



The Security Council's Credibility Problem

RICHARD GOWAN
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- 2011 was ultimately a disappointing year for the Security Council. It played a central role in international response to the crises in Libya and Côte d'Ivoire at the start of the year, but lost momentum as its members fell out over the Libyan war and Syrian crisis. The Council has lost credibility for reasons that are viewed differently from Western and non-Western perspectives.
- In the short term, the best way to restore some faith in the Council is for Western and non-Western powers to cooperate on strengthening the Council's capabilities for conflict prevention and conflict management, which have been shown to be flawed by this year's crises.
- In 2012, members of the Security Council should enhance their own menu of crisis management options. A small group of Security Council ambassadors could set up a working party charged with exploring options for effective and rapid crisis response, gathering evidence from experts in a series of open and closed hearings.
- It is possible that important temporary members such as Germany and India, which will remain on the Council in 2012, can play a lead role in this cooperation. Although these powers are still campaigning for permanent seats on the Council, they need to underline that they want a Council that is not only more representative, but that is also a more credible force in major crises.



1. The Security Council's Disappointing Year

The Security Council's influence over international affairs perceptibly diminished during 2011. In the first quarter of the year the Council was at the center of simultaneous crises, mandating the use of force to protect civilians in both Libya and Côte d'Ivoire. But this burst of activism proved unsustainable, and the remainder of 2011 has been characterized by increasingly acrimonious divisions within the Council.

Having green-lighted the Libyan war, the Council did not play a significant role in shaping the conflict, especially as NATO shifted from using force to protect civilians to aiming explicitly to oust Gaddafi. Nor has the Council had a major say over the country's post-conflict reconstruction. Meanwhile China and Russia have used their veto powers to stymie Western efforts to put pressure on Syria through the Council. The U.S., EU and Arab League have resorted to non-UN-mandated sanctions on Damascus.

The Council has remained in the headlines. In September, the Palestinian leadership made a formal bid for recognition as a state by the Council in spite of explicit U.S. opposition and European and Arab efforts to avert a confrontation. This gambit led nowhere – diplomats efficiently buried the proposal in a committee process until it became clear that the Palestinians could not muster the nine votes necessary for a resolution to pass in the fifteen-member Council. Although a setback for the Palestinian authority, this episode also underscored the Council's difficulties in responding to the Arab Spring.

The Council's loss of direction is striking because of its composition over the last year. An unusually large number of important powers held seats on the Council in 2011. In addition to the Permanent Five (P5) members (China, France, Russia, the UK and U.S.), the temporary members included Brazil, Germany, India, Nigeria and South Africa. As Bruce D. Jones and this author argued in late 2010, this had the potential to shake up the "two-tier business" of Council diplomacy, which normally involves the P5 hashing out deals in

private before presenting them to the elected members for rubber stamping.¹

The convergence of major powers on the Council was also widely seen as a test-run for Security Council reform. Brazil, Germany and India have jointly campaigned for permanent seats alongside Japan (which had itself held a temporary seat in 2009 and 2010.) Would their presence make the Council more effective, showing that the P5 could become a P9 without impairing the body's efficacy? Or would the aspirants be sidelined from major decisions, becoming a sort of "official opposition" in Council debates?

If 2011 had been a relatively quiet year, the P5 and other major powers on the Council might have been able to find a diplomatic modus vivendi that satisfied all their interests. But the pace of events in the outside world meant that Council members were not able to paper over their differences for long. As in-fighting over Libya and Syria has grown increasingly bitter, most observers would agree that the Council's credibility has suffered. Yet different observers have diverging views on exactly why it has suffered:

- Western officials believe that China and Russia's refusal to countenance serious Council action against Syria has made the Council look impotent. They also complain that Brazil, South Africa and India have avoided tough decisions at the UN, abstaining in important votes on Libya and Syria. They conclude that these five BRICS countries are more concerned with constraining the West than resolving crises through the Council, and that giving them more power in the UN would be risky.
- Non-Western officials counter that the U.S. and its NATO allies did greater damage this year by exploiting the Council's mandate for a humanitarian intervention in Libya as a pretext for regime change. They claim that their refusal to support even mild UN sanctions against Syria stems from the Libyan experience, and that the West cannot be trusted to implement UN mandates faithfully.

¹ Richard Gowan and Bruce D. Jones, "New members make for a real Security Council at last," *World Politics Review* (www.worldpoliticsreview.com), 20 October 2010.

- For those who value the Council as a mechanism for ensuring international peace and security, the last year has been depressing for more fundamental reasons. Its limitations as a crisis management tool have been obvious. In recent years, there has been much talk in Council debates of shifting from “reaction” to “prevention”. Yet in the Libya case, its efforts to prevent the conflict escalating failed miserably and the Council’s only option was to mandate an ad hoc military campaign. It is unclear that the Council would have performed any better over Syria, even if there had been a consensus on how to act. The crises of 2011 have revealed major gaps in the Council’s capabilities.

This paper briefly reviews the Council’s performance in response to the Libyan and Syrian crises in more detail, and then analyzes the differing Western and non-Western perspectives on the damage done to the institution. It concludes that the best way to restore some faith in the Council is for Western and non-Western powers alike to cooperate on strengthening the Council’s capabilities for conflict prevention. It is possible that important temporary members such as Germany, India and South Africa – which will remain on the Council in 2012, although Brazil’s term is up – can play a lead role in this cooperation.

2. What Went Wrong?

On 1 January 2011, it was already clear that the Security Council faced a testing year. The main tests appeared to be the bloody post-electoral crisis in Côte d’Ivoire, which had gripped the Council through December, and the potential for a violent break-up between North and South Sudan. The Israeli-Palestinian conflict was also certain to impinge on the Council’s agenda: the U.S. blocked a resolution censuring Israel for its settlement-building program in February, the first time it had used its veto.

Libya

Diplomats in New York had no inkling that they would soon be grappling with a wave of Arab revolutions. The Council remained aloof from events in Egypt and Tunisia. But as violence gathered pace in Libya, it moved unusually quickly to engage. The crisis blurred the divisions between the pro and anti-interventionist members of the government. Tens of thousands of Chinese and Indian citizens working in Libya were

under threat (not to mention significant energy investments) and Arab leaders urged action against the much-hated Colonel Gaddafi. In the last week of February, the Council unanimously passed Resolution 1970, demanding an end to violence, imposing sanctions on Tripoli and invoking the International Criminal Court. While this looked dramatic – and the Council took the extremely unusual step of citing the “responsibility to protect” civilians from atrocities – the resolution was not all it seemed. Diplomats recognized that the penalties it contained would take months to bite – by which time the war might be over – and the Council seemed unlikely to threaten the use of force.

In the weeks that followed, Gaddafi’s forces seized the offensive and the Council split over how to respond. While France and the UK called for a no-fly zone with Arab support, neither the U.S. nor major non-Western members looked ready to endorse this proposal – Germany also signaled its opposition. The calculations changed overnight on 16-17 March when the Obama administration switched to supporting military action. The ensuing diplomatic commotion has been analyzed in depth elsewhere, and the result is well known. On 17 March the Council passed Resolution 1973 mandating an expansive campaign to protect civilians but Brazil, China, India, Russia and (most notoriously) Germany abstained.

While a great deal of attention has been lavished on this vote, rather less has been given to its immediate aftermath. Almost as soon as Resolution 1973 had been passed, both supporters and skeptical states immediately switched their attention away from the UN. The Western powers set about agreeing the terms for NATO to lead to military campaign – on which it had no obligation to report to the Security Council – and established an independent Contact Group to manage the diplomacy of the war. Conversely, Brazil, Russia, India, China and South Africa (having voted for the resolution but repented) used the annual BRICS summit in April to issue a condemnation of the West’s use of force.

The Security Council did not stop talking about Libya: it held roughly two meetings a month on the conflict until the fall of Tripoli. But these were largely platforms for diplomatic jousting rather than substantive discussions. The UN Secretariat undertook planning for post-conflict reconstruction and deployed a mediator to try to find a political solution, but it was generally recognized that the Contact Group was now the main

mechanism for coordinating international engagement in the Libyan War. After the rebel forces captured Tripoli, the Council mandated a UN mission to deploy to support the new authorities – it soon became clear that the Libyans wanted only very limited assistance from the UN.

The Libyan crisis thus demonstrated the Security Council's continued significance as a conflict management tool – it is unlikely that NATO would have gone into action without a mandate from New York – but also its limitations. The Council's range of coercive tools short of war, laid out in Resolution 1970, had lacked the teeth to dissuade Colonel Gaddafi from war. And it did not have the political and organizational capabilities necessary to oversee the military campaign it approved in Resolution 1973.

The mere fact that China and Russia did not veto Resolution 1973 excited advocates of an interventionist Security Council. Their excitement increased at the end of March, when the Council agreed a resolution approving the use of force by French and UN peacekeepers to protect civilians in the escalating crisis in Côte d'Ivoire. But this decision (which arguably only reinforced elements of the peacekeepers' existing mandate) was deceptive. Russia and China were not ready to approve further interventions. India, Brazil and South Africa - increasingly caucusing together under the "IBSA" banner - were also keen to distance themselves from the West. This shaped the Council's response to Syria.

Syria

The Western members of the Council had initially wanted to avoid addressing events in Syria through the Security Council, hoping that President Assad and his regime would compromise. But in June, with Assad's forces cracking down ever more brutally, the European members of the Council (including Germany and Portugal) floated a resolution threatening sanctions on Syria. Germany played an important role in this campaign, erasing much of the bad feeling over Libya. But China, Russia and the IBSA countries all indicated their opposition. Nonetheless, the strength of opposition varied. Brazil in particular seemed uneasy and keen to find some sort of compromise within the Council. At the start of August, it brokered a Security Council statement calling on all sides in Syria to desist from violence. IBSA envoys then visited Damascus, but

their efforts to find a solution to the crisis proved unsuccessful.

The Europeans had not, however, given up their desire for a resolution threatening Syria with sanctions. By this time, the EU and U.S. had imposed significant sanctions on Syria anyway, and it soon became clear that they were affecting the economy quite severely. The European search for a resolution was as much aimed at legitimizing the strategy the West had already put in place as putting new pressure on Damascus. Russia's ambassador dismissed the EU draft as "completely biased". Instead, Russia introduced a counter-resolution that emphasized the need for dialogue but did not refer to sanctions.

In early September, the Council was distracted by the Palestinian bid for recognition as a state. This initiative had been looming for months, and the U.S. engaged in last-ditch efforts to stop the Palestinians from approaching the Council. The EU's members, divided over how to act, hoped to persuade the Palestinians to focus on winning an enhanced status at the General Assembly instead. But Palestinians could not risk the political damage of backing down, and duly lodged their request for recognition at the end of September. Once they had done so, however, it was relatively easy for the Council to bury the issue in a committee process, and the Council's attention now turned back to Syria.

In the first week of October, the EU members decided to push their Syrian resolution to a vote. In an effort to secure support, they had watered down its reference to sanctions to near-invisibility. In the run-up to the vote there was speculation that China and Russia would abstain, and that the IBSA countries would vote in favor – not least because Brazilian President Dilma Rousseff made a particularly strongly-worded statement on the Syrian situation. But on 4 October, China and Russia used their vetoes and the IBSA countries all abstained (notably, Nigeria and Gabon split with South Africa, backing the EU resolution).

European diplomats have since repeatedly raised Syria in the Council while also backing resolutions condemning Damascus's actions in the Human Rights Council and in the General Assembly. However, attention shifted to the Arab League's efforts to deal with the crisis, leaving the UN looking peripheral.

3. The Fall-Out

This series of diplomatic clashes has left both Western and non-Western officials deeply unhappy. Barack Obama signaled his displeasure with the IBSA countries' abstention on Resolution 1973 by failing to endorse Brazil's desire for a permanent Council seat on a visit to the country in March. This did not stop Brazil, Germany, India and Japan mounting a campaign for a General Assembly resolution in favor of Council reform throughout the second quarter of the year. The aspirant powers needed to get 128 votes – a two-third majority of UN members – in favor of their proposal to make progress, and may have hoped that their skeptical stance on Resolution 1973 would secure them support from anti-interventionist developing countries. In the event, they could not quite find the necessary number of supporters and refrained from a vote in the General Assembly. However, the initiative irritated the P5 as it looked like an effort to push them into a corner on reform.

More broadly, some Western diplomats accuse the IBSA countries of conspiring with China and Russia to frustrate the U.S. and EU. It is clear that there have been tensions among IBSA's members themselves, with Brazil apparently tacking closer to the West and India remaining closer to Russia in debates on Syria. Nonetheless, the BRICS have cohered around an extended public critique of NATO's conduct of the Libyan war. These tensions were laid out in a high-level Security Council meeting on 22 September, attended by foreign ministers in New York for the annual opening of the General Assembly. The topic was "preventive diplomacy", but the participants could not keep off the topic of interventionism. British foreign minister William Hague underlined the case for "decisive action" in cases like Libya and Syria, but his Indian counterpart S.M. Krishna argued that "in many cases the use of force prolonged conflicts."

In November, Brazil pushed the debate further by circulating a concept paper to all UN members on a new concept: "responsibility while protecting." While the Council had cited the "responsibility to protect" civilians from mass atrocities over Libya, the Brazilians argued that the Council should develop stronger guidelines for the use of force and procedures "to monitor and assess the manner in which resolution are interpreted and implemented." Although the Brazilian paper never mentions Libya, the purpose of its recommendations is clear: to set out constraints that

would prevent a repeat of NATO's escalation of the campaign against Gaddafi, which so quickly slipped beyond the Council's control.


The Brazilian paper was reportedly worked out in cooperation with the other BRICS. Western officials naturally see it as a threat to their independence. Yet the paper does point to the deepest challenge to the Council's credibility identified at the outset of the paper: its own weakness as crisis management mechanism. There may be opportunities to rebuild trust in the Council by addressing this weakness.

4. Strengthening the Security Council

Looking back over 2011, it is not difficult to identify the Council's weaknesses. We have seen that the range of options to the Council over Libya short of the use of force – including sanctions and the involvement of the International Criminal Court – were not calibrated to affect the crisis in the short term. While all members of the Council agree on the importance of preventive diplomacy and mediation in theory, the last year has underlined how differently Council members see these concepts.

Brazil's invocation of the "responsibility while protecting" highlights real flaws in the Council's utilization of force. But any attempt to resolve them should be balanced by efforts to address the equally significant flaws in the Council's ability to utilize policy tools other than force. There is a need for a much deeper understanding – in both conceptual and political terms – about how the Council can join up diplomatic initiatives, economic sanctions and other tools to affect conflicts like those in Libya and Syria.

There is recent evidence that the Council can link up these tools effectively. In the case of Côte d'Ivoire, which presented a severe threat to the UN's credibility at the start of the year, UN sanctions largely implemented by the EU helped contain the crisis while African diplomats attempted to find a peaceful solution. Although a negotiated deal was impossible, the Council unanimously approved the use of force by French and UN troops in March when all other options had been exhausted. The Ivorian case was not easy: Russia and South Africa blocked more decisive UN action earlier. It still stands in contrast to the Libyan and Syrian cases as an example of joined-up crisis management, however imperfect.



In 2012, members of the Security Council should explore ways to enhance their own menu of crisis management options. The Council often hosts thematic debates on aspects of international peace and security, such as the 2011 debate on preventive diplomacy (India convened a debate on peacekeeping and China raised piracy in the last year). These tend to be turgid affairs. As an alternative, a small group of Security Council ambassadors could set up a working party charged with gathering evidence on effective rapid crisis response, gathering evidence from experts in a series of open and closed hearings.

Whereas such a committee would naturally need buy-in from the P5, important temporary members including Germany and India may best placed to give it momentum. Germany previously co-chaired a group of "friends of conflict prevention" with Switzerland at the UN, and this coalition could be revitalized to assist the Council's reflections. And although the Germans, Indians and their partners will not give up on their ultimate goal of gaining permanent seats on the Council, they need to underline that they want a Council that is not only more representative, but that is also a more credible force in major crises.



About the Author

Richard Gowan is an Associate Director at New York University's Center on International Cooperation and a Senior Policy Fellow at the European Council on Foreign Relations. He writes in a personal capacity.

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Friedrich-Ebert-Stiftung | Global Policy and Development
Hiroshimastrasse 28 | 10785 Berlin | Germany

Friedrich-Ebert-Stiftung | New York Office
747 Third Avenue | Suite 22B | New York, NY 10017 | USA

Responsible:
Dr. Werner Puschra, Executive Director, FES New York

Tel.: ++1-212-687-0208 | Fax: ++1-212-687-0261
www.fes-globalization.org/new_york/index.htm

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