

The United Nations Security Council in the 1990s

Resurgence and Renewal



Juergen Dedring

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SUNY series in Global Politics

James N. Rosenau, editor

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Introduction

I

The years since the millennium have gone by with an interesting dichotomy in world affairs. On the one hand, the loud demands for the long overdue reform of the United Nations (hereafter UN) have not stopped, and some have even predicted the inevitable demise and disappearance of the global instrument,¹ and on the other, the world has witnessed the continuing and uninterrupted functioning of the main organs of the UN including, in particular, the UN Security Council (hereafter the Council) designed by the UN Charter (hereafter the Charter) as the core tool for the maintenance of international peace and security. Interestingly enough, this tension between the criticism and the living reality of the UN has shaped the discourse over the lifetime of the intergovernmental organization.²

Looking back on the principal crises of the years since 2000, the 2003 war against Iraq and the 2006 violent conflict between Israel and Lebanon both reflect among other events and developments an intense role of the Council in the exercise of its Charter function. Various observers described the failure of the Council to authorize the start of the war against Iraq as a major defeat of the august body.³ It can, however, be argued that the members of the fifteen-member Council exercised their highest task under the Charter, namely, deciding in favor of war or peace, in a most responsible fashion and in that sense reaffirmed effectively the purpose and meaning of the Charter. Moreover, considering the 2006 processes in and around the Council in search of an effective cease-fire in the Middle East conflagration, it is again worth emphasizing that in the end a precarious cease-fire accord in the Council resulted in the termination of the war activities and in the restoration of a minimal semblance of order in the severely wrecked Lebanon in particular.

If indeed the UN and its Council were close to their final collapse, why would the United States and the other members of the Council convene every day on a list of items reflecting a troubled world? Why would the most powerful state seek the active involvement and decision of this troubled organ in the sixth decade of its operations?⁴ There are no simple answers to these probing questions regarding the fundamental dichotomy of contemporary global governance.

If the contrast is posited between unilateralism and multilateralism in contemporary world politics, then it becomes apparently clear that the place of the Council in this political context is awkward and feeble as the forces of unilateralism are most likely to seek the removal of that multilateral barrier in order to gain a free range for its security moves. It comes as no surprise that the voices of criticism and calumny hail largely from the conservative and nationalist circles of the US elites. The honest call for UN reform has often been exaggerated to malign the purpose and machinery of the global organization. Sober judgments about the enormous complications connected with a thorough revamping of the global instruments are dismissed with the claim that the UN system is beyond repair. It should be absolutely clear that the reform debate must be brought down to a dialogue among reasonable and moderate spokespeople who disdain exaggeration and hyperbole. They would be capable to focus on realistic goals and advance logical aims seeking politically feasible, honest improvements.

II

Without exploring any further the endless and futile squabbles about reform of and for what, another important constraining factor about the Council should be highlighted. The Council as a collectivity operates as a consulting, deliberating, and deciding body.⁵ The only decisions to be taken by the Council are either a formal resolution or an equally binding, but less formal, statement of the president. Once the Council has completed the particular meeting and adopted either of the two feasible decisions, the implementation of its decision lies in the hands of the secretary-general or other addressed state and non-state partners.

For this basic reason, the Council's effectiveness either is understood in the quality of its decision making, or one has to examine the post-decision implementation outside of the Council's realm. Critics who charge the Council with ineffectiveness must actually spell out what they have in mind. The cease-fire called for by the Council must be realized in the field, in 2006, in the Israeli-Lebanese confrontation brought about by the hostile Hezbollah operation. Numerous examples from the repertoire of decisions of the Council could be cited in order to underline the point made here.

Regardless of what the verdict is as to the viability of the Council, one cannot hold the Council and its fifteen state representatives accountable for the

implementation—or the lack of it—of its prior consensus or voted decision. The measure to be applied should be judged according to the quality of policy making in the Council's conduct of business. Is the policy making process characterized by thoroughness and principled reasonableness? Does it reflect the information, which the Council has received, or is it arrived at by horse trading, dealing and wheeling, and base calculation of the gain to be obtained?

In view of the procedural characteristics of the Council's place in international politics, it might be useful to engage in a closer review of its practices in dealing with international conflicts and related themes and issues. The subsequent treatment of this whole field of engagement serves the purpose to reopen the reform question and to shed light on the innermost movements among the members of the Council and of the body as a collective decision maker.

III

This monograph reflects a long professional association with the UN in general and the Council in particular. Thirteen years of analytical work at the beginning of my UN work were directly related to the deliberations and decisions of the Council. This intimate connection with the operations of the Charter's peace and security organ taught me a lot that had been unknown to me before I joined the UN secretariat in 1975 and helped open my eyes to the persistent endeavor, which the Council's members demonstrated in engaging the role and functions of this key organ in a meaningful and constructive manner, even though the cold war had paralyzed to a large degree the Council's anticipated capability to affect international conflicts and other threatening situations. While I moved into other units of the secretariat at the end of the 1980s, I never lost sight of the Council's activities and was especially delighted with the tremendous resurgence that it experienced in the years beginning in 1987 and lasting through the early 1990s, after which the speed of change and innovation began to ebb somewhat, and the level of friction among the Council's members ever so often rose a bit.

This period of transition defines the start of the annotated personal history of the Council presented in the chapters that follow. It has been my intention to depict as objectively as possible the workings of the Council, with its changing membership, but adhering carefully and closely to the framework set out by the Charter for its role in the international system. The account as conceived and shaped seeks to offer a representative picture of the Council's activities over a period of about fifteen years without providing yet another account of the Somalia disaster, the Rwanda massacre, the Liberia agony, or the Yugoslavia fratricide. Instead, the text as composed deals with minor agenda items that also required attention and policy decisions from the Council, and especially in the time since 1995 with the wave of thematic issues taken up by the Council in awareness of

interconnections and linkages in the constant effort to gain new insights and acquire new methods and techniques to approach the unending stream of internationally relevant crises and emergencies in many parts of the contemporary world.

This perspective on the Council in its pivotal position in the international arena has been the measure for identifying important focal points in the analysis of its attention to a diverse range of questions, all of which have helped shape the events of the last decade of the twentieth century, including its treatment of the situation in the occupied Arab territories, a side issue to the key Middle East question, but not any less revealing for the cleavages in the international community in regard of fairness and equity in that region of the world. Furthermore, in a parallel approach, the Tajikistan and Sierra Leone situations are included in the narrative, as these cases reveal a fully engaged and vibrant Council in the late 1990s.

In the following three chapters organized along chronological and issue lines, an attempt has been made to offer an overview over the many minor agenda items and thematic issues taken up by the Council during the period under review. This narrative seeks to demonstrate that since the end of the cold war the Council has exercised its Charter-based mandate in a proactive and flexible manner, seeking always the common ground among the members and proving through the choice of consensus decision making the strength and relevance of their joint political action. Hereby, the account sheds light on many aspects of the Council's work that are neither reported by any of today's media nor publicized by the overburdened diplomats serving on the fifteen delegations making up its collective membership. Emphasis in these analytical narratives is placed on the stated views and enacted policies of Council members and on the striking range of catalytic movers initiating critical steps toward understanding, and acting upon, complex developments of political crises demanding reactions from the Council as the principal organ for the maintenance of international peace and security. Here it becomes abundantly clear that in the sum total of the Council's deliberations and decisions, the presumed predominance of the five permanent members (P-5) does not appear as decisive or even critical. Many new items were introduced by nonpermanent members, often small member states, whose initiative taking was mentioned and applauded in the ensuing debates, a situation that justifies to counter the general mistaken belief that the Council's decisions are totally dependent on the will and whim of the P-5. Moreover, the selection of items during these ten to fifteen years shows strikingly the widening angle and deepening thoroughness of the Council's engagement before the volatile changes in the international relations of our time.

All of this material is preceded by a first chapter dealing with important procedural developments during the 1990s. While the number of procedural changes has been limited, it must be underlined that these innovations have greatly helped overcome the traditional reserve and secretiveness of the Council's practice. The result has been that the Council's operations have literally been

opened to the public interest, and everything has been done to enhance transparency and access while preserving the Council's capability to arrive at sensitive and relevant political decisions in often tense and contentious circumstances. Most of what has transpired in the 1990s would not have been feasible without these significant changes in the Council's procedures.

From what has been stated so far, it also should be clear that this account is not loaded too much with notes and scholarly references. The emphasis is placed on the Council's practice and what it conveys to the reader about the purposefulness and sincerity of its deliberations and decisions. While the author holds certain views on the role of the UN and the place of the Council within the UN institutional setting, the personal judgments are usually identified in the running text as personal observations about specific aspects of the Council's process. Still, the fundamental purpose of this annotated "analytical history" of the Council in the 1990s is to familiarize the reader with the ways in which the Council, over these years, has carried out its daunting Charter mandate and how it has been much more successful than what outside observers have been willing to acknowledge. It might facilitate a better and more honest understanding of the dynamic that has propelled the Council through these years full of important matters and pressed for time nearly all of the time. Nevertheless, the commitment of its members to its mandate and its growing agenda has been remarkable far beyond expectations, and the published record fully reflects this political reality.

To sum up my introductory reflections, let me point out that this book serves a clear purpose, namely, to bring to a wider audience of students and scholars an image of the Council as a vibrant and an engaged body of, at present, fifteen diplomatic representatives whose intent and purpose is deliberation and decision making about critical matters of international peace and security.

My work at the UN and my prolonged research on significant debates and resolutions of the Council have validated my deep conviction that this organ, in its "unreformed state," is still the best option for the international system as it is evolving from year to year. I have found that the Council and its state members have shown a strong commitment, determination, and an ability to learn from past errors and weaknesses. It can be further argued that the Council has changed with the times, and without using the Charter amendment route it has updated its procedures and widened the circle of associated partners. The consistent display of this characteristic has helped maintain its international standing and has revitalized its key role of guarding the overall peace on a global scale.

Hence, I maintain a strong position in favor of the Council's standing as guardian of the world peace and as policy instrument for the members of the UN and in particular for the fifteen diplomatic representatives serving on the Council.

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Chapter One

Procedural Developments in the UN Security Council's Work in the 1990s

Introduction

This chapter introduces the project to evaluate the UN Security Council (hereafter the Council) after the collapse of the cold war system and the onset of what was then prematurely labeled the “new world order.” The Council continues to be in the news, such as dealing with the escalating conflict in and around the Democratic Republic of the Congo, formerly Zaire, to name just one major case out of the large list of issues with which the Council is seized. The argument about its effectiveness or ineffectiveness or relevance or irrelevance does not seem to end. Many judgments about its place in the system of global governance are based on a superficial reading of its resolutions and decisions lacking a parallel effort to look behind the closed doors of its confidential consultations and to observe its members in businesslike proceedings to deal with a pending conflict or dispute and thereby to facilitate some easing of a dangerous confrontation. Such a perspective on the Council will improve the chances for a balanced assessment of its utility in the turbulent politics of the 1990s. This chapter is the first step in a major effort on the part of this author to delve thoroughly into the massive documentation available and to arrive at meaningful findings about the Council's place in the contemporary international system.¹

While the international system began to undergo fundamental change already in the period 1986–1987, a result of Gorbachev's radical revision of Soviet policies and his turn toward international cooperation, the effects of that course correction became evident in the successful termination of the long and bloody Iran-Iraq war through the formulation and adoption of a suitable format for a cease-fire eventually ratified by both the Iraqi regime and the Iranian government

under Ayatollah Khomeini. This breakthrough, together with the movement toward the independence of Namibia and the resolution of several other so-called “regional conflicts,” documented persuasively that the paralysis of the Council as the central instrument for the maintenance of international peace and security had come to an end. The immediate response around the world was enthusiastic and full of renewed hope for a more peaceful world. Thus at the onset of the last decade of the twentieth century, the possibilities for a stable global peace suddenly seemed strong and real, and the Council and the international community looked with renewed determination and confidence into the future.²

The fact that the euphoric start of the 1990s was brutally disturbed by the Iraqi aggression and annexation of small neighboring Kuwait and finally ruined in the course of the failed intervention in the internecine struggle in Somalia, and that the following years were characterized by a resurgence of tension and antagonism enfeebling the impact of the Council’s actions in an increasingly destabilized political environment, is well known. However, it is more important that one tries to understand why this most regrettable deterioration occurred and how it can be explained on the basis of necessarily incomplete data. While the context of these erratic and grating policy gyrations must be kept in mind as one engages in a minute examination of the intergovernmental decision-making processes in and around the Council, the focus of the present inquiry is restricted to a few separate issues.

Based on the materials available about the Council’s work, the first part deals with the way this organ and its fifteen constituent member governments operated throughout the ten-year period 1989–1999, and how the mesmerizing increase in agenda items, consultations, and meetings, as well as resolutions and presidential statements, has been managed by the diplomats assigned to this prestigious, albeit labor-intensive and time-consuming, function. It also will be attempted to weigh the relative power of the respective fifteen members in shaping the thinking of the membership as a whole and to put this into the context of group representation and changing alignments in the Council’s activity. A major aspect of that perspective is, of course, the standing of the foremost Council member, the powerful and highly ambivalent United States.³

On the basis of these two principal arguments, an attempt can be made to explain the largely misunderstood Council in its role as an organ of global governance. The questions raised at the beginning of this book will be reconsidered. As far as effectiveness and relevance are concerned, the preliminary impression will need to be confirmed throughout the much larger study undertaken in what follows.⁴ Nevertheless, the initial approach to a huge subject matter should not be underestimated. As the inquiry proceeds, first judgments will be revised and fine-tuned, hopefully arriving at a more factual, evenhanded, and balanced comprehension of the inner workings and political articulations of the Council.

The whole complex of Council reform is not the subject of this chapter. It also deliberately excludes the review of some of the biggest cases taken up by the Council, such as Iraq-Kuwait, Somalia, Rwanda, or the former Yugoslavia. Good case studies and analyses are available on many of these complex crises, and at this point in the pursuit of the given project it appears more useful to maintain the focus on the neglected areas of the Council's involvement.⁵ Still, many of the underlying issues and questions will evidently be on the minds of academic observers and practitioners, including this author.

How the Security Council Worked in the 1990s

The general misperception of the Council's activities is basically due to the fact that the policy making leading to the formal decisions of the organ is for all practical purposes hidden from the public view. Since the height of postwar decolonization, which brought with it many new member states from formerly dependent territories and also led to the increase in the Council's membership from the original eleven to fifteen members, of which ten fell into the category of non-permanent members, it had become clear to the permanent members of the Council that the open conduct of its debates was no longer feasible or effective, and that closed sessions away from the bright light of publicity were required in order to enable the divided and contentious membership to find a common consensus position obviating the need for formal voting that far too often resulted in stalemates and vetoes. The evolving consultation procedure that has been maintained in its basics until this day consists of three phases, a first phase in which the Council president, in office during that particular month, would informally consult with the states' parties, bringing the matter to the Council as well as with individual Council members about the importance of the particular dispute or situation and about ways and means to handle the case. Assuming that the agreement in the first round is in favor of proceeding with the matter, the president would then undertake a second round of informal consultations in which the partners would be groups or blocs within the Council, such as the nonaligned group, the Communist side, and the Western group, plus groups interested in the matter at hand on the outside of the Council. In this phase, the issue under consideration was not only whether or not to place the item on the Council's agenda but also what was feasible in terms of the Council's response to the crisis before it. If joint opinion still favored pursuing the request for Council involvement, the president would then commence the third phase of this elaborate and sometimes lengthy and time-consuming procedure and invite all members and the secretary-general to a consultation of the whole. In this closed session, with the president chairing the deliberations, the request before the Council would be fully aired, and all necessary measures would be discussed and, if a consensus emerged,

decided. That would include the procedural decision to place the item on the Council's agenda, a further procedural decision to invite outside parties and member states to the formal meeting of the Council, and, most importantly, the preparation of a draft decision, in the form of either a resolution or a presidential statement, in blue copy, which would then require adoption or issuance in a formal public meeting of the Council. Due to the given complexity of many of these situations, it happened frequently that the consultation of the whole needed to be suspended or adjourned and then later resumed so that further bilateral and mostly multilateral contacts could be engaged that would help facilitate a full agreement among all fifteen members. The consequence of this lengthy procedure in search of a consensus position has been that the general membership of the organization and the wider public on the outside has been compelled to rely on rumors, allegations, and leaks to find out what was going on behind the closed doors of the Council's chambers.⁶

The practice of these "informals" continues until our time. Council members, permanent and nonpermanent, acknowledge that openness and transparency should characterize the Council's place on the international arena, but they all emphasize that without the prior confidential engagements the Council would not manage to present a united front in response to any of the many disturbances landing on the Council's plate. The crucial nature of the confidential dialogue and interaction of the diplomatic representatives within the high walls of the Council's operations is dramatically confirmed by the fact that despite the tremendous avalanche of critical issues throughout the 1990s, the Council in all these years has not once deviated from the standard recourse to the informal consultation of the whole. It would appear from all that has come out of the Council and its immediate diplomatic environment that the diplomatic actors, big and small, see no alternative to that by now long-standing and fully vetted practice.

This elaborate pattern of the Council's working methods has resulted in impressive statistics for the years under consideration. Culled from the annual reports of the Council to the General Assembly, the following picture emerges:

During the period June 16, 1989–June 15, 1990, the Council held 49 meetings and adopted 22 resolutions. This reflects still a rather inactive posture of the Council.

During the next twelve months, from June 16, 1990, to June 15, 1991, the Council held 65 meetings and adopted 41 resolutions. The main crisis engaging the Council was the Iraqi invasion of Kuwait and the numerous Council measures taken to restore the sovereignty and territorial independence of Kuwait.

During the period June 16, 1991–June 15, 1992, the Council held 92 meetings. It adopted 46 resolutions and issued 50 presidential statements.

The marked increase in meetings, resolutions, and presidential statements is due to the outbreak and rapid escalation of the Yugoslav crisis.

From the period June 16, 1992–June 15, 1993, the Council held 152 meetings, adopted 81 resolutions, and issued 95 presidential statements. The increase in all three categories of Council activity should be noted.

During the period June 16, 1993–June 15, 1994, the Council held 153 meetings, adopted 87 resolutions, and issued 68 presidential statements. Moreover, it held 252 consultations, lasting 353 hours. The Council received and dealt with 120 Secretary-General (SG) reports; additionally, it handled 1,500 other documents.

From the period June 16, 1994–June 15, 1995, the Council held 152 meetings, adopted 70 resolutions, and issued 82 presidential statements. Furthermore, it held 274 consultations lasting 420 hours. The Council received and handled 100 SG reports and about 1,000 other documents.

During the next twelve months, from June 16, 1995, to June 15, 1996, the Council held 132 meetings, adopted 64 resolutions, and issued 62 presidential statements. It held 240 consultations, taking altogether 377 hours, and it handled 70 SG reports, plus about 1,079 other documents.

From the period June 16, 1996–June 15, 1997, the Council held 115 meetings, adopted 52 resolutions, and issued 54 presidential statements. In addition, it held 342 hours of consultations and handled 105 SG reports and 1,214 other documents.

During the period June 16, 1997–June 15, 1998, the Council held 103 meetings, adopted 61 resolutions, and issued 41 presidential statements. It held 215 consultations, totaling 588 hours, and handled 92 SG reports and about 1,079 other documents.

Finally, from June 16, 1998, to June 15, 1999, the Council held 121 meetings, adopted 72 resolutions, and issued 37 presidential statements. It also held 239 consultations, lasting 511 hours, and handled 90 SG reports and 1,437 other documents.

Since the content of the Council reports is exclusively the prerogative of the Council under the Charter and the secretariat has no formal or informal input into format and substance of this annual document submitted to the General Assembly, the figures provided in the ten years of Council practice under review here convey a fascinating picture about what the members themselves see as pertinent and worthy of mentioning to a wider interested public. It is especially remarkable for the observer to see how much time is spent in the crucial consultation phase of the Council. Of course, quantity does not necessarily translate into quality. But there is no denying the fact that the membership on the Council is immensely labor intensive and time consuming. It also offers strong

testimony that while inevitably there have been fluctuations in the number of meetings and formal decisions, one cannot detect any waning of the Council's engagement in seeking to fulfill its significant mandate in the maintenance of international peace and security.

The commitment that is required to make a meaningful and constructive contribution to the Council's work is especially daunting for small member states without the necessary diplomatic staff and substantive support from their foreign ministries back home. In many cases, the diplomatic mission to the UN in New York consists of one or two more junior diplomats in addition to the permanent representative heading the mission. Looking at the hours alone of required meetings and the massive documentation to be read and analyzed, even larger missions will be hard put to bring the necessary capacities to the Council duties while maintaining their usual load of formal and informal business in and around the UN and their constant connection with their governments and foreign ministry colleagues. Even a cursory look at the blue book containing all missions at the New York headquarters of the world organization documents the severity of this problem for many member states.⁷

Trying to match the Council's investment in time and decision output with the rise and decline of the Council's political standing during the 1990s leads to the realization that the alleged decline in the Council's impact on internationally important conflicts and other emergencies at the end of that decade is apparently not reflected in terms of the frequency or relevance of the Council's formal decisions. The upswing in numbers of meetings and hours of consultations indicates a growing immersion in the necessary diplomatic interactions out of which resolutions and presidential statements emerge. This sharp increase in time set aside for consultations of the whole—any other informal talks and inquiries are not counted under this rubric—together with the huge documentation put before the members for their processing reflects a busier and more conscientious intergovernmental body than had existed during the cold war and at the onset of the post-cold war era. Due to this strong evidence of the Council's diligence and sincerity it warrants a much more detailed careful inquiry into particular cases and the string of debates and decisions composing the Council's dealings and deliberations around these agenda items.

Another salient feature of the post-cold war Council that has been noted in recent academic work on the UN is the dramatic rapid decline in the number of vetoes cast by any of the five permanent members. Over a whole decade, the number of substantive vetoes altogether comes to less than ten. Several of these were exercised by the United States, China, and the Russian Federation. The rarity of these veto applications illustrates strikingly the stability and pervasiveness of the basic accord and unanimity that the overwhelming majority of Council members have shown in the acclaim of the fundamental principles of the Char-

ter and in their compliance with these norms in the exercise of their functions as Council members. The political and ideological diversity among the nonpermanent members, as well as among the P-5, as the permanent members are referred to, is still sufficiently large that the adoption of unanimous decisions by show of hands or by prior agreement is not a foregone conclusion. One can surmise that the enormous number of hours spent in consultations of the whole in 1998 and 1999 must have been necessary in order to arrive at a consensus on what to do in a pending matter. It deserves mentioning that consultations of the whole do not serve the purpose of empty rhetoric or unproductive polemics, since the interested public is not there to listen, nor are there open windows through which the speakers would address their own communities. As the proceedings are closed, whatever is said serves the purpose of responding to the colleagues and advancing the search for a generally acceptable consensus that promises to tackle the crisis at hand.

Throughout the period under study and reaching even farther back into the years of the cold war, the call for decisive reforms in the workings of the Council has not stopped. The insistence that a largely secret process at the heart of the Council had to be opened up was a demand by many developing countries in the UN that felt excluded from the policy making of the Council, and was taken up by major states members, including especially France in the 1980s and more recently. The language utilized raised questions of transparency and openness and conveyed the stark impression that the deliberations behind closed doors covered up the illicit efforts at manipulation and coercion by the so-called "Great Powers," in particular the US delegation. Throughout the years since 1984 to the present day, attempts have been made to lift the veil of secrecy and to invite outside parties to share in the debates and informal contacts around the many sessions of the Council in action. Special mention should be made of the evolution of what came to be known as the "Arria" formula involving unofficial and nonbinding contacts of Council members with outside groups and individuals requesting an opportunity for exchange of information and dialogue with interested states members of the Council. Making themselves available for these encounters and briefings provided a significant concession and led to a clear mitigation of the clamor for immediate and extensive change in Council proceedings. This formula also became very helpful in permitting Council members to reach out to engaged forces on humanitarian and human rights issues and on peacekeeping matters and other relevant concerns and in this fashion to promote the political thinking process out of which Council decisions were likely to evolve.⁸

This outreach function was similarly brought to affect the crucial relationship between the Council and the somewhat amorphous but proactive group of the troop-contributing countries (TCC). For many years, troop contributors that

had been able to articulate concerns and publicize their side of the UN peacekeeping arguments within the framework of the UN General Assembly (UNGA) Special Committee on Peacekeeping Operations bitterly complained about lack of access to Council deliberations and binding decisions on the establishment and functioning of these important operations. In the mid-1990s, the Council finally bowed to the unending pressures from the troop contributors and agreed to arrange routinely and periodically for special sessions of the whole Council with the respective troop contributors participating in an ongoing or a planned complex peacekeeping and peace-building operation of the post-cold war era.⁹ This fundamental procedural reform was most welcome to the affected troop-contributing states and led to a much smoother and more focused process in connection with the numerous operations undertaken throughout the last ten to fifteen years. The effect of this improvement in understanding and cooperation has been felt in the manner in which the mandates were drafted and in which logistics and troop availability were successfully handled.

Another crucial change in the conduct of Council meetings was the increased frequency of public and open formal meetings. Many of the principal debates in the second half of the 1990s were held in public session and with the active participation of interested non-Council member states in the course of the proceedings. Hereby, a major demand by the wider UN membership has been taken up and elegantly satisfied as the walls around the Council chamber have indeed become more transparent and porous as far as the multilateral dialogue in the UN is concerned. The constant pressure for such opening and transparency was clearly successful in bringing about the shift in the procedural practices of the Council and the commitment of its members to enhance the public image of the Council as the guardian of international peace and security.

Chapter Two

The UN Security Council Emerging from the Cold War Era

Hav^{ing} looked at a number of important procedural matters dealt with by the Council during the time under review, I now turn to a more general analytical treatment of the Council at work and of its approach to the principal mandates given to it under the Charter and to the numerous difficult items taken up by the organ as a result of requests by affected or interested parties or of informal agreements by Council members, regional groups, or ad hoc alignments of states and non-state actors. In this review, material from many of the ongoing deliberations will be included in the consideration of the subject matter in order to relate the conclusions or arguments put forward here as closely as possible to the actual conduct of the Council's business.¹ It also will allow the identification of certain trends and developments shaping the record of the Council's engagement and thus give quite a bit more firmness to the underlying propositions in regard to the active and growing place of the Council in matters of international peace and security.

While the evaluation is focused on the last decade of the twentieth century, the reach backward will entail a few agenda items and their treatment in the Council dating from the mid-1980s, the point in time when the Council's consensus on the meaningfulness of the Charter and the significance of its own mandate began to emerge, replacing the division and hostility of the cold war years. The Gorbachev factor responsible for this sea change only needs to be recalled here without going once again into a more detailed narrative on this most beneficial evolution. The underlying intent is directed toward bringing out the steadily evolving constellation in the Council's work, reflecting the enormous range of its growing agenda and the recurring presence of highly divisive issues revealing lingering polemical matters breaking the newfound unity of purpose and restoring for brief moments old friction and antagonism. But while in the past these bones of contention paralyzed the Council's decision making, the

“new” Council started to deal with these clashes in a patient, professional matter, without giving rise to new hurdles in its responsibility for peace and security.

This bifurcation between consensual and conflictual elements in the Council’s bearing is especially well illustrated in the handling of complicated matters arising from the violent and costly war between the new Iranian state and its Iraqi neighbor that had been raging since September 1980, when an Iraqi invasion started the violent encounter. The full story of the UN’s handling of that brutal struggle until it was finally ended through a cease-fire agreement negotiated by the Council and the secretary-general and at last accepted by both warring parties cannot be told in the context of this book.² However, it should be underlined that only at the end of the cold war did the Council seize the opportunity to find the proper mix of reprimanding, prodding, and complimenting that would persuade Iraq and Iran, the latter being much more reluctant to trust the Council, to accept the accord and its application for the restoration of peace.

What is especially remarkable in this case is the simultaneous discussion of a specific complaint by Iran against the United States that was openly and bitterly deliberated in a public Council meeting, with the then US vice president occupying the seat of the US representative. Had the basic mood of the Council not been as agreeable and collegial, the clash of the United States and theocratic Iran would have defeated any attempt at resolving the sharp tension. But the two sets of deliberation and consultation reveal in startling clarity the prevalence of the basic sense of unity and mandate that helped lead the antagonists away from confrontation and toward sufficient levels of cooperation, binding the Council’s endeavors and the implementation of unanimous decisions by the parties together.

On 4 July 1988, a letter (S/19979) from the Iranian foreign minister had been transmitted to the secretary-general alleging that on July 3 the United States had shot down an Iranian civilian airliner over international waters, killing all 290 people on board. A day later, the representative of Iran requested (letter S/19981) a meeting of the Council to take up this matter. In response, the Council considered the issue from 14–20 July 1988, during its 2,818th to 2,821st meetings. In addition to Iran, several more member states sought and received invitations from the Council to attend its meetings on the Iranian complaint.

The extensive declaration by the foreign minister of the Islamic Republic of Iran set forth the detailed accusations against the United States and described how the civilian airliner had been attacked and shot down by American patrol boats in the Gulf area. The downing of the plane also was to be condemned as it was over Iranian territorial water, outside the declared war zone. The full exposé, replete with references to the Charter and key principles of international law, clearly depicted the action of the US naval ship as illegal and refuted American countercharges as false and untenable.

The reply by the US vice president speaking for the American delegation sought to rebut the Iranian charges and accused Iran of continually refusing to comply with the Council's resolution 598 (1987), to negotiate an end of the war with Iraq, and to cease its acts of aggression against neutral shipping in the Gulf. He combined this harsh accusation with expressing his government's respect for Iran's right to air its grievances. But he insisted that Iran could not simultaneously complain to the Council and defy it. Having said this, the vice president conceded that the circumstances surrounding the downing of the airliner were still unclear, and he noted that the United States was currently investigating the issue. Despite repeated disclaimers regarding US guilt, the vice president also announced that his country shared the grief of the families of the victims and had decided to provide a voluntary *ex gratia* compensation to the families of those who had died, while maintaining the stance that his government was exclusively concerned with maintaining freedom of navigation and protecting its forces.

Subsequent deliberations of the Council brought understated support for the US position by the British and French delegates as far as resolution 598 (1987) was concerned. The Soviet and Chinese representatives took more detached positions that mentioned the importance of finding peace through resolution 598 (1987) but gave credence to the Iranian allegations. After further statements and exchanges, the Council unanimously adopted a draft resolution that had been prepared in consultations, as resolution 616 (1988), showing the successful search for consensus by the Council on this somewhat difficult problem.

Reflecting the delicate consultation period leading to the given consensus, the resolution in its key provisions deplored the fact of the airplane's downing but did not assign blame to the alleged perpetrator of this unwarranted attack. It furthermore drew attention to investigations to be undertaken by the International Civil Aviation Organization (ICAO) and welcomed the US announcement to cooperate with that international effort to shed light on the incident. In conclusion, the resolution also reiterated the Council's full support for a rapid implementation of the provisions of resolution 598 (1987) relating to a cease-fire and peace process in the war between Iraq and Iran.

The coincidence of the outcome of this debate culminating in the adoption of resolution 616 (1988) and the breakthrough in the pursuit of an effective cessation of fighting under resolution 598 (1987) explain the conciliatory manner with which the direct clash between the United States and Iran was treated. In this case, one can already observe the powerful impact of the new era of goodwill and cooperation between the two superpowers of the fading cold war world and its direct effect on given controversies in international security. Nevertheless, one should note that the US government saw no need to drop its own sharp criticism of the alleged belligerent behavior of the Iranian party. The decisive difference between the earlier years of stalemate and paralysis and the new period of comprehensive

understanding and cooperation is the opening of many new ways of dealing with grave political crises and the elaboration of successful frameworks and formulae resulting in effective peace processes in the dawning post-cold war era.

A brief comment is justified regarding the context and dynamic leading to the adoption of resolution 598 (1987) and, more importantly, to its realization in the summer of 1988 and beyond. One must recall the most complex context of the onset of the war between Iraq and Iran in September 1980, reflected in the key fact that the United States was extremely hostile to Ayatollah Khomeini's Iran and refused to view the dyadic confrontation of the two neighboring Gulf states in a fair and an impartial fashion but instead took the Iraqi side in order to hurt the Iranian foe. Out of this awkward beginning, the door to any multilateral or traditional diplomatic initiative for peace was closed for years after the war started with a sudden military invasion by Saddam Hussein's armies hinting at territorial ambitions and the grab for petroleum-rich areas. The undeniable fact that Iraq had initiated the military conflict was never openly acknowledged by the important members of the international community, and it took six years before, in a nonaligned draft resolution before the Council, the first operative paragraph had the Council "deplore the initial acts which gave rise to the conflict between the Islamic Republic of Iran and Iraq and deplore the continuation of the conflict." This draft was unanimously adopted at the 2,666th meeting on 24 February 1986 as resolution 582 (1986).

The crucial importance of this big step forward by the Council was underlined by the dispatch of a letter (S/17864 and Corr. 1) by Iran following the adoption of resolution 582 (1986), in which the Iranian foreign minister stated that the Council had finally come to realize that it needed to consider the aggression of Iraq. While he called the resolution still unbalanced, he saw it nevertheless as a positive step toward the condemnation of Iraq and as a just conclusion to the war. In this connection he emphasized Iran's full support for the mediation efforts of the secretary-general. Through this message, which was warmly welcomed by the members of the Council, the next steps were clearly made easier in the search for an opening in this entrenched war, although the focus on the question of war guilt as a precondition for any accommodation was bound to also exacerbate the matter. In the subsequent path of Council utterances it should be noted that the mention of the cause of the war, namely, Iraqi aggression, started to emerge as the key criterion for an end to the fighting.

Cutting short the brief review of the Iran-Iraq war, the story moves up to the drafting and adoption of resolution 598 (1987). As often reported, this resolution was the result of a special effort of the five permanent members together with the secretary-general who, in the newfound harmony and unanimity of the two superpowers and their friends and allies, had declared their readiness to facilitate after more than seven years of bloody fighting involving even the use of