



WHAT ARE THE CAUSES OF THE INEFFECTIVENESS OF THE SECURITY COUNCIL'S ACTIONS?

Towards a more democratic system



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BORJA RAMOS GUADAMURO 13082752 ES3-3A
The Hague University of Applied Sciences, European Studies Department
Supervisor: Mr. M Lak

Executive Summary

After the failure of the League of Nations after World War I, the Allied powers (the United Kingdom, the United States and the Soviet Union) came together to form a new international organization – the United Nations - that could save future generations from war and the atrocities experienced during that war. This organization officially came into existence in 1945 and, through its Charter, gave the Security Council the primary responsibility of guaranteeing the maintenance of international peace and security by acting decisively to prevent and remove international threats.

Nowadays, the geopolitical realities and the challenges and threats to international security and peace have changed, as well as the distribution of power among its members; however, the Security Council has done very little to adapt to these changes. This has resulted in ineffective and inefficient Council's actions as can be seen in the failures in Somalia, the former Yugoslavia, or Rwanda. As a result, the Security Council has received many criticisms by different scholars, member states, or non-governmental organizations. Among the most popular of these criticisms are worthy to mention the criticisms against the veto rights and the political interests of the permanent members; the inefficiency of the United Nations' conflict management capacity; the failures in the prosecutions of violations of Security Council's resolutions; the allegations of bias against African member states, as they are the only countries referred to the International Court by the Council; and the absence of participation and representation in the Council.

To tackle these problems, several well-known international organizations, internationally recognized scholars, and member states have called for an institutional reform of the Council, and have proposed several reform proposals. These have called for the improvement of the Council's management; the need of more transparency and accountability; the extension of member states' participation and representation; and the complete interaction with NGOs. However, the veto power has been the most controversial of all the reform proposals as it has shown how the permanent members use it for their own interests, rather than to promote global security.

Nevertheless, the majority of these changes are unlikely to happen as they need to be ratified by two-thirds of member states and the affirmative vote of all permanent members. On the other hand, although in theory it seems that not much has been done by the Security Council to improve its efficiency and effectiveness, the reality is different. Many changes in transparency, accessibility, inclusiveness and support have been achieved in the past decades; the Council has become more transparent, accessible and inclusive as it is not as secretive as it was in the past.

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Introduction

Prior to the Security Council and the United Nations, the League of Nations was the international organization responsible for ensuring collective security, international cooperation and international peace (Briney, A., 2015). It was founded on 10 January 1920 as a result of the Paris Peace Conference that ended World War I; its foundation was not only an attempt to recognize that international conferences were becoming a regular part of international practice but also that it was the only alternative to avoid international disasters (Ellis, C.H., 2003, p. 67). Additionally, the League of Nations only had the support of 58 members, unlike the 193 current United Nations members (Briney, A., 2015). Although its span of life was short and its success transitory, it holds a place of supreme importance in history, as stated by former Secretary General of the League F.P. Walters, since it was the first move towards an international social and political order (Housden, M., 2014, p. 16.). However, not everyone agrees with this assessment. For instance, political analyst Robert Dell criticized the organization for having failed to challenge the primacy of national sovereignties, failed to treat all states equally and, of course, failed to prevent the outbreak of World War II (Housden, M., 2014, p. 17).

In the 1930s, the power of the League of Nations waned due to the international influence of the Axis Powers (Germany, Japan, and Italy), which finally led to the dissolution of the organization in 1946 (Briney, A., 2015). Because of the atrocities and the severe inhumane treatments of the war, the Allies (the United Kingdom, the United States, and the Soviet Union), as the clear winners of the war, agreed with the American initiative and decided to form the United Nations to save future generations from war (Briney, A., 2015). The United Nations officially came into existence after the ratification of the Charter on October 24, 1945, which aimed to establish equal rights for all persons, reaffirm human rights, and to promote freedom, justice, and social progress for all of its member states (Briney, A., 2015).

The Charter also established the different branches of the United Nations, which are the General Assembly, the International Court of Justice, the Economic and Social Council, the Secretariat, and the Security Council. The General Assembly, composed of all member states, is the main decision-making organ in the United Nations, and is responsible for upholding the principles of the United Nations through its recommendations and policies (Briney, A., 2015). The International Court of Justice is the main organ responsible for judicial matters. The Economic and Social Council promotes social development and economic cooperation between member states, and assists the General Assembly (Briney, A., 2015). The Secretariat provides information, data and

studies when needed by the other branches (Briney, A., 2015). Finally, the Security Council has the power to authorize the deployment of United Nations troops, to mandate a ceasefire during conflicts, to enforce peace through peacekeeping missions, and to enforce sanctions on member states if they do not comply with the mandates (Briney, A., 2015).

The first Security Council's session was held on 17 January 1946 at Westminster and, since this meeting, the Council has taken permanent residence at the United Nations Headquarters in New York (United Nations, n.d.). As the need for a meeting can arise at any time, a representative of each member state must be present at all times at the headquarters (United Nations, n.d.).

This Council was established as one of the main United Nations organs to guarantee the maintenance of international peace and security by acting decisively to prevent and remove international threats. Its five permanent members (France, the United Kingdom, China, the United States and Russia), also known as the P5, were given veto rights, not to use them for their own interests but to promote global security (United Nations, 2004). Article 23 of the United Nations Charter established that membership was also linked to contributions to maintaining security and peace, not just to geographical balance (United Nations, 2004). Additionally, Article 24 of the Charter provides that *"in order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf"* (Fitzgerald, A., 2000, p. 321).

Since the creation of the Security Council, the challenges and threats to international security and peace have changed, as well as the distribution of power among its members (United Nations, 2004). However, the Council has shown no intention or has done very little to adapt to these changes. The Security Council's actions, decisions and mandates are frequently ineffective as they require extensive military, political and financial involvement by the rest of states; they cannot be implemented just by members of the Council (United Nations, 2004). Furthermore, the lack of representation from the broad membership has diminished the support for the decisions issued by the Security Council (United Nations, 2004). After the Cold War, the effectiveness of the Security Council has improved, as well as its willingness to act; however, it has not always been equitable in its actions or effective in the face of international atrocities (United Nations, 2004).

All this has gravely damaged the image and the credibility of the Security Council. Much information can be found online and on published books about criticisms and propositions for reforms of the Security Council. However, these criticisms and propositions for reforms focus mainly on the veto right and its abolition. As a consequence of this, this dissertation aims to provide

a better insight on the different causes that have led to the ineffectiveness of the Council's work, rather than just the veto right. Furthermore, this dissertation focus on both the criticisms and the propositions, unlike the majority of reports and books which only focus on one of this two fields.

To better understand the causes of this ineffectiveness, this dissertation – in its first part - aims to explain the major criticisms towards the Council by scholars, international organizations, and member states, and through several examples. Additionally, the second part of the report focuses on different propositions for reform which are expected to make the Council a more democratic system. As a consequence, the central research question is as follows: "What are the causes of the ineffectiveness of the Security Council's actions?" Furthermore, this central question is divided in three sub-questions, each of them organized in different topics.

The first sub-question is: "What is the structure of the Security Council?" The topics of this sub-question are the mandate of the Council; the maintaining of peace and security; the membership and election; and the voting system of the Council.

The second sub-question is: "What are the main criticisms concerning the ineffectiveness of the Security Council's actions?" The topics of this sub-question are the veto power and the political interests of the permanent members (P5); the United Nations' conflict management capacity; the failures in the prosecutions of violations of Security Council's resolutions; the allegations of bias against African states; and the absence of participation and representation in the Security Council.

The third sub-question is: "What are the possible measures to improve the effectiveness of the Security Council's actions?" The topics of this sub-question are the renunciation of veto rights in cases of crimes of atrocity; the improvement of the management of peacekeeping operations; more transparency and accountability; more participation and representation; and more interaction with NGOs.

Finally, the research methods used in this dissertation are qualitative methods (such as interviews or the understanding or reports) and secondary data. First of all, qualitative methods have been used as the main goal of this dissertation to gain in-depth qualitative knowledge of the ineffectiveness of the Security Council's actions. Secondly, secondary data has been used as this dissertation is based mainly on data gathered from institutions, organizations and researchers/experts. Additionally, the suitable methods selected to give an answer to the central question are the followings. Policy/reports analysis such as those from NGOs (i.e. Human Rights Watch or Amnesty International), which are essential to study the failures of the Security Council

(i.e. Darfur or Somalia). Moreover, policy analysis is also important to know how the Council works and how it addresses to the different states. Several books about criticisms and the functioning of the United Nations and the Security Council have also been helpful to carry out this dissertation. Journals and news releases have been essential to be acknowledged of recent news and criticisms about the Security Council. Documentaries (i.e. "Ghosts of Rwanda" or "the Weight of Chains") have helped to understand the history of the different cases of study.

Methodology

Structure of the Security Council

Both the official website of the United Nations and the Security Council were used to describe the structure of the Security Council, as they provide all the information regarding the creation, composition and work of the Council. The examination of the most relevant articles of the Charter of the United Nations was also essential to understand the functioning of the Security Council. Additionally, several books about the composition of the Council and written by different political analysts were used to explain this section with theoretical and differing views.

Criticisms of the Security Council

In the case of the veto power and the political interests of the permanent members (P5), several books regarding the veto power have been used. These books have provided information about the development in the use of this power by the permanent members, from the creation of the Council until today. Moreover, Security Council resolutions from the official websites of the United Nations, the Security Council and the Commonwealth were used to obtain information relevant to the different case-studies (i.e. the interests of the United Kingdom in the Suez Canal).

For the section concerning the United Nations' conflict-management capacity, several history and political books were used to explain this section. Moreover, statistics released by NGOs have also provided information about the numbers of casualties of the different case-studies. These reports have been also used to examine the most important criticisms from NGOs towards the peacekeeping missions of the Council. Finally, for the case-study of Rwanda, the documentary "Ghosts of Rwanda" has been relevant to know the opinions and views on this topic of different government officials.

The main sources to outline the failures in the prosecution of violations of Security Council's resolutions have been several books that explain the history of the different examples and the case-study. Furthermore, other books written by political analysts and reports released by NGOs described the main criticisms faced by the Council regarding this topic. Additionally, articles released by the United Nations' official website, including Security Council's resolutions, were also important to know the view of the United Nations on this matter and to support the case-study.

In the case of the allegations of bias against African states, the principal sources that were used are the opinion of several scholars and writers, which were obtained from different books, reports and articles.

For the section concerning the absence of participation and representation in the Security Council, several books and articles with differing points of views and written by different political analysts have been used to explain the major criticisms towards this topic.

Proposals for the reform of the Security Council

Security Council and United Nations sources were used for the first reform proposal, the renunciation of the veto power, as they provided the main actors involved in this. Moreover, several books and articles written by scholars and political analysts were also used to develop more specifically this information. Finally, the analysis of NGOs reports (i.e. Amnesty International) provided this section with the possible outcomes of these changes.

In the case of the improvement of the management of peacekeeping operations, once again, the official websites of the United Nations, the General Assembly and the Council on Foreign Relations were used to examine the main actors involved in this reform. This was followed by the developing of this information through the study of several books and scholar articles.

For the section concerning the reform proposals on transparency, participation, accountability and representation, several reform models were used. These models were obtained from different books, scholar articles and United Nations reports, such as the High-Level Panel on Threats, Challenges and Change.

Results

1. What is the structure of the Security Council?

1.1 Mandate

The establishment of the United Nations Charter – more specifically article 24 of the Charter - gave to the Security Council the mandate of primary responsibility for maintaining the international peace and security (United Nations, n.d.). Subsidiary organs of the United Nations can make recommendations to member states; however, the Security Council is the only international organ that has the power to make decisions that have to be accepted and carried out by its member states (United Nations, n.d.). In other words, under Article 25 of the Charter, the resolutions of the Security Council are binding to all member states, as they have agreed – before becoming members - to accept and carry out the decisions of the Council (United Nations, n.d.). Furthermore, the presidency of the Security Council rotates on a monthly basis, going alphabetically among both the permanent and the non-permanent member states (United Nations, n.d.). The role of the president involves calling for meetings, presiding at these meetings, approving the provisional agenda proposed by the Secretary-General, overseeing any kind of crisis and summoning the member states to seek for a rapid solution (United Nations, n.d.).

1.2 Maintaining Peace and Security

After a complaint about a threat to peace has been brought before the Security Council, the first step taken by the organ is to issue the recommendation of a peaceful agreement to the parties involved (United Nations, n.d.). These agreements may include: the undertaking of an investigation and mediation; the dispatch of a mission; the appointment of special convoys; or the request to the Secretary-General to intervene in the pacific settlement of the dispute (United Nations, n.d.). If the dispute has led to hostilities, the Security Council may issue ceasefire directives to prevent the escalation of the conflict, or dispatch military observers or peacekeeping forces to reduce tensions (Sievers, L., 2014, p. 13). Additionally, the Council can also take enforcement measures such as blockades, military actions, severances of diplomatic relations, or economic sanctions (Sievers, L., 2014, p. 13). These decisions are taken in open or closed meetings. The main difference between a closed and an open meeting is the undemocratic nature of the closed

meetings as they are not open to the public and no record of statements is kept (Sievers, L., 2014, p. 25).

1.3 Membership and election

The Council, as specified in Article 23, consists of five permanent members (the Russian Federation, the United Kingdom, France, the United States and China) and ten non-permanent members (Lowe, V., 2008). These non-permanent members are elected each year by the General Assembly for a two-year term and on a regional basis (United Nations, n.d.). The distribution of the non-permanent seats follows the following criteria: five seats are set for African and Asian members; two for Western European members; two for Latin American members; and one for Eastern European members (United Nations, n.d.). Article 23 of the Charter explains that this distribution is based on the level of contribution of United Nations members to the maintenance of peace and security and to an equitable geographical distribution (Charter of the United Nations, n.d.). Currently, the rotating members of the Council are Malaysia, Spain, Venezuela, New Zealand and Angola, whose mandates end in 2016; and Egypt, Japan, Senegal, Ukraine and Uruguay, whose mandates end in 2017 (United Nations, n.d.).

1.4 Voting System

According to Article 27 of the United Nations Charter, each permanent and non-permanent member of the Council has one vote, being needed nine affirmative votes to pass a decision (United Nations, n.d.). Furthermore, the affirmative vote of all permanent members is necessary, although abstention is also possible (United Nations, n.d.). This voting power of the permanent members is also known as the "veto power", which allows them to stop any draft resolution, irrespective of the level of international popularity or support (Okhobat, 2011, p. 11). The initial reason for the inclusion of the veto power in the United Nations Charter was to prevent the five founding members to take direct actions against each other (Okhobat, 2011, p. 11). However, the most important reason behind the establishment of the veto power, as stated by political analyst B. Fassbender (1998, p. 9), was to give the permanent members the "last word", thus exempting them from the rules of discourse which apply to the rest of the international community. Therefore, although the veto power is not mentioned, Article 27 (3) states that decisions "*...shall be made by an affirmative vote of nine members including the concurring votes of the permanent members*" (Security Council, 2015, p. 2). Furthermore, member states can also abstain as Article 27 (3) goes

on to say: “...in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting” (Security Council, 2015, p. 2).

2. What are the main criticisms concerning the ineffectiveness of the Security Council's actions?

In the past decades, the Security Council has received strong criticisms – including those from scholars, member states, or NGOs – due to the ineffectiveness and the inefficiency of its decisions, mandates and actions. These criticisms began during the years of the Cold War as there were considerable changes on the international scene. First of all, the United Kingdom and France declined in relative power while other countries grew in standing, most notably Japan and Germany (Bourantonis, D., 2005, p. 7). Secondly, the decolonization process in the 1960s resulted in the admission to the United Nations of a large number of new states, which brought a significant growth of United Nations membership and a considerable alteration of its geopolitical synthesis (Bourantonis, D., 2005, p. 7). Finally, there was a dramatic shift in the distribution of power as Russia (by that time the Soviet Union) lost its empire and status as a global power (Bourantonis, D., 2005, p. 7).

Many critics, as for example the advocates of the R2P (responsibility to protect), have said that the veto right gives undue deference to the political interests of the P5 – the five permanent members of the Council - leading to mass atrocities, as happened recently in Syria (Council on Foreign Relations, 2015). The Responsibility to Protect (R2P) is a principle, endorsed by all United Nations member states at the 2005 World Summit, which emphasizes that all states have the responsibility to prevent all kind of human rights violations in their territories (Hoffman, J., 2012, p. 9). Other R2P (responsibility to protect) advocates have questioned the United Nations' conflict-management capacity, citing the peacekeeping crisis in Somalia, the humiliating defeats in the Balkans, or the genocide that took place in Rwanda, and all of them during the 1990s (Council on Foreign Relations, 2015). The experts blamed these failures on both logistical and political problems, including the interests of the major powers, inadequate resources, and muddled mandates (Council on Foreign Relations, 2015). Finally, the Security Council's structure of permanent seats has also been highly criticized by several countries – such as Japan, Brazil, Germany, India, or South Africa – as it has not been changed since its creation and as the powers believe that it does not reflect the current geopolitical realities (Council on Foreign Relations, 2015).

2.1 The veto power and the political interests of the permanent members (P5)

Since the creation of the Security Council in 1945, there have been more than 220 vetoed resolutions; 77 vetoes in the first 10 years after the creation of the Council, 93 vetoes from 1956 to 1985, and over 50 vetoes from 1985 onwards (Foreign and Commonwealth Office, 2016). The reason behind this, as stated by Sahar Okhovat (2011) author of "The UNSC: its veto power and its reform", is the turning of the initial reason for the veto power – the prevention of member states taking actions against each other – into a tool for protecting the national interests of the permanent states. Moreover, Sahar Okhovat also claimed (2011) that the veto power has been responsible for the inefficiency and ineffectiveness of many of the Security Council's actions, and gave the examples of the 2008 conflict in Georgia, the 2003 Iraq War, or the ineffective actions against the Israeli settlement activities in Palestine.

Russia has used its veto power more times than any other permanent member, blocking more than 127 resolutions, the most recent example being the vote against a draft resolution that would have called the Syrian president Bashar al-Assad to step aside (Hashim, A., 2012). Other examples of interests-related vetoes used by Russia are two vetoes against resolutions on Cyprus that requested the Secretary-General to take appropriate action to guarantee the independence and territorial integrity of the island – while the rest of non- and permanent members voted in favor -; or the blockage of a resolution that intended to extend the United Nations Observer Mission in Georgia during the 1998 Russia-Georgia crisis (Okhovat, S., 2011, p. 12; Foreign and Commonwealth Office, 2016).

In using its veto power, Russia is followed by the United States of America, which has used its veto right to a total of 79 times so far (Hashim, A., 2012; Dag Hammarskjold Library, 2016). It is worthwhile to mention that approximately 50% of these vetoes were issued against resolutions related to Israel (Okhovat, S., 2011, p. 13). More specifically, 40 out of the 79 vetoes issued by the United States were related to Council resolutions condemning Israel, and none of them were supported by the rest of permanent members (Dag Hammarskjold Library, 2016). One recent example is the resolution vetoed in 2011 which condemned all Israeli settlements established in the occupied Palestinian territories since 1967 as illegal (United Nations News Centre, 2011). Although this resolution was co-sponsored by over 120 United Nations member states and four of the permanent members, the United States vetoed it (United Nations News Centre, 2011). This was due to the fact that the United States has a lot of interests in the Middle East and, therefore, the permanent member has always provided political cover and protection to Israel in order to achieve

and keep these interests, according to S. Okhovat (2011, p. 13). Political analyst Jack Covarrubias explains (2007) that these interests are both moral and strategic (p. 123). First of all, Washington feels morally obligated to defend Israel before the Security Council's resolutions since the United States had a vital role in the creation and existence of Israel (Covarrubias, J., 2007, p. 123). Secondly, Israel is a major strategic ally in the Gulf Region and, subsequently, in the oil rich Middle East (Covarrubias, J., 2007, p. 123).

The United Kingdom and France follow the same patterns when issuing vetoes, with 31 and 17 vetoes issued respectively by 2012, and being the last of their vetoes in the very late 1980s (Hashim, A., 2012). Examples are the opposition by both countries to a resolution ordering Israel to withdraw its troops from Egypt in 1956, as the United Kingdom had oil interests in the Suez Canal and was threatened by Egypt, or the rejection of a resolution that criticized the United States military intervention in Panama in 1989 (Hashim, A., 2012; Milner, L., 2011). However, while the United Kingdom has used a unilateral veto on seven occasions, France has only used a unilateral veto twice, vetoing a resolution relating to the Dutch East Indies (current Indonesia) in 1947 and a resolution dealing with the Comoros islands in 1976 (Hashim, A., 2012).

Finally, China is the permanent member that has used its veto power the least, with a total of 9 vetoes, the last one being in 1999 (Hashim, A., 2012). Two of these vetoes, together with Russia, were used to stop two resolutions that were intended to condemn human rights abuses in Zimbabwe and Burma as China had economic and political interests in both countries (Okhovat, S., 2011, p. 12). Additionally, in 1997 the Asian country vetoed a resolution that intended to authorize the deployment of observers in Guatemala and in 1999 vetoed a resolution in Macedonia concerning the extension of the operation of the United Nations Preventive Deployment Force (UNPREDEP) (Okhovat, S., 2011, p. 12). According to political analyst S. Okhovat, China used its veto power as a political weapon to punish both countries for their political ties to Taiwan and their recognition of Taiwanese independence as a sovereign state; more specifically, Macedonia has established diplomatic relations with Taiwan just a month before that resolution was vetoed (2011, p. 13).

All this shows the undemocratic nature of the veto power since it only gives power to a few countries, which use it to protect their own interests. As a consequence, the Security Council is seen by the international community as inefficient and ineffective. Not many member states support or have supported this veto right; back in the 1990s, more than 180 states were against the veto power, labelling it as "inequitable", and, currently, this number has reached 190 member states (Okhovat, S., 2011, p. 24; Hassler, S., 2013, p. 74). Political analyst David Malone referred

(2004) to the veto right as an “antidemocratic practice” as he believes that it is inconsistent with the concept of “democracy in the United Nations” and he doubts that such a concept has a firm basis in the Charter (p. 351).

On the other hand, there are still some scholars and countries that support the veto power. The main arguments are that the vetoes are the price to pay for having powerful countries willing to implement and pay the decisions taken in the Council; or that the vetoes prevent the Security Council from undermining its own authority by having the agreement of the permanent members (P5) (Gupta, P., n.d.). According to David Bosco (2012), a professor at American University's School of International Service, it is not possible to have a Security Council without the right of veto as no major powers would grant an international body binding legal authority on matters of security and peace unless they are certain that it will not prejudice their interests. Additionally, the professor added that there are a few things worth noting concerning the veto power and its use. The first thing worth noting is that, contrary to popular belief, China and Russia are not the most profligate in their use of the veto; rather, that distinction belongs to the United States on matters concerning criticisms of Israel (Bosco, D., 2012). The second thing worth noting is that the overall use of the veto has declined considerably since the end of Cold War; the historical trajectory of the Security Council deliberations is toward greater consensus on the Council and against the casual use of the veto (Bosco, D., 2012).

2.2 The United Nations' conflict-management capacity

The United Nations peacekeeping missions began in 1948 and since then, 69 operations have taken place with more failures than successes, such as the failures of the interventions in Srebrenica, Somalia or Rwanda (Chandra, R., 2001, p. 2).

In the case of the intervention in Srebrenica, in July 1995, Bosnian Serb forces executed more than 8000 Muslim Bosnians in that town, which had been previously declared as a safe area by the United Nations during the Bosnian War of 1992-95 (Henderson, B., 2015). This massacre, which is considered to be the worst massacre in post-World War II European history, was the result of the failure of 600 Dutch forces to protect civilians and their refusal to give them back the weapons they had previously surrendered (Henderson, B., 2015).

In the case of Somalia, the intervention in the African country is considered by United Nations officials as “the greatest failure of the United Nations in our lifetime” (Henderson, B, 2015).

The downfall of President Siad Barre in 1991 resulted in the division of Somalia into heavily armed clans fighting for power (UN, n.d.). As fighting persisted throughout the country, the resulting hostilities led to death and destruction. The Security Council passed a resolution that allowed humanitarian intervention to arrive to Somalia, however, after a hostile reception and the killings of several Pakistani and American peacekeepers, the Council decided to withdraw all troops leaving the country to its own fate (Chandra, R., 2001, p. 106).

The case of Rwanda is another of the major failures of the United Nations peacekeeping missions that will be examined more in detail in this dissertation, as it was the quickest killing spree that history has ever experienced: approximately 800000 deaths over a period of 100 days (United to End Genocide Org., n.d).

In 1990, civil war broke out in Rwanda when Tutsis exiles established the so-called Rwandan Patriotic Front (RPF) and started fighting against the Rwandan government, which was composed mostly of Hutus (United to End Genocide Org., n.d.). On April 1994, the Rwandan President Juvenal Habyarimana was killed as his plane was shot down when he was returning to the capital, Kigali (United to End Genocide Org., n.d.). This resulted in an organized campaign of violence against Tutsis and moderate Hutus and, as the weeks progressed, the killings of hundreds of thousands of them by Hutus extremists (United to End Genocide Org., n.d.). The mass killings happened due to the inaction of the international community, which allowed the Hutus to do so without interference; although the international community knew from the beginning about the killings, it took no actions to stop these mass atrocities (United to End Genocide Org., n.d.). Months before the killings began, the commander of the United Nations Peacekeepers in Rwanda General Romeo Dallaire sent a "genocide fax", warning about the extermination plot; however the Security Council failed to consider the crisis as genocide and labelled it, instead, a civil war (United to End Genocide Org., n.d.). The media also eye witnessed the killings, with many stories hitting the front pages of the New York Times or the Washington Post; however, it had no influence on the international community rather than spreading a feeling of guilt (United to End Genocide Org., n.d.).

According to a 2012 report on the failures of the Security Council's peacekeeping missions issued by the International Diplomacy and Public Policy Center, the mistakes that led to this genocide were several. First of all, the Council focused on the establishment of a new government in Rwanda, ignoring the tensions and Nigeria's draft resolution which expressed concern about the lives of Rwandans and which called upon peacekeepers to protect them (Jacobson, T.W., 2012). Secondly, the peacekeepers only focused on evacuating government officials and foreigners, abandoning thousands of Rwandans who sought safety where they were stationed (Jacobson, T.W.,

2012). This was due to the fact that the United Nations does not have its own peacekeeping troops; the organization borrows them from member states, and those states (Belgium and the United States in this case) only opted to evacuate their own citizens (Human Rights Watch, 2015). Thirdly, the Security Council failed to identify the events as a genocide and to respond to it; additionally, reducing by almost 90% the number of peacekeepers in Rwanda (Jacobson, T.W., 2012). The Human Rights Watch's report on the Rwandan genocide criticized (2015) the Security Council for not having used the term "genocide", as it would eliminate the obligation to confront the crime. On the other hand, Joyce Leader, the United States ambassador to Rwanda by that time, stated: "People tried to tell us and tried to explain to us or help us understand, but we just did not get it. It was very hard to conceive of something so awful" (Barker, G.; Kemp, D., 2004). Finally, the Security Council was very reluctant to spend money. This left the peacekeepers ill-prepared to deal with any crisis; although they helped to prevent the death of many civilians, the more than 900 poorly trained and equipped soldiers from Bangladesh could not work as efficiently as they wanted to (Human Rights Watch, 2015; Bellamy, A.J., 2013, p. 199).

In general terms, former United States Representative to the United Nations Madeleine Albright stated back in the 1990s that all the peacekeeping operation's failures (such as in Somalia or Yugoslavia) were caused by the "amateurism" of the Security Council (Bertrand, M., 1993, p. 351). Another expert, Barney Henderson (2015), a journalist from the Telegraph, affirmed that another cause of the failure of the peacekeeping missions is the unwillingness of the peacekeepers to risk their lives to protect civilians that are under risk of attack. According to the journalist (2015) peacekeepers only intervene in 20% of the cases even though they have the authorization of the Security Council to use force. As a result, the United Nations peacekeeping missions create the illusion of safety since peacekeepers are assigned to protect civilians' lives; however, according to political writer T.W. Jacobson, it goes against human nature to expect that they will risk their lives to protect people they do not know (2012).

Finally, among the few successes of the Security Council's peacekeeping missions are the intervention in Cambodia in the 1990s where a new government was replaced successfully; and the intervention in Sierra Leone in the early 2000s where a peace agreement was implemented after the country's devastating civil war (Jacobson, T.W., 2012; Henderson, B., 2015). However, there is still disagreement whether these missions were completely successful or not. For instance, in the case of the Cambodian peacekeeping operations, political analyst N.R. Azimi recognizes (1994, p. 93) that there are a few successes of this mission, but that there are also failures, such as the UNTAC's (United Nations Transitional Authority in Cambodia) failure to demobilize and disarm the Cambodian military forces or to implement a cease-fire. Whether they succeeded or

not, according to the United Nations (n.d.), the three main factors that leads to the success of the peacekeeping operations are the perception of the peacekeeping missions as legitimate and credible in the eyes of the local populations; the promotion of national and local ownership of the peace process in the host countries; and the following of the principles of impartiality, consent and the use of force only in cases of self-defense and defense of the mandate.

2.3 Failures in the prosecution of violations of Security Council's resolutions

The next major criticism regarding the ineffectiveness of the Security Council is its failure to prosecute violations of its resolutions. Systematic and wide-spread crimes continue to be committed world-wide with total impunity in several countries and many critics see the failure of the Security Council to prosecute violations on its resolutions as the main causative. One recent example is the situation in Syria, which has left over 470,000 civilians deaths, and which has been the result, according to political analyst Priyanka Boghani (2016), of the failure of the Council to refer Syria to the International Court.

The failure in Darfur is another case worth to mention. The conflict in the Darfur region began in 2003 when the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) started to attack the government (Mrvová, K., 2013, p. 26). The two rebels group did so because they were convinced that the government was favoring the Arabs against the rest of ethnicities in the region and, that they were supporting and arming the Janjaweed militia (Mrvová, K., 2013, p. 26). As the militia was blamed for the abductions, killings, and widespread rape of hundreds of civilians in the region, the Security Council referred the situation in Darfur to the International Criminal Court in June 2005 (Mrvová, K., 2013, p. 26).

Many experts, such as political analyst J. Weschler (2010), criticized the Security Council attitude to the conflict in Darfur, pointing out the tendency of the Council towards half measures and its reluctance to take action. The situation in Darfur was first voiced by humanitarian officials during meetings in the United Nations in 2003. The former United Nations' humanitarian chief Jan Egeland mentioned in the Council the 600,000 displaced people in the region and his concerns about a growing humanitarian crisis (Weschler, J., 2010). However, it was not until several months and thousands of casualties later that the Security Council considered the situation in Darfur as an international issue that could no longer be ignored (Weschler, J., 2010).

More than ten years since the situation in Darfur was referred by the Council to the International Criminal Court, crimes are still committed with total impunity. In 2005, the Security Council issued a resolution (resolution 1593) asking the International Court to investigate war crimes in Darfur, and in 2009, the Court issued arrest warrants to prosecute top officials and Sudanese President Omar Al-Bashir for crimes against humanity and war crimes (United Nations, 2013). However, despite this resolution, together with more than 50 resolutions passed since 2004, none of the obligations in those resolutions had been implemented (Security Council, 2016).

According to Ms. Bensouda, the prosecutor of the International Criminal Court, Darfur criminals remained at large and no steps had been taken to bring them to justice (United Nations, 2014). The prosecutor explains that this inefficiency and ineffectiveness of the Council to prosecute violations of the Darfur resolutions was a consequence of two main reasons. First of all, there were – and there are - significant communication gaps between the Security Council and the Court (United Nations, 2014). The communication between the Council and the Court is based on the primary responsibility of the Council to follow-up on the activities of the Court – rather than a simple referral or debate - to maintain dialogue and to respond to the Court (United Nations, 2014). Effective follow-up is necessary to bring effectiveness to the Council's resolutions. However, the Council kept silent during the Darfur situation and failed to achieve unity on how to proceed, which translated into a lack of responsibility and led to these failures (United Nations, 2014). Secondly, the member states of the Council failed to implement arrest warrants against war criminals (United Nations, 2014). As aforementioned, in 2005, the Security Council issued a resolution that allowed member states to arrest the war criminals involved in Darfur. However, President Al Bashir, one of the main war criminals involved in the Darfur conflict, blatantly disregarded the Council arrest warrants, travelling with total impunity to different African countries (Bekou, O., 2016, p. 121). These countries included Ethiopia, Nigeria, Kenya, Chad and Malawi; but it was more recently, in June 2015, when the Council received its most devastating blow as South Africa, one of its strongest supporters, failed to arrest and surrender President Al Bashir, who had travelled to the country to attend an African Union Summit via a private airport (Bekou, O., 2016, p. 121).

Already in 2004, a Human Rights Watch's report on the Darfur situation predicted the failure of the Security Council's resolutions. The report claimed (2004) that the first resolution on Sudan failed to provide protection to endangered civilians in the region. It also stated (2004) that the Council's response fell far short of what was needed to end the atrocities in Darfur despite all the evidences of the Sudanese government's participation in the displacement and the killings of hundreds of thousands of civilians. Human Rights Watch advised (2004) the Security Council to

impose an oil embargo on the Sudanese government rather than just threaten them. However, the NGO was not taken into consideration.

By failing to impose the embargo, the Council ensured that the Sudanese government had the resources necessary to continue its campaign in Darfur, and permitted the continued flow of arms, Human Rights Watch stated (2004).

On the other hand, the international NGO recognized (2004) the success of the resolution approving the deployment of the African Union monitoring force in Darfur to establish accountability for the human rights violations that happened in the region. However, although this specific resolution represented a step forward for the Security Council, it failed due to insufficient support by the international community (HRW, 2004).

2.4 Allegations of bias against African states

Article 13 of the Rome Statute states: *“The Court may exercise its jurisdiction with respect to a crime [...] if a situation [...] is referred to the Prosecutor by the Security Council”* (International Criminal Court, n.d.). This gives the Security Council the right to refer situations to the International Criminal Court; however, one of the major criticisms faced by the Council is that it has only referred to cases in the African continent, while ignoring important violations, as for example, in Israel and Syria. As a result, since the creation of the International Criminal Court, the justice organ has opened investigations against individuals from African nations exclusively (Mrvová, K., 2013, p. 21). Examples of these investigations are: the situations in Mali, the Republic of Cote d'Ivoire, Libya, Sudan, Kenya, Uganda, the Democratic Republic of the Congo, or the Central African Republic (Mrvová, K., 2013, p. 21).

This has brought many criticisms and allegations of bias against African states to both the Security Council and the International Criminal Court. To begin with, many experts have criticized how the Council cooperates with the Court since three of the five permanent members are not even members of the Court (Mrvová, K., 2013, p. 32). As China, the United States, and Russia did not ratify the Rome Statute, experts believe that these superpowers follow their particular interests, by prosecuting the weak and unprotected – the African nations – while turning a blind eye to evident human rights abuses in the self-governing territory of Gaza, or states such as Iraq or Afghanistan (Mrvová, K., 2013, p. 33). The second criticism is that the activities of the International Criminal Court and the Security Council in Africa are considered as colonialists by many critics. For

example, during the 2009 African Union Summit, former Commission chairperson of the African Union Jean Ping accused the Court of being neocolonialist, as he believed that the Court was experimenting its ideas with African countries, while ignoring crimes in parts of the rest of the world (Plessis, M., 2013).

However, according to Katarína Mrvová (2013), many critics do not consider other important facts when accusing the Security Council and the International Criminal Court of being biased against African states (p. 30). The first fact that she mentions (2013) is that African countries count for 30 per cent of the International Criminal Court's membership (p.30). Additionally, 60 per cent of these countries gives permission to the Court to intervene in their situations or have referred situations to the Court themselves (i.e. Democratic Republic of Congo, Uganda and Central African Republic), unlike member states of other continents (Mrvová, K., 2013, p. 30). This means that the Security Council did not bring the majority of African countries before the Court, but these countries did it themselves. Therefore, considering this, the Council cannot be considered to be biased against the African continent, according to Mrvová. Finally, other experts believe that there are good reasons to investigate or prosecute many African nations as the continent has experienced a large number of atrocities which are, statistically, significantly larger than the rest of continents (Plessis, M., 2013).

2.5 The absence of participation and representation in the Security Council

Originally, the Security Council consisted of a total of eleven members, six of them non-permanent and five of them permanent, which was the result of controversial negotiations at the Funding Conference in San Francisco (June 1945) (Winkelmann, I., 1997, p. 38). The San Francisco Conference President Harry S. Truman explained that these controversial negotiations were due to the differing views of the permanent members (P5); the United Kingdom, France and the United States had a more progressive approach, while Russia and China wanted to keep loyal to their conservative views (Fassbender, B., 1998, p. 19). As a result, the non-permanent seats were allocated to the Commonwealth (one), the Middle East (one), Western Europe (one), Eastern Europe (one) and Latin America (two) (Winkelmann, I., 1997, p. 39). On the other hand, no permanent seats were allocated to African or Latin American countries. The exclusion of these countries was a matter of self-appointment by the United Nations founding fathers rather than the result of a selection process (Lowe, V., 2010, p. 38). The five powers self-appointed themselves as the only permanent members because they wanted to transform the wartime alliance into a big

power oligarchy as they believed that they were the only countries capable of securing international peace (Lowe, V., 2010, p. 39).

In 1963, on the initiative of states from Asia, Africa and Latin America, the number of non-permanent members was increased from six to ten, as the membership of the United Nations had increased to 113 members (Winkelmann, I., 1997, p. 39). From that moment on, Latin American countries were allocated two non-permanent seats, African and Asian countries five seats, Eastern European one seat, and Western European two seats (Winkelmann, I., 1997, p. 40). This was seen as a fairer representation for the countries of Africa and Asia.

In 1979, as the membership of the United Nations had risen to 152, ten developing countries proposed that the Council membership be increased from 15 to 21; however, the necessary majority was not reached in the General Assembly (Manusama, K., 2016, p. 318). According to political analyst S.K. Maurya (2007), the voting member states considered that the enlargement would bring complications. Member states believed that an increase in the size of the Council could slow down its working speed and its procedures; they thought that the bigger the number of members, the bigger the chance for disagreement on Council's matters (Maurya, S.K., 2007).

Currently, the United Nations has 193 members, which is not represented by the size of the Security Council as the number of permanent and non-permanent members has not changed since 1965 (Okhobot, S., 2011, p. 32). Furthermore, according to political writer S. Okhobot, as the size of the Security Council does not reflect the growing membership of the United Nations, it goes against Article 2 of the United Nations Charter; namely the "principle of the sovereign equality of all members" (2011, p. 32).

Three are the provisions in the Security Council's Provisional Rules of Procedure which provide for participation of all members in the decision-making process of the Council, as long as they have an interest or they are affected by the Council's actions (Fitzgerald, A., 2000, p. 335). Like this, Article 31 states: "*Any member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that member are specially affected*" (Fitzgerald, A., 2000, p. 335). Furthermore, Article 32 states that if any member or non-member state is affected by a dispute, it "*shall be invited to participate, without vote, in the discussion relating to the dispute*" (Fitzgerald, A., 2000, p. 335). However, political expert Amber Fitzgerald (2000) argues that although these articles seem to give the right of participation to member states, decisions are often made without any input from the countries affected (p. 336). According to him

(2000), decisions are taken without involving the rest of the members and without hearing different points of view; and even if the Council hears an argument, it will have no impact on the resolution (p. 336).

The regional representation of the Security Council has also been strongly criticized, as there are no permanent representatives from Africa and Latin America. The Council has been referred several times as a neocolonialist organization, since it determines questions of peace and war for the poor [referring to African and Latin American countries] without their input as they have no power or saying in the Council (McDonald, K.C., 2010, p. 7).

The lack of non-governmental participation in the Security Council has also been highly criticized by many experts. Although from the 1990s onwards, the role of NGOs in the Council dramatically increased, currently they only enjoy official consultative status with the Economic and Social Council (ECOSOC) and the Department of Public Information (Paul, J., 2004). Although only recognized states can become members of the Security Council, many scholars and countries have advocated for the complete participation of NGOs as an instrument to influence Council's decisions. The main argument of these scholars, such as that of political analyst David Malone (2004), is that NGOs promote a vision of human security and legality, as they believe that it must steadily gain ground over the headstrong use of force, aggressive relations, and national interests (p. 373). Moreover, they have also showed how many NGOs have provided help on many conflicts no matter what, opposite to the Security Council (Malone, D., 2004, p. 373). One example is the role of Medecins Sans Frontieres (MSF) during the Rwandan genocide. The non-partisan international humanitarian aid organization stayed until the end of the conflict – even after the peacekeepers had left - helping to save thousands of life (Florea, S., 2005, p. 21).

NGOs began their work in the Council with idealism and big hopes; they believed that solutions to the worst crises could be found through effective analysis, patience and good information (Paul, J., 2004). But disillusionment soon came, as they became aware of how the Council operates. They became aware of how the permanent members could issue economic threats to win their votes in the Council, how their deliberations could be driven by oil and diamonds resources, or how the permanent members (P5) refused to act on the 1994 Rwandan genocide, among others (Paul, J., 2004).

Although NGOs have worked hardly and faithfully on international issues such as Sudan, the Balkans, Iraq, or Palestine, they have always faced the opposition or the abandonment of the Security Council. This has become another important criticism regarding the ineffectiveness and inefficiency of the Security Council's actions as NGOs could help to improve them.

3. What are possible measures to improve the effectiveness of the Security Council's actions?

Since its creation, several scholars and international organizations have called for an institutional reform of the Security Council due to the ineffectiveness and inefficiency of its actions. Some of them have proposed measures referring to the lack of transparency and participation, and have stated that the current Security Council's structure does not represent current geopolitical realities as it has not changed since the 1960s. Others have proposed measures to improve the peacekeeping system in order to avoid past failures such as, as it has been shown in this dissertation, the failures in Rwanda, Somalia or the former Yugoslavia.

Member states have also shown their wish for a Security Council's reform. One example is the Small Five Group (S5), a group of five small countries (Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland) which has proposed reform measures regarding the veto right of the permanent members in order to improve the efficiency of the Council.

NGOs, such as Amnesty International, have been more specific and have called for the renouncement of the veto rights by the permanent members, in cases of genocide or mass atrocities, to improve the Security Council's effectiveness (Amnesty International, 2015).

Additionally, in the Security Council's history there has been only one reform which happened in 1965, when the number of non-permanent members increased (Okhobat, S., 2011, p. 32). The main reason for this was that the number of member states increased from 51 to 114, however, although the number of member states has increased substantially ever since, there have not been more reforms for several reasons, as it will be shown later in this dissertation (Okhobat, S., 2011, p. 32).

Finally, the Security Council has expressed and accepted several times the need for a reform, focusing mainly on more interaction with NGOs, more accountability and transparency, and more support for United Nations peacekeeping operations.

3.1 Renunciation of veto rights in cases of crimes of atrocity

In the past decades, there have been several reform proposals regarding the veto power due to the inability of the Council to prevent and halt mass crimes of atrocity during the 1990s. However, the pressure for these reform proposals has increased since 2011, due to the disagreement by many states of the vetoes exercised by Russia and China in support of Syria and Libya.

The proposals range from requesting for the extension of the veto power to new permanent members, to limiting its usage only to important issues of national security, or to its complete abolition, being the last one the least popular and unlikely to happen.

In 2000, the Canadian government established the International Commission on Intervention and State Sovereignty (ICISS) to improve the Security Council's performance when preventing mass atrocities (Security Council, 2015, p. 4). In a 2001 report, this Commission stated that the Council *"should agree not to apply their veto power, in matter where their vital state interests are not involved, to obstruct passage of resolutions authorizing military intervention for human protection purposes for which there is otherwise majority support"* (Security Council, 2015, p. 4). Additionally, the High-Level Panel on Threats, Challenges and Change at the 2005 World Summit called on the permanent members to refrain from the use of the veto in cases of human rights abuses and genocide (Security Council, 2015, p. 4).

The same year, the Small Five Group (S5) also started focusing on proposals for the abolition of the veto power as a measure to improve the Council's efficiency (Security Council, 2015, p. 4). As a solution, the group proposed a draft resolution that required two-thirds of affirmative votes by the United Nations members when adopting a resolution instead of the majority required (Security Council, 2015, p. 4). However, due to strong opposition by the permanent members, the draft resolution was withdrawn.

More recently, echoing the Small Five Group (S5) proposals and as a result of the horrific crimes committed in Syria since 2011, several proposals for reform have been drawn up. These proposals for reform include: a reform proposal by the Elders; the Accountability, Coherence, and Transparency Group (ACT) initiative; and a French initiative. All of them have a number of similarities, being their main desire to improve the effectiveness of the Council.

The first proposal to be mentioned comes from the Elders, an independent group of global leaders (such as Mary Robinson, Jimmy Carter, Fernando Cardoso or, until his death in 2013, Nelson Mandela) seeking to promote human rights and peace, and chaired by former United Nations Secretary-General Kofi Annan (Security Council, 2015, p. 5; Tsaliki, L., 2011, p. 117). The proposal asks the permanent members not to use their veto power, in cases of mass atrocities or genocide, without proposing publicly and clearly efficient ways to protect the population affected (Security Council, 2015, p. 5). The Elders also state that any decision should be taken based on international peace and security, and not based on national interests, since the use of the veto under these circumstances represents an abuse of this privilege (Security Council, 2015, p. 5). However, this proposal has had little impact on the possible reform of the Council as the United Nations branch has seen it as a simple recommendation, and has taken no further actions; the real negotiations have yet to begin (Nadin, P., 2016)

The next initiative comes from the Accountability, Coherence, and Transparency (ACT) Group, a group of 27 small and mid-sized countries – including the Small Five Group (S5) - seeking to improve the working methods of the Security Council (Chuard, N., 2015). This initiative wants to establish a “code of conduct” by which Council members – both permanent and non-permanent members – would not vote against credible draft resolutions that seek to end or prevent mass atrocities or genocide (Security Council, 2015, p. 5). However, it has had no impact on the Council's work yet, although many experts, as for instance political analyst Loraine Sievers (2014, p. 677), strongly believe that the work of the Accountability, Coherence and Transparency (ACT) Group will eventually lead to the tabling of one or more draft resolutions. Finally, this initiative is supported by 80 member states, including a permanent member – France (Security Council, 2015, p. 5). In the case of France, the French Government released a communique in 2013 stating that the use of the veto needs to be regulated “*in order not to merely accept paralysis in the Security Council when mass atrocities are committed. Because France is convinced that the veto should not and cannot be a privilege*” (French Ministry of Foreign Affairs, 2013).

Last but not least, the French initiative, advocated by former French Foreign Minister Laurent Fabius, proposed that decisions regarding mass crimes should be determined by the United Nations Secretary-General instead of by the member states, and at the request of 50 member states (Security Council, 2015, p. 5). Currently, this initiative has the support of 80 member states and it is still being negotiated.

But the prevention of mass atrocities and genocide, and the diminution of the use of the veto for political reasons are not the only reasons behind the desire for a veto reform. As Liechtenstein stated: *“The use of the veto is the most extreme expression of [the Council’s] lack of unity”*, since it can prevent a draft resolution that has been supported by the majority of member states (Security Council, 2015, p. 7). Furthermore, elected members often feel as second class citizens on the Council, and they often feel that their input is not valued (Security Council, 2015, p. 7). As for example, when a presidential statement or a draft resolution is circulated to the elected members, permanent members do so shortly before a planned adoption, leaving them with no time to provide input (Security Council, 2015, p. 7).

Finally, according to Salil Shetty (Amnesty International, 2015), the Secretary General of Amnesty International, the renouncement of the veto powers could be a game changer for the international community as it would give the United Nations more scope to take action to protect the lives of civilians that are at grave risk. Moreover, Shetty adds (Amnesty International, 2015) that this would also send a powerful signal to international criminals that the world will not allow mass atrocities to take place.

Unfortunately, although the United Kingdom and France have given support to these initiatives, with President Hollande stating that France will never use its veto power where mass atrocities take place, the rest of permanent members have opposed to these initiatives (Security Council, 2015, pp. 7-8). Like this, Russian Foreign Minister Sergei Lavrov tweeted in 2015 that the idea of limiting the veto has no future; and the United States and China appeared to have reservations about the veto restraint initiatives, although there has not been any update (Security Council, 2015, p. 8).

3.2 Improvement of the management of peacekeeping operations

After the failures of the United Nations peacekeeping operations during the 1990s and due to the evolving nature of international conflicts, representatives of several countries – and even the Security Council – have expressed their wish for a reform in the management of peacekeeping operations. Most of these representatives, including the former Council’s President Mikhail Wehbe, expressed the need for conditions to ensure the implementation of the peacekeeping missions, as well as clear mandates and schedules (United Nations, 2003). They also defended that missions should not only involve the provision of military forces, but also restoration measures such as humanitarian efforts, economic reconstruction, electoral assistance, support for the rule of law,

disarmament, or reintegration of ex-combatants (United Nations, 2003). The Council's representative of the United Kingdom in the early 2000s added that in order to achieve this reform, both human and financial resources are needed, and that it should be made as a part of an integrated, multidimensional approach – essential for the development of justice in transition (United Nations, 2003).

Other members of the Council called for a better interaction between the Security Council and United Nations organs for a more efficient peacekeeping missions (United Nations, 2003). These members gave the example of the creation of ad hoc groups for Burundi and Guinea-Bissau, which resulted from the cooperation between the Council and the Economic and Social Council (ECOSOC), and were seen as the biggest successes of the United Nations peacekeeping operations (United Nations, 2003).

Finally, when examining the main reasons that have led to many peacekeeping failures, most of the Security Council's members concluded that the impunity of the peacekeepers' aggressors was the main reason (United Nations, 2003). Both the missions in Rwanda and Somalia failed when peacekeepers were withdrawn after deadly attacks on them. Like this, Resolution 1502 of the Security Council issued on 26 August 2003 aimed to strike this lack of impunity. This resolution emphasized that harming peacekeepers is a prohibition under international law, reminded that this is considered as a crime against humanity and recalled the need of states to impunity for such criminal acts (Security Council, 2003). Additionally, it also focused on abuses committed by United Nations personnel, reaffirming the obligation of all peacekeepers to observe and respect the laws of the country where they are operating (Security Council, 2003).

More recently, in 2014, Secretary-General Ban Ki-Moon requested a comprehensive policy review of the United Nations peacekeeping operations through reconsidering administrative and managerial arrangements due to the changing nature of conflict and global challenges (Council on Foreign Relations, 2015). As a result, the Ramos Horta report was published in 2015 which not only focuses on technical or administrative matters, but on the way the Security Council mandates and equips its missions (Council on Foreign Relations, 2015).

The Ramos Horta report, officially known as the report of the High Level Independent Panel on United Nations Peace Operations, focuses on several changes: essential shifts to be embraced, new approaches to be considered, the empowerment of the field and the strengthening of the foundations, and the union of the Council strengths as a whole (General Assembly, 2015).

First of all, the report states that four essential shifts need to be embraced for the future design of United Nations peace operations. The first shift is to let the peace operations be driven by political solutions, rather than by military or technical engagements, as it is the only way to achieve peace (General Assembly, 2015, p. 10). These political solutions include inducement of parties to abide by their agreements, the compelling of the parties to disarm, or convincing the parties that continuing combat is fruitless (Pugh, M., 2001, p. 191). The second shift is to make the United Nations system more flexible when responding to changing needs on the ground, as the different situations are always managed in the same way even though they have different nature (General Assembly, 2015, p. 10). This means that cooperation between the United Nations, regional arrangements, and Western governments need to be strengthened to allow peace operations to make more rapid arrangements to generate the forces needed at the time for which they are needed (Bellamy, A.J., 2011, 145). The third shift is to achieve a stronger security and global partnership through common purpose to respond to the evolving and challenging future crises, such as the Islamic State (ISIS) crisis, the human rights violations that keep happening in many countries (i.e. Syria, North Korea or Myanmar), or even the climate change (General Assembly, 2015, p. 10; Reifer, T., 2016, p. 107). The fourth shift is to make the United Nations Secretariat more field-focused and the peace operations more people-centered, making a priority that the United Nations personnel engage with, serve and protect the people they have been mandated to assist (General Assembly, 2015, p. 10).

Secondly, new approaches in the most important areas of the United Nations' work are needed to ensure that the role of the peacekeeping operations is reliable, efficient and effective. The first approach is that the Council, with support of the Secretariat, needs to play an earlier role in addressing emerging conflicts and this needs to be done impartially (General Assembly, 2015, p. 11). Additionally, it needs to consider the knowledge of others such as of communities, civil societies, or religious or women groups, among others (General Assembly, 2015, p. 11). The second approach is that the efficient and proactive protection of civilians is a core obligation and, therefore, expectations and capability must converge (General Assembly, 2015, p. 11). Both, the involved member states and the United Nations peacekeepers should respond with the necessary resources and protection to avoid any kind of threat or death (General Assembly, 2015, p. 11). The third approach is that clarity is needed on the use of force as some missions work to implement peace agreements or ceasefires, but others operate in environments where there is no need to keep peace (General Assembly, 2015, p. 12). The fourth and last approach is that political vigilance is needed to sustain peace as the peace process does not end when an election has been held or a peace agreement has been signed (General Assembly, 2015, p. 12).

Finally, in order to make all these shifts and approaches possible, the Ramos Horta report needs to be accepted by the Secretary-General, who will study the report carefully and then transmit it to the General Assembly and Security Council (United Nations Peacekeeping, n.d.). Although it has yet not been accepted, the report was received by the Secretary-General on 16 June 2015 (United Nations Peacekeeping, n.d.).

3.3 More transparency and accountability

In order to make the Security Council more democratic, effective and accountable, many experts believe that there is a need for greater transparency in the Council's work. As a result, several reform proposals for transparency have been proposed in the past decades by member states and Regional Groups, the Working Group, the ACT (Accountability, Coherence, and Transparency) Group, and political experts.

The majority of the member states – excluding the permanent members – and the Working Group strongly believe that the closed meetings of the Security Council should be eradicated and be held in public (Fitzgerald, A., 2000, p. 356). Surprisingly, a permanent member – France – has gone further with this proposal by recommending that the Council open its sessions more often to all United Nations members (Fitzgerald, A., 2000, p. 356). However, the French state has suggested to limit these sessions to only debates of the Council considering important questions or public exchanges of views between the members of the Security Council (Fitzgerald, A., 2000, p. 356).

Rule 48 of the Security Council's Provisional Rules of Procedure states that "*meetings shall be held in public unless decided otherwise*" (Fitzgerald, A., 2000, p. 357). Political analyst A. Fitzgerald proposed that the Council should delete "*unless decided otherwise*" from Rule 48. The main argument given by the political expert (2000) for this and regarding the need for greater transparency in the Council is that the greatest failures, such as Bosnia-Herzegovina or Somalia, were due to resolutions formulated entirely in private sessions (p. 357). Finally, he adds (2000) that private and informal consultations should be avoided, as they are not mentioned in either the United Nations Charter or in the Security Council's Provisional Rules of Procedure (p. 357).

Among the measures proposed by the Accountability, Coherence and Transparency (ACT) Group, it is worth to mention the followings. First of all, the group asks for more open and public meetings, since 40% of these take place in closed meetings, and regular briefings on the Council's consultations (Chuard, N., 2015). Secondly, the group advocates for the use of "Horizon scanning"

meetings, to identify and discuss potential international risks and to take action at an early stage (Chuard, N., 2015). Thirdly, they want a more transparent and inclusive process when electing the Chairs of the subsidiary bodies of the Council (Chuard, N., 2015). Finally, the group seeks to improve the relationship of the Council with the Police Contributing Countries, to make it more transparent, and to enhance the consultations of affected/interest states when drafting resolutions (Chuard, N., 2015).

Finally, as it has been shown before, establishing the rule of law in conflict states is one of the most challenging problems as many United Nations criminals remain unaccountable. Political writer William Durch claimed (2009) that not tackling this lack of accountability results in an unequal, unjust, unmoral and hypocrite functioning of the Security Council. To put an end to this, the writer, in a 2009 report, presented a strategy to improve the criminal accountability. This included the creation of conduct and discipline units in each mission; the training on zero-tolerance and non-fraternization policies; the investment in troop and staff welfare intended to reduce instances of misconduct; and the improvement of reporting procedures for misconducts allegations (Durch, W., 2009).

3.4 More participation and representation

As the only and last enlargement reform of the Security Council occurred during the 1960s, in the beginning of the 1990s, the majority of member states and the Working Group expressed their desire for a new reform. As a response, the General Assembly established in December 1993 a resolution through which it agreed to review the enlargement recommendations of States and the Working Group regarding the substantial increase in the United Nations membership, especially of developing countries (Winkelmann, I., 1997, p. 44). However, after 22 meetings, no conclusions were drawn; rather, it was a phase of collecting views and comments, and brainstorming (Winkelmann, I., 1997, p. 44).

In September 1995, the General Assembly Vice-Chairman Hennadiy Udovenko prepared an internal non-paper on possible reforms which included the equitable representation on and increase in the Council's membership, permanent membership and new categories of membership (Winkelmann, I., 1997, p. 45; General Assembly of the United Nations, n.d.). However, once again, no reform was implemented as the Assembly considered that the various interest groups had significant differences in their points of views and that further in-depth consideration was needed (Winkelmann, I., 1997, p. 45).

Finally, in September 1996, the Working Group, together with member states, presented its final report which contained for the first time 18 possible reform measures concerning the composition and size of the Security Council (Winkelmann, I., 1997, p. 48).

These proposals can be divided into three major categories: “zero” models, “plus” models, and “region” models (Winkelmann, I., 1997, p. 58). Firstly, the “zero” models - designed by Turkey, Mexico and Italy - express their opposition to any change in the number of permanent seats, as they believe that this will extend a situation of “eternal” privilege to developed countries, which is neither democratic nor equitable (Egede, E., 2013, p. 140). Therefore, these models propose the only expansion of non-permanent seats. Secondly, the “plus” models – designed by many countries such as Singapore, Monaco or Australia, among others – are in favor of the expansion of both permanent and non-permanent seats (Global Policy Forum, 2011). However, these two categories of seats will follow a rotation arrangement on a regional basis to guarantee the equal and democratic participation of all member states (Global Policy Forum, 2011). Thirdly, the “region” models – brought forward by the Organization of African Unity (OAU), Norway and Malaysia – also aim at the enlargement of both permanent and non-permanent seats (United Nations press, 2013). The only difference with the “plus” models is that they leave the allocation of permanent seats or the establishment of appropriate rotation systems to the countries of the regions (United Nations press, 2013).

Finally, in 2004, the United Nations Report of the High-Level Panel on Threats, Challenges and Change stated that the enlargement of the Council was a necessity in order to increase both the effectiveness and the credibility of the Security Council, as well as to enhance its willingness and capacity to act in the face of threats. To empower the debate of this enlargement in the Council, the Panel presented two different alternatives, models A and B. Both models aim at the distribution of seats between four major regional areas: the Americas, Europe, Africa, and Asia and the Pacific (United Nations, 2004, p. 81). Model A suggests the introduction of a new permanent seat, with no veto rights, and three new non-permanent seats, divided among the regional areas aforementioned (United Nations, 2004, p. 81). Model B suggests a new category of eight four-year renewable term seats and one new two-year non-permanent seat, divided among the regional areas aforementioned (United Nations, 2004, p. 81).

The defenders of the Council's enlargement have warned that the global authority of the Security Council will erode if it fails to expand its membership to the regions that are underrepresented (McDonald, K.C., 2010, p. 5). Furthermore, they believe that the benefits of this enlargement will be the provision of opportunities to manage power transitions and that the

regional leaders will become responsible global actors shouldering a greater share of international security (McDonald, K.C., 2010, p. 5).

The Australian government has also been an important advocate for more participation and representation in the Security Council. During the 1990s and 2000s, the Australian Prime Minister John Howard suggested a reform of the Council, consisting on the introduction of the G4 nations (Brazil, Germany, India and Japan) and Indonesia as permanent members, although without the veto power (Okhobat, S., 2011, p. 35). The Prime Minister argued that this reform would give a stronger voice to the developing countries and more representation to the largest Muslim country, Indonesia (Okhobat, S., 2011, p. 35). Later in 2008, the Australian Department of Foreign Affairs and Trade also proposed an increase in the number of non-permanent seats, arguing that it would end the monopoly on decision making of the Security Council (Okhobat, S., 2011, p. 35).

On the other hand, the opponents of the enlargement claimed that the Security Council remains the most effective of all United Nations organs since its structure still represents the current political and military powers (McDonald, K.C., 2010, p. 6). They believe that the enlargement of the Security Council will increase gridlock, dilute the Council's powers, empower the leaders of the nonaligned movement (NAM), and encourage lowest-common-denominator actions (McDonald, K.C., 2010, p. 6). In any case, these changes are unlikely to happen as unanimous permanent members and two-thirds of the General Assembly support are needed for a reform to pass.

3.5 More interaction with NGOs

Many experts have also expressed the need for the participation of non-governmental organizations in the Council as they believe they will influence positively the Council's decisions in terms of openness, field vision, and legal and policy issues (Paul, J., 2004). Although most NGOs are very small and have no capacity to enforce authority or to wage war, their strength lies in their capable staff, substantial moral authority, transnational values, and committed members (Paul, J., 2004).

Political expert James Paul has claimed (2004) that the interaction of the Security Council with non-governmental organizations will lead to greater transparency and accountability, better information and analysis, procedural reforms, and legal and political policy accomplishments within the Council.

First of all, NGOs make information about the Council's work far more available to the public, putting the citizens in a stronger position to demand accountability for the actions taken by the Council (Paul, J., 2004). Reports issued by NGOs can reach hundreds of thousands of worldwide readers, have the power to mobilize the public, and as a result have the Council taking some action. One example is the case of the report on diamonds issued by the British non-governmental organization Global Witness (GW). In 1998, the organization published the report "A Rough Trade", which linked the diamonds sold by the Angolan rebel UNITA (the National Union for the Total Independence of Angola) forces to Western companies (Paul, J., 2004). The report attracted so much international attention that Global Witness was invited to meet with the Council. As a result, the Security Council imposed strong sanctions against both the Angolan governmental organizations and the Western companies involved, which led three years later to the collapse of UNITA (the National Union for the Total Independence of Angola), and brought an end to the long civil war (Paul, J., 2004).

Secondly, NGOs have the ability to persuade Council members to use and rely on NGO analysis and information. Nowadays, with the use of the Internet and mobile phone systems, non-governmental organizations are able to produce strategic information, as well as to inform Council ambassadors about the situation in crisis-ridden locations (Paul, J., 2004).

Thirdly, NGOs contribute to changes in the Security Council's procedures. Among these changes can be found the establishment of their own regular process of consultation with Council members, the gaining of more informative Mission web sites, the expansion of United Nations information on the Council works, or the broadening of the Arria formula (Paul, J., 2004). The "Arria formula meetings", which are informal meetings organized by the Council with representatives of the United Nations, civil society, or other international or regional organizations, is a measure that was proposed by the ACT (Accountability, Coherence, and Transparency) Group (Chuard, N., 2015). The permanent members accepted these meetings and, although the Security Council holds around five Arria meetings annually with NGOs, many of the briefings proposed by these NGOs are blocked because of political objections (Paul, J., 2004).

Finally, NGOs also have some influence on the Council decisions in the political and legal realms. Some examples are clear and strong influence in soft policy areas such as Resolution 1325 on "Women and Peace and Security" or Resolution 1209 on "Illicit Arms Flows in Africa" (Paul, J., 2004). But the most important role of NGOs in the Council has been their successful persuasion to include references to human rights and humanitarian mandates in peacekeeping resolutions, as well as establishing important criminal tribunals (i.e. Sierra Leone, Yugoslavia or Rwanda) (Paul, J.,

2004). As Chilean Ambassador Juan Somavia, and former NGO leader, stated regarding the involvement of NGOs in the Council: *“Non-governmental organizations like Oxfam [are the ones] on the ground, doing humanitarian work, touching those societies, looking into the eyes of the people in danger, learning who they are and what is going on [...] much of which never gets to the table of the Security Council”* (Paul, J., 2004).

Analysis

4. What are the causes of the ineffectiveness of the Security Council's actions? Towards a more democratic system.

In the process of examining the major criticisms faced by the Security Council's work, the main causes of the ineffectiveness and inefficiency from its system and actions rise to the surface. Furthermore, in examining the crucial reform proposals for these causes, one can ponder alternatives for the transformation of the Security Council into a more democratic organization.

Undoubtedly, the veto power - and the political interests of the permanent members - is the biggest cause of ineffectiveness in the Security Council as they have been the main causative factors in the failure of the Council to prevent many conflicts and mass atrocities (i.e. the Palestinian conflict or the civil war in Syria). These failures have happened more than 220 times, as this number expresses the times the permanent members have vetoed a resolution altogether. Furthermore, this has happened notwithstanding the Security Council is the primary responsible for maintaining the international peace and security, as established by the United Nations Charter. Not only is the veto power a serious impediment to proper functioning of the Security Council, but it is interlinked with the rest of the causes. For instance, the veto power has been the main deterrent to the Council's reforms – for in order to pass them, the affirmative votes from the permanent members are required. The existence of the veto power itself discloses the unequal, undemocratic aspect of the Council's current system as it gives power to few countries and as it is not supported by “190” United Nations member states.

To tackle the problem of the veto power to make the Security Council a more democratic system, the first solution proposed is the reform of this right itself. This could be either the complete abolition of it or its extension to other members. This solution, however, would be quixotic since the permanent members are very likely to veto these reforms. The suboptimal solution is to conclude an agreement from the permanent members (P5) in which no veto power is allowed in cases of crimes of atrocity.

Another main cause of the ineffectiveness is the way the Council and the United Nations manage the peacekeeping missions. This follows from the fact that the majority of their 69 operations failed to save hundreds of thousands of lives in Srebrenica, Rwanda, Somalia, and more. These failures were the result of the lack of cooperation between the Council and United Nations

member states, the incapacity to recognize the conflicts as a “genocide” or “mass atrocities”, and the unwillingness to listen to third parties, such as non-governmental organizations. Similarly, the next cause of Security Council's ineffectiveness, the failure to prosecute violations of Council's resolutions, is also the result of poor cooperation between member states and the Security Council, the tardiness to consider the conflicts as international issues, and the denial of NGOs participation.

To improve the Council's working methods and thus to bring more effectiveness, several reforms are inevitable. And these two reforms have been suggested: first off, to stimulate more interaction between the Security Council and United Nations organs - for example, through the creation of ad hoc groups. The Security Council has always succeeded in those operations where it has cooperated with other United Nations organs, as it happened in Burundi or Guinea-Bissau, but has failed when no cooperation was established, as it happened in Rwanda or Somalia. Secondly, to increase cooperation between the Council and member states, which enables them to make more rapid arrangements and to generate the forces needed. More cooperation between these parties reduces the frequency of miscommunication, makes the United Nations system more flexible to adapt to the different types of situations, and in turn, results in more effectiveness.

The last cause of ineffectiveness in the Council is the lack of representation and participation. First of all, the United Nations' membership is not represented by the size of the Security Council, which goes against Article 2 of the Charter, which concerns with the principle of sovereign equality of all member states. All this has created discomfort, criticisms and rejection towards the Council by member states. Secondly, the lack of participation from outsiders – especially from NGOs - is considered to be another cause of ineffectiveness as they can help to prevent mass atrocities (i.e. NGOs' reports denouncing the situation in several conflicts that were not taken into consideration by the Council), or make the Council's work more transparent.

A more democratic system means that the participation and representation of member states in the Council be based on equality. To achieve this, it is necessary to increase the number of member states in the Security Council that be proportional to the number of United Nations member states and that equally represent the major regional areas. Additionally, to make the Security Council more democratic and effective, greater transparency in its work is also needed. This can be easily achieved by eradicating the closed meetings of the Council and holding them in public. These changes will result in a greater share of international security and an increase of the effectiveness of the Council's work as the regional leaders will consider the Council a fair system and will become responsible global actors.

Finally, in the case of the allegations of bias against African states, this dissertation do not consider it to be a main cause of ineffectiveness in the Security Council's work. Although the Council has been highly criticized for referring mostly conflicts in Africa to the International Criminal Court, the justifications to these referrals are considered to be totally valid. These include the fact that African countries count with 30% of the Court's membership, with most of the countries referring to the International Criminal Court themselves; that statistically most atrocities happen in Africa; and most importantly, that the Security Council has referred African countries to the Court only twice.

Conclusion and recommendations

According to the Council on Foreign Relations (2015), the majority of these prospects for reform are far-off since amending the United Nations charter on matters of membership and veto power requires – as envisaged in Articles 108 and 109 of the Charter - the ratification by two-thirds of member states and the affirmative vote of the permanent members. The Council on Foreign Relations (2015) sees it as unlikely to happen as the permanent states will always take measures to curb their own interests. Moreover, most of the proposals are not even submitted to the General Assembly for vote as there are also many disparities in the interests of United Nations member states (Alene, N.M., 2015). For instance, Mexico and Argentina have stated several times that they would reject any proposal for reform if it includes Brazil becoming a permanent or non-permanent member as they do not agree with this candidacy (Alene, N.M., 2015, p. 71). Similarly, there is no agreement on how decisions should be made; whether the veto should be eliminated, modified or retained, and which working methods should be further refined (Alene, N.M., 2015, p. 71).

On the other hand, reforming the working methods of the Security Council in order to provide more transparency in the Council's decision making is more likely to happen as it does not require such moves (Alene, N.M., 2015). Although in theory it seems that not much has been done by the Security Council to improve its efficiency and effectiveness, the reality is another. Many changes in transparency, accessibility, inclusiveness and support have been achieved in the past decades. The Security Council has become more transparent, accessible and inclusive as it is not as secretive as it was in the past. Non-member states and the press are now able to get briefings of the Council's actions, and the Council members meet with NGOs and experts on a regular basis to make more informed decisions (Okhobot, S., 2011, p. 42). The quota of open sessions of the Council with non-Council members has increased 61% in 2015 (Chuard, N., 2015).

Moreover, since the end of the Cold War, there has been an increase in the support between Council members, which has led to a decrease of the vetoes issued against each other in order to not undermine the exclusiveness of their small club and their collective power (Okhobot, S., 2011, p. 42). Overall, the Security Council has had more positive effects than if it would have not existed: the incidence of interstate wars and its death toll have declined since 1945; there have not been a world war for more than 70 years; and the Security Council has helped to prevent hundreds of thousands of casualties, as for instance by ending the Iran-Iraq war through economic penalties on Iran (Lowe, V., 2008, p. 26; Teng, M., 2003, p. 7).

It can be concluded that many are the reasons of the failures in the Security Council's actions and many are the reforms proposed to strike these failures. However, the veto power is undoubtedly the main cause of the Council's ineffectiveness and inefficiency and the biggest obstacle to any reform proposal that would improve the work of the Security Council. This dissertation has shown how the veto power was the causative of the majority of the Council's failures as the permanent states prioritized their own interests. This dissertation has also shown how, despite all the efforts made by member states, scholars and international organizations to propose reforms, the permanent states keep – and will keep - using the veto power to avoid the accomplishment of these reforms and in favor of, once again, their own interests. It cannot be predicted when a major reform will happen, but when it does, this reform needs to involve the limitation of the veto right; better cooperation and interaction with member states, third parties and United Nations organs; the increase of transparency in the Council's work; and fairer and more equal participation and representation of the member states in the Security Council. Only this will make the Security Council a more democratic and effective organization.

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