In addition, each of the five was assigned to reach out to one to three other members in order “to answer their questions and ascertain what their red-lines might be.”⁷⁴⁸

The negotiations among all 15 members began in earnest in early April, with a total of three rounds with the full Council held prior to the resolution’s adoption.⁷⁴⁹ Two of the five penholders had the responsibility of co-chairing each of these three rounds.⁷⁵⁰ Several compromises were struck and adjustments made to the text before it was satisfactory to all members—both during the preliminary negotiations among the five penholders and during the later negotiations among all members.

One key issue that was divisive was the language on accountability for attacks on health care. When the draft was initially being discussed by the five penholders, Egypt objected to the

⁷⁴⁵ Ibid.

⁷⁴⁶ Ibid.

⁷⁴⁷ Security Council Report, “Briefing and Resolution on Health Care in Armed Conflict,” *What’s In Blue*, 2 May 2016, <http://www.whatsinblue.org/2016/05/briefing-and-resolution-on-healthcare-in-armed-conflict.php>.

⁷⁴⁸ Ibid.

⁷⁴⁹ Ibid.

⁷⁵⁰ Ibid.

potential inclusion of a reference to the International Criminal Court (ICC). This was to be expected, as it was the only one of the five penholders not a state party to the Rome Statute. As a compromise, the penholders decided not to specifically reference the ICC, but incorporated in the text language from article 8 of the Rome Statute on war crimes.⁷⁵¹ During the negotiations among the 15 members, the language on accountability had to be further calibrated to satisfy the preferences of France and the United Kingdom, who wanted stronger language on this matter, and Angola, China, and Russia, who preferred less robust accountability language.⁷⁵² Consistent with article 8 of the Rome Statute, resolution 2286 recalled that “under international law, attacks intentionally directed against hospitals and places where sick and wounded are collected, provided that they are not military objectives, as well as attacks intentionally directed against buildings, material, medical units and transport and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law are war crimes...”.⁷⁵³

Another sensitive issue that had to be addressed was how to address the issue of “non-punishment” of those engaged in medical duties. Both Article 16 (2) of the First Additional Protocol and Article 10 (2) of the Second Additional Protocol of the Geneva Conventions make an identical point: “Under no circumstances shall any person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.”⁷⁵⁴ However, the United States is not a state party to either of the first two additional protocols, and it had difficulty with the language on non-punishment in the draft resolution.⁷⁵⁵ To address this concern, the penholders substituted “applicable rules” for “rules” when referring to

⁷⁵¹ Security Council Report, “Briefing and Resolution on Health Care in Armed Conflict.”

⁷⁵² Ibid.

⁷⁵³ UN Security Council resolution 2286, 3 May 2016. The Rome Statute of the ICC can be found at: https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf.

⁷⁵⁴ The Geneva Conventions of 1949 and the Two Additional Protocols of 1977 are available on the ICRC website: <https://www.icrc.org/eng/resources/documents/misc/additional-protocols-1977.htm>.

⁷⁵⁵ UN diplomat, interviewed by the author, New York, 11 May 2017.

international law regarding “non-punishment.”⁷⁵⁶ Apparently the penholders were willing to make this compromise because they believed that “non-punishment” of medical personnel was already recognized in customary law; its mere mention in the resolution was perceived as a step forward, which could be used to promote ethical medical practice.⁷⁵⁷

A further contentious matter was the inclusion in an early version of the draft resolution of language calling on medical personnel to adhere to the domestic laws of the country in which they were working. Some members maintained that this would necessitate foreign militaries, including their medical staffs, to abide by the national legislation of the states where they served. This language was removed, with the resolution ultimately underscoring the need for humanitarian and medical personnel to demonstrate medical ethics in their activities.⁷⁵⁸

During the briefing at which resolution 2286 was adopted, amidst concerns expressed about the high incidence of attacks on health care workers and facilities, was an acknowledgement of the intensive labor that went into preparing the resolution, which was adopted with sponsorship from 85 UN member states. Peter Maurer, the President of the ICRC and the former ambassador of Switzerland to the UN, stated: “I know from my own experience at the Organization that every comma actually has carefully been considered and negotiated, and the result is strong.”⁷⁵⁹ Ambassador Gerard van Bohemen of New Zealand, one of the five penholders, said that “Close consultation with all Council members and openness to negotiation enabled its unanimous adoption,”⁷⁶⁰ while Spanish Ambassador Román Oyarzun Marchesi

⁷⁵⁶ Ibid.

⁷⁵⁷ Ibid.

⁷⁵⁸ Security Council Report, “Briefing and Resolution on Health Care in Armed Conflict.”

⁷⁵⁹ UN Security Council meeting record (S/PV.7685), 3 May 2016, 5.

⁷⁶⁰ Ibid., 10.

expressed thanks to “the five permanent members of the Council, which participated actively in the negotiations and will play an essential role in implementing the resolution.”⁷⁶¹

As of mid-2017, a year after its adoption, resolution 2286 had not had a noticeable impact, with health care facilities and personnel continuing to be under assault at a high rate. This was the assessment of several of the briefers and member states participating in the Council’s open debate on the protection of civilians on 25 May 2017, which was chaired by the Foreign Minister Affairs Rodolfo Nin Novoa of Uruguay, one of the co-penholders on resolution 2286, and which included a discussion of the protection of health care in armed conflict.⁷⁶² As Secretary-General António Guterres noted during the meeting, “...on the ground, little has changed. Attacks against medical workers and facilities continue and no is spared.”⁷⁶³ However, at the very least, the resolution reinforced a normative and legal standard regarding the unacceptability of attacking medical and humanitarian workers and facilities that can be used as a springboard for advocacy to promote the protection of health care. Furthermore, by requiring the Secretary-General to brief the Council annually on the resolution’s implementation, the penholders ensured an ongoing focus on this issue.

Australia’s pursuit of a sanctions resolution (2014)

Australia took a keen interest in how to improve the implementation UN sanctions during its 2013-2014 tenure on the Council. Starting in November 2012, before it even began its term, it engaged in a systematic way with a variety of UN entities—the Department of Peacekeeping Operations, the Office of Disarmament Affairs, and the Subsidiary Organs Branch in the Department of Political Affairs, among others—to enhance its own understanding of UN

⁷⁶¹ Ibid., 11.

⁷⁶² UN Security Council meeting record (S/PV.7951), 25 May 2017.

⁷⁶³ Ibid., 3.

sanctions and to advocate improved implementation measures.⁷⁶⁴ While on the Council, it was one of five member state sponsors—along with Finland, Germany, Greece and Sweden—of the High-Level Review of UN Sanctions, an initiative of the Watson Institute and Compliance and Capacity International conducted in 2014, intended to improve UN sanctions implementation.⁷⁶⁵ A compendium of the results of the review was produced in 2015.⁷⁶⁶ Australia spearheaded one of the review’s three working groups (Working Group I), the one that focused on bringing the different parts of the UN system together to better implement sanctions.⁷⁶⁷

In preparing for its November 2014 presidency of the Council, Australia planned to hold a briefing on sanctions late in the month at which it hoped to table a resolution on sanctions implementation. A key objective of the draft resolution was to bring various parts of the UN system together more effectively in implementing sanctions in order to make this area of the world body’s work more professional and, as much as possible, less politicized.⁷⁶⁸ Australia sought to cast sanctions as a collaborative tool, “whereby the Council, sanctions committees, regional organizations and the UN system would work with the subject state.”⁷⁶⁹ One of the more innovative proposals in the draft was its request to establish a “Policy and Coordination Unit” within the UN Secretariat’s Security Council Affairs Division (SCAD) that would discern best practices, marshal expertise within the UN system on how to make sanctions more effective, and

⁷⁶⁴ Former E10 diplomat, interviewed by the author, New York, 1 August 2017.

⁷⁶⁵ The review’s website is available at: <http://www.hlr-unsanctions.org/>.

⁷⁶⁶ *Letter dated 12 June 2015 from the Permanent Representatives of Australia, Finland, Germany, Greece and Sweden to the United Nations addressed to the Secretary-General* (Security Council document S/2015/432), 12 June 2015.

⁷⁶⁷ Former E10 diplomat, interviewed by the author, New York, 1 August 2017. A description of the three working groups is available at: http://www.hlr-unsanctions.org/main/wg_overview. The other two working groups focused on the relationship between UN sanctions and regional security mechanisms and between UN sanctions and regional sanctions.

⁷⁶⁸ *Ibid.*

⁷⁶⁹ *Ibid.*

support the Council in helping to guide member states in implementing sanctions.⁷⁷⁰ The draft charged SCAD with helping member states to obtain capacity building and technical assistance regarding sanctions implementation.⁷⁷¹ It further encouraged Special Representatives of the Secretary-General, the senior UN representative in countries with UN peace operations, to make sure that all UN entities understand their part in carrying out sanctions imposed by the Council.⁷⁷² And it called for enhanced cooperation on sanctions-related issues between the UN and intergovernmental, sub-regional, regional and international organizations, such as the International Civil Aviation Organization, INTERPOL, and World Customs Organization, among others.⁷⁷³

Before it began its November 2014 presidency, Australia had already consulted with the all Council members about its intention to propose a draft resolution on sanctions and had even circulated a first version of the text.⁷⁷⁴ China and Russia were uncomfortable with the draft from the start; there were two major sticking points for them. The first one was the draft resolution's call for the special unit in the Secretariat to discern best practices, among other tasks. Russia perceived such a unit as infringing on the decision-making authority of the Security Council.⁷⁷⁵ It further thought that such a unit could be manipulated by influential member states to serve their political purposes.⁷⁷⁶ The second major concern for both China and Russia was that the penholder would not include language in the draft indicating that the only legitimate sanctions

⁷⁷⁰ Security Council Report, "Resolution and Briefing on Sanctions," *What's In Blue*, 24 November 2014, <http://www.whatsinblue.org/2014/11/resolution-and-briefing-on-sanctions.php>.

⁷⁷¹ Former E10 diplomat, interviewed by the author, New York, 1 August 2017; and Security Council Report, "Resolution and Briefing on Sanctions."

⁷⁷² Ibid.

⁷⁷³ Ibid.

⁷⁷⁴ Former E10 diplomat, interviewed by the author, New York, 1 August 2017.

⁷⁷⁵ UN Security Council meeting record (S/PV.7323), 25 November 2014, 19.

⁷⁷⁶ Ibid.

are those imposed by the UN Security Council.⁷⁷⁷ This was most likely an especially sensitive matter for Russia, which was the target of bilateral sanctions because of its military involvement in Ukraine and had seized the Crimea only some months earlier in March 2014. As John Langmore and Jeremy Farrall have noted, a sanctions resolution “was a risky initiative to pursue particularly in light of the non-UN sanctions that were in place against...Russia at that time by the United States, the European Union, and even Australia itself following the Crimea and eastern Ukrainian crises.”⁷⁷⁸ Beyond the particular elements of the draft resolution, a more fundamental challenge in getting support for the initiative was the caution with which China and Russia approach sanctions in general. One E10 diplomat serving on the Council at the time noted: “Russia and China...persisted in the belief that sanctions were a punitive, coercive measure to be applied against the most egregious states as a last resort.”⁷⁷⁹ This view was in sharp contrast with that of Australia, which tended to see sanctions in most cases as an instrument to help countries get out of crisis, rather than as a form of punishment.⁷⁸⁰

The Russian and Chinese views were clearly on display during the 25 November 2014 briefing on sanctions that Australia chaired.⁷⁸¹ Russian Ambassador Churkin appeared to roundly criticize the potential establishment of a new Secretariat sanctions mechanism. He stated: “...we believe that it would be unwise and harmful to periodically toss around ideas...regarding the creation of additional bureaucratic barriers, whether inter-state or at the level of the Secretariat. Moreover, what we detect in such initiatives is not simply the danger of creating excessive red-tape but an attempt to consolidate the approaches of a narrow group of States with regard to the

⁷⁷⁷ Security Council Report, “Resolution and Briefing on Sanctions.”

⁷⁷⁸ John Langmore and Jeremy Farrall, “Can Elected Members Make a Difference in the UN Security Council? Australia’s Experience in 2013-2014,” *Global Governance* 22 (2016): 66.

⁷⁷⁹ Former E10 diplomat, interviewed by the author, New York, 1 August 2017.

⁷⁸⁰ *Ibid.*

⁷⁸¹ UN Security Council meeting record (S/PV.7323), 25 November 2014.

issue of sanctions, as well as to infringe on the exclusive prerogatives of the Security Council itself with regard to sanctions.”⁷⁸² Churkin added that: “The Secretariat has nothing to do with issues relating to the implementation and development of relevant recommendations.”⁷⁸³ With equal clarity and verve, he took aim at unilateral or non-UN sanctions. He stated that “we should not overlook...the illegitimacy of unilateral sanctions,”⁷⁸⁴ while lamenting that “there has been a number of attempts via unilateral restrictions to circumvent the Security Council.”⁷⁸⁵ Churkin further posited “that such actions only undermine the system of international relations and torpedo political and diplomatic efforts in the quest to resolve situations.”⁷⁸⁶ This position was consistent with Russia’s call during the negotiations for the addition of language in the draft resolution stating that sanctions by national and regional actors (i.e. outside of the UN context) violate international law, a proposal that Australia turned down.⁷⁸⁷ During the briefing, Chinese Deputy Ambassador Wang Min, like his Russian counterpart, maintained that “...a small number of countries act at will according to their domestic laws and impose or threaten to impose unilateral sanctions against other States, which is not only in violation of the principle of sovereign equality among Member States but also undermines the authority of Council sanctions.”⁷⁸⁸ Wang further maintained that: “Sanctions should not be a tool for one country to use in pursuit of power politics.”⁷⁸⁹

Australia was unable to table the draft resolution at the briefing, as it had hoped. It had held several negotiating rounds at expert level and produced numerous revised drafts.⁷⁹⁰ Bilateral

⁷⁸² Ibid., 19.

⁷⁸³ Ibid.

⁷⁸⁴ Ibid.

⁷⁸⁵ Ibid.

⁷⁸⁶ Ibid.

⁷⁸⁷ Security Council Report, “Resolution and Briefing on Sanctions.”

⁷⁸⁸ UN Security Council meeting record (S/PV.7323), 25 November 2014, 14.

⁷⁸⁹ Ibid.

⁷⁹⁰ Security Council Report, “Resolution and Briefing on Sanctions.”

negotiations between Australian Ambassador Gary Quinlan and Ambassador Churkin were held both the weekend before the (Tuesday) debate and ensued in the days after the debate.⁷⁹¹ According to one E10 diplomat at the time, “China recognized that Russia had the greater political concerns and would have only supported the resolution if Russia had acquiesced on the text.”⁷⁹² However, the impasse with Russia could not be broken. As reflected by Churkin’s intervention in the briefing, Russia would not relent on its unwillingness to cede greater administrative power to the Secretariat.⁷⁹³ The sanctions imposed on Russia by Australia as a result of its actions in Ukraine may have been an additional factor fueling Russia’s intransigence.⁷⁹⁴

Australia ultimately decided not to bring the draft to a vote, avoiding what would have been a Russian veto and possibly a Chinese one. Some modest advances had recently been made in the Council’s sanctions work, mostly related to transparency.⁷⁹⁵ Australia, which chaired three sanctions committees,⁷⁹⁶ and other elected members had begun to brief on the work of their committees in open sessions, whereas the norm had previously been closed briefings.⁷⁹⁷ Furthermore, the UN Secretariat at the time had recently begun to publish on the Security Council’s website a monthly program listing the meetings of the various sanctions committees,⁷⁹⁸ while these committees were interacting with increased frequency with states that were targeted by sanctions and other regional states.⁷⁹⁹ As one Security Council diplomat at the time has maintained, a vetoed draft “would have a chilling effect on the changing practice that

⁷⁹¹ Former E10 diplomat, interview with the author, New York, 1 August 2017.

⁷⁹² *Ibid.*

⁷⁹³ *Ibid.*

⁷⁹⁴ *Ibid.*

⁷⁹⁵ *Ibid.*

⁷⁹⁶ These included sanctions committees related to Afghanistan (Taliban), Al-Qaeda, and Iran.

⁷⁹⁷ Former E10 diplomat, interview with the author, New York, 1 August 2017.

⁷⁹⁸ *Ibid.*

⁷⁹⁹ *Ibid.*

was ...occurring without the resolution.”⁸⁰⁰ Australia did not want to risk undermining the progress that had been made.

Conclusion

This chapter has maintained that a major reason for fewer vetoes (and greater voting unanimity) in the Council in the post-Cold War era as compared to the Cold War era is because of the evolving role of the elected members. Although the elected members from the NAM would frequently propose drafts in the Cold War with a high probability of being vetoed, the elected members in more recent years have been more circumspect about tabling resolutions that might fail to be adopted. They have often worked hard to build bridges among the permanent members, making painstaking efforts to achieve successful outcomes and leading negotiations that have at times lasted several months as part of these efforts. Recent examples of such initiatives by the elected members have been highlighted in this chapter.

A few general conclusions can be drawn from the analysis. First, by and large, the elected members take their role on the Council seriously. Elected members often serve for reasons other than mere prestige, trying to make a positive contribution during their two year tenures. Second, as the Syria and the protection of health care case studies demonstrate, they at times ban together to pursue initiatives, ostensibly because proposals will have greater appeal if they are pursued by a range of elected members. Third, and perhaps most depressingly for the E10, their room for maneuver is highly limited. Because of the veto (and the threat of the veto), any proposal for a draft resolution on all but procedural matters requires the acquiescence, if not the support, of all

⁸⁰⁰ Ibid.

the permanent members, as evidenced by the negotiations on the Australian sanctions draft resolution proposed but not put to a vote in November 2014.

VI: Whither the Council?

This project started with the puzzle of why the P3 voted together in the Security Council a higher percentage of the time in the post-Cold War era than during the Cold War, when one might have expected greater voting unity among them as a result of the common threat from the Soviet Union. Given the high level of voting unity in general in the Council in the post-Cold War era, it also led to broader consideration of why Council members place so much emphasis on the importance of unanimity. In other words, if the rapprochement between the United States and the Soviet Union was not the only reason for greater unity in the Council, what were the other reasons?

A number of conclusions emerge from the Cold War and the post-Cold War eras in searching for answers to these questions. First, a strong Non-aligned Movement (NAM) exerted considerable influence on the Council's agenda from the early 1960s onward, often proposing draft resolutions with little chance of being adopted. Drafts that NAM members proposed on Israel/Palestine, Namibia, South Africa, Southern Rhodesia, and other issues frequently resulted in vetoes or abstentions by one or more of the P3. Second, France and the United Kingdom viewed the Council as a danger to their colonial interests in the early part of the Cold War, rather than an instrument crucial to promoting their foreign policies, as they have in recent decades.⁸⁰¹ Charles de Gaulle, French President from 1959-1969, was particularly critical of the United Nations, even encouraging the French mission in New York to abstain on draft resolutions rather than seek agreement.⁸⁰² Third, negotiation processes were not as developed as they have been since the late Cold War period, when the East-West thaw led to a greater appreciation of the

⁸⁰¹ Thierry Tardy and Dominik Zaum, "France and the United Kingdom in the Security Council," in *The UN Security Council in the 21st Century* ed. David M. Malone, Bruno Stagno Ugarte, Sebastian von Einsiedel (Boulder, Colo.: Lynne Rienner Publishers, 2016), 136.

⁸⁰² Andrew Boyd, *Fifteen Men on a Powder Keg: A History of the UN Security Council* (New York: Stein and Day, 1971), 29-30.

potential for a more effective Council and greater attention was focused on hashing out differences and making compromises so as to promote more unanimous decision-making.

The post-Cold War era has been marked by greater voting unity as reflected by the high percentage of resolutions adopted with the support of all members and the decrease in the number of vetoes. With the end of the gridlock that plagued the Council until the late Cold War period, this organ became a more central tool of the foreign policies of its members, both the permanent and elected members alike. The Council was, is and likely always will be a forum for political grandstanding, but this has been more muted in recent decades than during the Cold War, notwithstanding the deterioration of Russia-US relations in recent years. The pursuit of unanimity has been a reflection of how important the Council is to its members and can be attributed to several factors:

- the perceived legitimacy that a unanimous decision accords a resolution, with the expectation that the wider membership will be more likely to respect and abide by the resolution;⁸⁰³
- the notion that a unanimous decision exerts more leverage on the subject parties, who at least in theory will not be able to exploit divisions among Council members;
- the view among those drafting resolutions and leading negotiations (nowadays disproportionately the P3) that a unanimously adopted resolution is a sign of good stewardship of the Council's work; and
- the stigma of being isolated attached to those members who might abstain or vote against a resolution that has broad support.

⁸⁰³ On the Council's legitimating role, see, for example, Mats Berdal, "The UN Security Council: Ineffective but Indispensable," *Survival* 45, no. 2 (2003): 9; Inis L. Claude, Jr., "Collective Legitimation as a Political Function of the United Nations," *International Organization* 20, no. 3 (1996): 367-379; and Ian Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council* (Princeton: Princeton University Press 2007).

Trying to answer the questions posed in this dissertation has generated a number of additional questions and observations that provide fertile ground for additional research. First, while members frequently emphasize the importance of unanimity, there are legitimate questions about how much of an impact a unanimously adopted resolution has in comparison to one that does not have unanimous support. Second, while the P3 does most of the drafting of resolutions and managing of negotiations, one can question whether and for how long this will continue, given questions about the Council's ineffectiveness in recent years and about the right of France and the United Kingdom to serve as permanent members given their waning geo-politics influence. Third, since China is the least engaged in drafting and leading negotiations of all the permanent members, it would be interesting to investigate whether it will play a more assertive role in the Council's work in the years to come, especially considering its growing role on global security matters, or whether it will maintain its more measured approach. Fourth, while the Trump administration has been highly critical of the United Nations and has cut funding for UN entities, there is evidence that in some respects it has found the Council useful in achieving its foreign policy goals and that, at least to this point, its engagement with the Council has not represented as significant a departure from prior US administrations as might have been anticipated. These issues are briefly discussed before the chapter concludes with some final observations on the current state of the Council and its role in world affairs moving forward.

What is the value of unanimity?

It is often presumed that a unanimously adopted text has more impact than one not garnering 15 votes, with members regularly equating more unified decision-making with enhanced effectiveness. But is this assumption correct? The answer is not clear.

There are numerous cases in which the implementation of non-unanimous resolutions has been problematic, particularly when there are abstentions from permanent members or abstentions and negative votes from other influential members. Resolution 1593, which referred the situation in Darfur to the International Criminal Court (ICC) in March 2005, was adopted with abstentions from Algeria, Brazil, China and the United States. In the years since, the ICC's investigations in Darfur have been controversial, and Sudanese President Omar al-Bashir, who has been indicted by the court for war crimes, crimes against humanity, and genocide, has travelled abroad with impunity. Even state parties to the Rome Statute of the ICC have not apprehended him, as is their obligation under the Statute, when he has been on their respective territories. Resolution 2303, adopted in July 2016 with abstentions from Angola, China, Egypt, and Venezuela, authorized the deployment of up to 228 UN police in Burundi for one year "to monitor the security situation and to support OHCHR [Office of the High Commissioner for Human Rights] in monitoring human rights violations and abuses." As a result of the resistance of the government of Burundi, no doubt observing and exploiting the divisions in the Council, the police were never deployed. Resolution 2304, adopted in August 2016, with abstentions from China, Egypt, Russia, and Venezuela, authorized the deployment of a Regional Protection Force (RPF) in South Sudan to enhance the mission's ability to protect civilians and the airport in the capital city of Juba. As of October 2017, South Sudan has persisted in its refusal to allow the force to protect the airport and repeatedly delayed in providing visas to some of the peacekeepers

in the force. These examples demonstrate that divisions in the UN's peace and security organ can complicate the implementation of the resolutions it adopts. They give credence to the view that a divided Council is a less effective one, especially when powerful members are not clearly supportive of the resolutions adopted.

However, the notion that unanimity is the gold standard should be accompanied by three key caveats. First, sometimes the sought-after unanimity is not possible, and a resolution that is not unanimously adopted is better than no resolution at all, or a resolution that is significantly diluted to achieve the support of all members. Second, non-unanimous resolutions can be faithfully implemented if the permanent member(s) abstaining, or the elected member(s) abstaining or voting against the resolution, have little inclination or ability to block its implementation. For example, resolution 678 of 29 November 1990, which authorized "all necessary means" to compel Iraq to withdraw from Kuwait, was adopted with 12 affirmative votes, two negative votes (Cuba and Yemen) and one abstention (China). The lack of unanimity on the vote was of little importance; the resolution provided political and legal backing for the US-led campaign to oust Saddam Hussein's forces from Kuwait, and the Council's response to Iraq's aggression strengthened its credibility.⁸⁰⁴ Third, it is frequently the case that a unanimous resolution is not faithfully implemented—both by those Council members whose affirmative votes are merely a sign of acquiescence rather than full-throated support or by other influential states that have the capacity and influence to affect the behavior of the subject parties. Regardless of whether a resolution is adopted unanimously or not, the will to implement it must be forthcoming—especially from the permanent members of the Council and other influential

⁸⁰⁴ Javier Pérez de Cuéllar, *Pilgrimage for Peace: A Secretary-General's Memoir* (New York: St. Martin's Press, 1997), 252. Pérez de Cuéllar has written that "it was an extraordinary feat of American diplomacy to keep the Permanent Members together (or, in the case of China, to keep it from blocking the desired action) and to gain sustained majority support in the Security Council for action against Iraq that was in important respects without precedent."

states (whether on the Council or not). For example, it makes little difference that all the permanent members agree to support a resolution on the protection of health care in armed conflict (i.e., resolution 2286 of 3 May 2016) if they are unwilling to adhere to the resolution or to exert sufficient leverage on the parties that are violating it to change their behavior.

Indeed, the view that unanimous resolutions will be more readily adhered to or implemented by those members adopting them (or by the wider UN membership) and that such resolutions will increase the likelihood of compliance by the subject parties needs to be carefully scrutinized and raises several interesting questions for further research. Are Council members (and other UN member states) more likely to implement unanimously adopted resolutions than ones adopted without the support of all 15 members because they perceive them as having more legitimacy? Are the subjects of unanimously adopted resolutions more likely to comply with them than with resolutions that do not receive the support of all members? In other words, do subject parties perceive that “the full weight of the Council” is being brought to bear on them, as members sometimes profess with regard to unanimously adopted resolutions? Even if all 15 members vote in support of a resolution, how well do the subject parties recognize the difference between acquiescence and committed support for the resolution by permanent and other key members? If they do pick up on these differences of perspective, how effectively do they exploit them? These questions merit further study, as the answers to them are not entirely clear.

Breaking the P3 penholder stranglehold?

It is frequently observed that the composition and the privileges of the permanent members of the Security Council no longer reflect the realities of geo-politics. In large part, this is a criticism of the fact that France and the United Kingdom are still part of this elite club, even though their

great power status is questionable. However, structural reform of the Security Council, which could weaken their influence at the horseshoe table—and that of the other P5—is not on the horizon for a variety of reasons, including the unwillingness of the permanent members to forfeit their privileged positions and the inability of the rest of the world to decide on a mutually acceptable reform proposal that they can rally around to exert pressure on the permanent members. It is further unlikely that a larger Council would be more effective or responsive in preventing, managing, or resolving conflicts. The 15 members already have enough difficulties managing their differences, and adding more members would only complicate the political tensions among them. Nor is it apparent that the potential candidates for permanent membership would necessarily have a significant impact on the work of the world body's peace and security organ if they were to be given permanent seats, especially if those seats were not to come with the institutional benefit of the right of veto. As Colin Keating has written: "From 2010 to 2013, the elected members...included Germany, Japan, India, Brazil, South Africa, Nigeria, Turkey, and Mexico. But it is fair to say that this...concentration of 'heavyweights' had only minimal if any impact on the power relationships between the P5 and the elected members, and on the overall quality of the Council's output relative to other recent periods."⁸⁰⁵

Reform efforts will remain mired in the General Assembly, precluding the possibility that powerful elected members such as those that Keating refers to will become permanent members any time soon. At the same time, France and the United Kingdom will continue to cling to their outsized role in drafting outcomes, and consequently, managing negotiations, amidst persisting questions about whether they deserve that right.⁸⁰⁶ Influence in the multilateral system,

⁸⁰⁵ Colin Keating, "Power Dynamics Between Permanent and Elected Members," in *The UN Security Council in the Twenty First Century*, ed. Sebastian von Einsiedel, David M. Malone, and Bruno Stagno Ugarte (Boulder, Co: Lynne Rienner Publishers, 2016), 149.

⁸⁰⁶ UN diplomat, interview with the author, New York, 1 November 2016.

as embodied by the UN, remains critical to them. As French Ambassador François Delattre observed in a statement soon after France assumed the monthly presidency of the Council in October 2017: “Our presidency doesn’t come out of the blue. It is very much anchored...in favor of a [sic] efficient multilateralism and a strong UN. This is at the core of French diplomacy.”⁸⁰⁷ The United Kingdom’s exit from the European Union will likely increase the role it places on its engagement with the UN.

Both France and the United Kingdom have highly competent diplomatic corps, and can legitimately claim they have strong historical and cultural ties to many of the countries on the Council’s agenda by virtue of their colonial past, including several cases on which they hold the pen. But is this enough to justify the extent of their influence in stewarding the Council’s work? And do they play a constructive or negative role in stewarding the Council’s engagement on those issues on which they have strategic interests or cultural and historical attachments? With respect to the United Kingdom, how much will its exit from the European Union (i.e., Brexit) magnify the importance that London places on its role in the Security Council and in other international fora? Answers to these questions are worthy of further exploration.

One plausible scenario is that the role of France and the United Kingdom as penholders will be increasingly challenged by elected members, who question the legitimacy of their influence and who want to make their own mark on the Council’s work. Complaints against the United States as a penholder will probably be more muted, because it remains the most powerful country in the world and therefore can justify its influence. These complaints will focus more on a perceived lack of consultations with the E10 when preparing resolutions and presidential statements, rather than on whether the United States merits the right to draft a high percentage of

⁸⁰⁷ François Delattre, *Briefing on France’s Presidency of the UN Security Council*, organized by the World Federation of United Nations Association of the United Nations, 2 October 2017.

outcomes. In general, the elected members will continue to chafe at all of the P3's domination of the pen if they believe that they are not adequately consulted; if they believe that they have good ideas that the Council can pursue, but are discouraged from taking initiative; or more broadly, if they do not believe that the penholder is doing a good job of managing the issue under consideration.

It is extremely difficult for the elected members to break the penholder stranglehold of the permanent members on country cases of considerable strategic importance to the P5. With some exceptions, the elected members have traditionally been afforded more latitude by the permanent members in taking the initiative on thematic resolutions, such as those on health care in armed conflict, mine action, and small arms and light weapons, among other issues (i.e., not on country cases).⁸⁰⁸ However, there are indications that that the exasperation of the elected members, both with the outsized role of France and the United Kingdom and with the inability of the P5 collectively to resolve some of the more difficult issues of our time—such as South Sudan, Syria and Yemen, among others—may be reaching a breaking point. One important issue to consider is how assertive the elected members will become as their ire with their marginalization by the permanent members rises and as their concern with Council's shortcomings in addressing the difficult international peace and security environment compels them to fill the perceived void in responsible action left by the permanent members.

There is evidence that they are trying to push back and are not passively accepting their second class status. During its February 2016 presidency of the Council, Venezuela proposed a presidential note on improving the transparency and practices of subsidiary bodies of the organ.

⁸⁰⁸ Notable exceptions include the Syria humanitarian initiative and Afghanistan; the Council's work on Afghanistan is focused on overseeing the UN's political mission in the country: UN Assistance Mission in Afghanistan (UNAMA). It should be noted, however, that the elected member that holds the pen on Afghanistan is invariably a close US ally over whom the United States exerts strong influence. In 2017, for example, the penholder was Japan.

In a reversal of normal procedure, it negotiated the text first among the elected members before sharing it with the permanent members, the apparent rationale being that elected members are the ones who generally chair subsidiary bodies.⁸⁰⁹ The note was adopted on 22 February 2016.⁸¹⁰ In April 2017, when the permanent members were gridlocked over how to respond to the Khan Shaykhun chemical weapons attack in Syria, with the P3 proposing a draft resolution that Russia found unacceptable and countered with its own draft to which the P3 objected, the ten elected members tried to break the impasse by crafting their own draft resolution. This was ultimately rejected by the P3, with US Ambassador Nikki Haley complaining that “compromising with Russia for a watered-down draft resolution would have only strengthened [Bashar] Al-Assad.”⁸¹¹ Elected members disagreed with Haley’s view. When a revised P3 draft was vetoed by Russia,⁸¹² Ethiopian Ambassador Tekeda Alemu posited that:

what the resolution was supposed to do was to call for a thorough investigation [of the chemical weapons attack] to ensure accountability based on the results of an independent, professional and impartial process...What could have easily resolved the issue was to turn to already agreed language from previous resolutions. That language is strong enough to convey the message and ensure that the objective is achieved, namely, to hold those responsible to account. We tried, as the 10 elected members of the Council, to work towards that end.⁸¹³

Of course, while elected members at times demonstrate resistance to the permanent members’ dominance of the Council, this example demonstrates how futile their efforts often are. The institutional and political realities are simply too significant for the elected members to play a sustained leadership role. As Ambassador Elbio Rosselli of Uruguay said at the same meeting in which Alemu lamented the unwillingness of the P3 to consider an E10 compromise draft on the

⁸⁰⁹ Security Council Report, “Working Methods Debate,” *What’s In Blue*, 9 February 2016, <http://www.whatsinblue.org/2016/02/working-methods-debate-2.php>.

⁸¹⁰ *Note by the President of the Security Council: work of the subsidiary organs of the Security Council* (UN Security Council document S/2016/170), 22 February 2016.

⁸¹¹ UN Security Council meeting record (S/PV.7919), 7 April 2017.

⁸¹² UN Security Council document (S/2017/315), 12 April 2017.

⁸¹³ UN Security Council meeting record (S/PV.7922), 12 April 2017.

Khan Shaykhun attack: “The privileges that distinguish the various Council members calls to mind an expression from the novel of George Orwell, ‘Animal Farm’, namely, that some animals are more equal than others. That legal, but dishonest, imbalance means that many members are in a situation where they have to choose the lesser of two evils in terms of the options before them.”⁸¹⁴

The E10 have several options available to them to challenge the P5. Any elected member can break the coveted unanimity by abstaining or voting against a resolution if it believes the negotiations are poorly handled by the permanent members or if its views are not adequately taken into account.⁸¹⁵ Furthermore, since much of the Council’s work is done by consensus (sanctions committees operate by consensus and presidential and press statements require the support of all 15 members), any elected member can kill a presidential statement or press statement or block the work of sanctions committees by mere non-acquiescence. However, the key question for an elected member is whether and when taking such measures is worth it, both for the sake of the Council’s work and for one’s own well-being. Standing up to the permanent members is a risky proposition, particularly when political or economic retribution from a permanent member may ensue and the desired outcome of greater input in decision-making and respectful treatment may not follow.

⁸¹⁴ UN Security Council meeting record (S/PV.7922), 12 April 2017, 10.

⁸¹⁵ See, for example, Security Council Report, “Western Sahara: Mission Mandate Extended for 12 Months,” *What’s In Blue*, 29 April 2016, <http://www.whatsinblue.org/2016/04/western-sahara-mandate-extended-for-12-months.php> for a discussion of resolution 2285 (29 April), which renewed the mandate of UN Mission for the Referendum in Western Sahara (MINURSO). Uruguay and Venezuela voted against the resolution, while Angola and New Zealand joined permanent member Russia by abstaining on the vote. This resolution followed shortly after Morocco expelled the civilian component of the mission after then-Secretary General Ban Ki-moon referred to Morocco’s “occupation” of Western Sahara during a March 2016 visit to MINURSO. Language critical of Morocco was weakened during negotiations in the Group of Friends of Western Sahara (consisting of France, Russia, Spain, the United States, and the United Kingdom), which considers drafts on MINURSO before all 15 members of the Council, and the full Council had only two days to negotiate the text. Several elected members objected not just to the substance of the text but also to the limited time and scope the elected members had for input on the draft.

What about China?

It is unclear why China is the least directly engaged of the permanent members in the management of the Council's work in terms of drafting and negotiating, especially considering its significant geo-political influence. As Zhu Wenqi and Leng Xinyu have argued, "Since the mid-1990s...the United Nations has played a growing role in Chinese foreign policy thinking."⁸¹⁶ It has demonstrated increased willingness to use its veto over the past decade for several reasons, including those related to state sovereignty and non-interference, as demonstrated with respect to Myanmar, Zimbabwe, and Syria.⁸¹⁷ As of 30 June 2017, it was by far the leading contributor among the permanent members of UN peacekeeping personnel and the 12th overall contributor among UN member states more broadly, with 2,515 personnel deployed.⁸¹⁸ China contributes 10.25 percent to the UN peacekeeping budget;⁸¹⁹ this is well behind the United States, which provides 28.47 percent of the budget, but still second among all UN member states.⁸²⁰

And yet, as Wenqi and Xinyu note, it is "disinclined to take the lead on either contemporary security crises or the thematic discussions among member states..."⁸²¹ and its

⁸¹⁶ Zhu Wenqi and Leng Xinyu, "China in the Security Council," in *The UN Security Council in the 21st Century*, ed. David M. Malone, Bruno Stagno Ugarte, and Sebastian von Einsiedel (Boulder, Colo.: Lynne Rienner Publishers, 2016), 85.

⁸¹⁷ *Ibid.*, 95-98.

⁸¹⁸ UN Department of Peacekeeping Operations, "Summary of Troop Contributing Countries By Ranking: Police, UN Military Experts, Staff Officers and Troops 30/6/2017," http://www.un.org/en/peacekeeping/contributors/2017/jun17_2.pdf. France ranks a distant second among number of peacekeepers deployed (804) among the permanent members and 33rd among all member states.

⁸¹⁹ UN Department of Peacekeeping Operations, "Financing Peacekeeping," <http://www.un.org/en/peacekeeping/operations/financing.shtml>.

⁸²⁰ *Ibid.* According to the Department of Peacekeeping Operations: "The General Assembly apportions peacekeeping expenses based on a special scale of assessments under a complex formula that Member States themselves have established. This formula takes into account, among other things, the relative economic wealth of Member States, with the five permanent members of the Security Council required to pay a larger share because of their special responsibility for the maintenance of international peace and security."

⁸²¹ Wenqi and Xinyu, "China in the Security Council," 83.

“overall profile in the Council remains deliberately understated relative to its global heft.”⁸²² Why is this so? Is it because China prefers conducting its diplomacy bilaterally?⁸²³ Are there cultural reasons for China’s preference for low-key diplomatic engagement in the Council? Given that there has been an evolution in China’s engagement with the UN, marked by greater involvement in peacekeeping operations and an increased willingness to use the veto, and given China’s important role in world affairs, might its approach to the Council become less low-key over time? In other words, will it become more involved in proposing initiatives and drafting outcomes? Such questions merit investigation.

The Trump administration’s engagement with the Security Council

While only one year has transpired since US President Trump assumed office, it is already abundantly clear that his administration views the UN as bloated and inefficient and that it chafes at what it perceives as the world body’s unfair treatment of close US ally Israel. Along these lines, US Ambassador Nikki Haley has said: “You can be sure we’ll continue to look at ways to increase the U.N.’s efficiency while protecting our interests.”⁸²⁴

The Trump administration’s reservations about the Security Council are consistent with this view. It is frustrated by the monthly public meetings in the Council on the Middle East, because they generally focus on Israel/Palestine, rather than the misdeeds of the Iranian or Syrian governments. Trump and Haley were infuriated when the United States was forced to cast a veto in December 2017 on a draft resolution isolating it for recognizing Jerusalem as the capital of

⁸²² Wenqi and Xinyu, “China in the Security Council,” 100.

⁸²³ This has been suggested to me by my colleague at Security Council Report, Shamala Kandiah.

⁸²⁴ As quoted in Rick Gladstone, “Taking Credit for U.N. Budget Cut, Trump’s Envoy Hints at More to Come,” *The New York Times*, 25 December 2017, <https://www.nytimes.com/2017/12/25/world/americas/trump-United-nations-budget.html>.

Israel. It has also consistently looked for ways to cut the peacekeeping budget; while the Council does not manage this budget, it does mandate and oversee peacekeeping operations.

However, it would be wrong to assume that the United States under Trump does not see value in the work of the Security Council. It found the Council useful in unanimously adopting a series of resolutions that significantly strengthened sanctions on the Democratic People's Republic of Korea (North Korea) in 2017. As Mark Leon Goldberg has written, "when it comes to confronting some of the toughest global challenges, like non-proliferation and terrorism, the United States still believes it is in its best interests to work with the Security Council, and not around it."⁸²⁵ Furthermore, while legitimate concerns have been raised about the cuts to UN peacekeeping operations that the administration has demanded and continues to demand,⁸²⁶ these seem to reflect a desire for more efficient and cost-effective operations as much as the administration's "America-first" mentality. The verdict is still out regarding how detrimental current and future cuts will be to the effectiveness of the peacekeeping missions the Council mandates. However, it should be noted that the United States showed willingness in 2017 to compromise with other members in reductions in the numbers of peacekeepers in operations in the Democratic Republic of the Congo and Abyei.⁸²⁷ In the Central African Republic, where the security situation is highly unstable, it agreed to an increase in the number of peacekeepers.⁸²⁸

⁸²⁵ Mark Leon Goldberg, "One Year In, The Trump Administration Seems to Have Learned to Like the UN," *UN Dispatch*, 30 January 2018, <https://www.undispatch.com/one-year-trump-administration-seems-learned-like-un/>.

⁸²⁶ See Al Jazeera News, "Trump wants to cut funds for UN missions in Middle East," *Al Jazeera*, 14 February 2018, <http://www.aljazeera.com/news/2018/02/trump-cut-funds-missions-middle-east-180214071652962.html>.

⁸²⁷ Abyei is a disputed region along the Sudan-South Sudan border.

⁸²⁸ See Security Council Report, "Renewal of the UN Multidimensional Integrated Stabilization Mission in the Central African Republic," *What's in Blue*, 14 November 2017, <http://www.whatsinblue.org/2017/11/renewal-of-un-multidimensional-integrated-stabilization-mission-in-the-central-african-republic-minu.php>.

As of early 2018, Trump himself has already hosted Security Council members twice in the White House, after little more than a year in office.⁸²⁹ While one admittedly must be careful not to read too much into Trump's words, as he is not known for his honesty and has shifting opinions, it is striking that during the Council's second visit to the White House on 29 January 2018, he told members: "We've already done...tremendous...coalition building, and the United Nations Security Council, in particular, is very important to us. The power and respect it has all over the world is...excellent."⁸³⁰ These words are not what one would expect from a president dismissive of multilateralism.

There was considerable division in the Council in 2017. There were six vetoes, which was the most since 1988. While this level of discord is troubling, it should nonetheless not be exaggerated. The Council was already divided before Trump came into office. Furthermore, five of these vetoes were on a single issue, chemical weapons in Syria,⁸³¹ and the Council managed to achieve a considerable degree of unity on several other issues. Only two of the 61 resolutions in 2017 were not adopted unanimously. This compares favorably to 2016 in which 10 of the 77 resolutions were not adopted unanimously and one draft failed to garner the requisite 9 votes to be adopted, although admittedly there were only two vetoes during 2016.

The bottom line is that while changes in US policy have been reflected in the Council—for example, support for Israel is more pronounced, there is stronger emphasis on cost-saving in peacekeeping operations, and efforts to address climate change as a security issue are not being supported—there is yet to be an indication that the overall US view of the Security Council has represented as significant a departure from the past as would seem at first site. By and large, the

⁸²⁹ Goldberg, "One Year In, The Trump Administration Seems to Have Learned to Like the UN."

⁸³⁰ Quote taken from Goldberg, "One Year In, The Trump Administration Seems to Have Learned to Like the UN."

⁸³¹ These include one draft jointly vetoed by Russia and China and four registered solely by Russia. The other veto in 2017 was the US veto in late December regarding Jerusalem.

administration has not subjected the UN Security Council to the same level of scorn as, for example, the UN Human Rights Council; the UN Educational, Scientific, and Cultural Organization (UNESCO) (from which the United States withdrew in 2017);⁸³² the UN Population Fund (UNFPA) (which the United States announced it would stop funding in April 2017);⁸³³ and the UN Relief and Works Agency for Palestinian Refugees in the Near East (which is expected to suffer from the Trump administration's decision to slash US financial support). From a cynical perspective, it does seem that Ambassador Haley enjoys the spotlight offered by the Council, which is enabling her to burnish her domestic reputation among certain conservative elements of the electorate and serves as a springboard for possible future political ambitions.⁸³⁴ Nonetheless, while it is unclear how US engagement with the Security Council will unfold during the remainder of the Trump administration, it values the UN's peace and security organ as a useful instrument of US foreign policy, despite its criticism of the United Nations and its cuts in funding for UN peacekeeping and other UN entities.

Conclusion

The Security Council is going through a difficult period. The Council remains engaged in longstanding crises in Afghanistan, the Democratic Republic of the Congo, Israel/Palestine, and Western Sahara, with little to show for its efforts, and it has had limited success at best in supporting political solutions to the more recent conflicts that have come onto its agenda since 2011 in the Central African Republic, Libya, Mali, South Sudan, Syria, Ukraine, and Yemen.

⁸³² Zack Beauchamp, "Here's what UNESCO is—and why the Trump administration just quit it," *Vox*, 12 October 2017, <https://www.vox.com/world/2017/10/12/16464778/unesco-us-withdrawal-trump>.

⁸³³ See UN Population Fund, "Statement by UNFPA on U.S. Decision to Withhold Funding," 4 April 2017, <https://www.unfpa.org/press/statement-unfpa-us-decision-withhold-funding>.

⁸³⁴ This is my impression from interactions with knowledgeable UN observers.

Tensions between Russia and the United States have affected dynamics in the Council for the worse.

While this negative depiction of the Council does not leave much room for optimism, one could argue that expectations of what this organ can do need to be tempered. The permanent members were accorded the veto to ensure their participation in the new world body at the end of World War II and to ensure that the Council would not be used as an instrument against their core interests; the UN would likely not exist if the P5 were not given the right of veto in the peace and security organ.⁸³⁵ The gridlock in the Council with regard to conflicts in Syria, Ukraine, and Yemen is to be expected because the strategic interests of the great powers clash in these cases; a continuation of this gridlock in the Council will continue until and unless the permanent members come up with a political arrangement among themselves that is also acceptable to the respective host countries and key regional states.

Another major challenge in the Council's work, also described in Chapter IV of this dissertation, is the fundamental disagreements over the nature of state sovereignty, especially among the permanent members, but also among the elected members. How and when this organ uses instruments at its disposal under Chapter VII of the UN Charter, such as sanctions, international legal prosecution, or the use of force—and more broadly, how it chooses to engage with states that are the subject to its resolutions—is very often a decision about how much the sovereignty of the target state should be temporarily forfeited. As noted earlier, China and Russia generally have more traditional views of state sovereignty than the P3, who tend to be more amenable to pursuing Chapter VII measures. Even in cases in which members agree with the

⁸³⁵ David L. Bosco, *Five to Rule Them All: The UN Security Council and the Making of the Modern World* (Oxford: Oxford University Press, 2009), 36.

basic diagnosis of the problem, they have sometimes had difficulty developing a common approach because of their different views on state sovereignty (for example, South Sudan). As the Council continues to manage a heavy agenda of crises, its members will frequently be divided on appropriate responses, if and until there is a shared understanding of when and how it is permissible to pursue Chapter VII measures, or threaten their imposition as a way to exert political leverage.

However, for all of its shortcomings, the Council plays a critical role in the foreign policies of its members. The quest for reaching consensual arrangements is very often a reflection of this fact. While I have attempted to demonstrate that unanimity in and of itself is not necessarily a good thing, there is much to be said for the Council's impact on issues on which its members, especially the permanent ones, agree. The Council may never do enough to satisfy its detractors, but when its most powerful members are united—and are willing to back their decisions with political will and resources—it can make a positive difference on international peace and security.

Appendix: List of Interviews

Arria, Diego, former Venezuelan ambassador to the UN, New York, NY, 19 September 2016.

van Bohemen, Gerard, former New Zealand ambassador to the UN, New York, NY, 1 November 2016.

Greenstock, Jeremy, former UK ambassador to the UN, interviewed by phone by the author, New York, NY, 3 March 2017.

Mendez, Wilmer, current political coordinator of the Venezuelan mission to the UN, 1 January 2017.

Yañez-Barnuevo, Juan A., former Spanish ambassador to the UN, New York, NY, 12 December 2016.

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