Violations of United Nations Security Council Resolutions and Relevance of the Proposed Reforms

Gerald Ekenediichukw Enizim
Department of Political Science
University of Nigeria, Nsukka

Abstract
The global search for peace and security is ongoing, and is a quest which is acclaimed to be to everyone’s interest. This quest for peace is being threatened by the acquisition and employment of weapons of mass destruction in various parts of the world, breeding diplomatic problems and global unrest. It is our contention in this paper that the spate of, and the manner in which nations are increasingly violating UN Security Council resolutions without any serious sanctions or implications for those states, and even glaring support from members of the Security Council for those sanctioned, portends great danger for the world, and tends to render redundant the most powerful organization in the world even as its reforms process is irrelevant.

Introduction
The world has never been more agog with news of weapons-of-mass-destruction proliferation, uranium enrichment, missile test-firing, procurement, sale of components, etc., in the present times. There have been series of warnings of unleashing of global terror on states in the contemporary global system by other states or non-state actors; or at least signs of preparations to acquire the means to do so, and preparedness to use them. This is against international law and various treaties on peacekeeping and non-proliferation of weapons.

Meanwhile, International Law, which is denoted as the rules, standards, principles, or regulations observed by governments in their interactions, with one another in the international system for their own (Morgenbenthau 1966; Oppenheim 1956; Brierle 1978; Umsuzarik 1999; and which has been in existence long before the famous Dutch writer, Hugo Grotius, wrote his classic, The Law Of War And Peace (1825); had been practiced in the famous kingdoms of Greece, Ghana, Morocco, Tanganyika and China. Over the years, however, there have been debates about the legality of international law among scholars of history and international relations. Its critics say it lacks universality; is unenforceable; revolves around states and not individuals in the state; and its tenets are more or less what already obtain at the domestic level. Its universality is doubtful as there is no universal over-arching governmental authority in the international system to enforce it. The Austrian dictum that law is law when it is a command, reasonable, authoritative and carries with it sanctions and punishments, is seen as justifying the criticism. Thus, when a law that is supposed to guide the actions of actors in the global system does not really enforce the tenets and spirit of the law, it lacks the moral force to be called a law (Smith 1998).

Over and above these reasons for doubting the legality of international law is the one that wonders why some states do not obey international laws because they are either super-powers or great powers, or because they are supported, protected and defended by these powers at the global scene. Meanwhile, the
world governing body, the United Nations (UN) has been making efforts to nip in the bud this impending danger as it would portend a free-for-all, no-holds-barred scenario if this situation becomes uncontrollable.

The UN is supposed to be responsible for global peace and security, but it is our contention in this paper that the vagueness and the inability to enforce international law, makes the task of the UN Security Council, not just onerous but outrightly impossible, and its work ineffective.

Theoretical Perspective

In this paper, we shall employ the collective deterrence theory—a combination of collective security and deterrence theories—for understanding the recurring threats to international peace and security, and the equally important efforts to curb the problem through the United Nations’ most important organ—the Security Council.

The theory of collective security, “a doctrine of mutual self-preservation between states which commit themselves to unite against any threats to the independence and territorial integrity of member nations” (Ijere, 2003:73), guarantees the protection, security and territorial integrity of each state in the global system, and is acceptable to all the countries of the world. It underpins the raison d’être for the formation of the UN, and is hailed on all the states concerned accepting the decisions of the UN. As noted by Santayana (2002), “It rejects the notion that alliances and neutrality can work, and substitutes the idea that ‘an attack against one is an attack against all’. The concept of ‘collective security’ was propounded by scholars like Maurice-Wright, Immanuel Kant, and onetime American President, Woodrow Wilson.

However, since the UN Charter denotes that it is the Security Council that has the prerogative and the power to deal with threats to international peace and security, the theory falls short of solving the global vexing and worrisome problem of general global insecurity noticeable in the terrorist activities, civil wars and disharmonizing actions of states. Also, as states are not always ready to relinquish their sovereignty and freedom of action, even for a pugil and noble cause that would benefit them, the theory seems to fall flat on its face, and is not adequate to understand the contemporary global situation.

Meanwhile, deterrence is a “policy of preventing war and other hostile action by convincing the opponent, through objective and subjective measures, of the dire consequences of aggression” (Ijere, 2003:114). Although the idea of deterrence was proposed by sociologist, Cesare Beccaria (1738-1794) and philosopher, Jeremy Bentham (1748-1832), it was taken over at the international level by scholars to mean a military strategy under which a major power is able to stop nuclear attack from an adversary power’s available alternatives with the use of threat of instant overwhelming and overarching reprisal. As noted by Asogwa (2001:109:410):

Since the advent of nuclear weapons, deterrence has become the basic strategy of the nuclear powers and of the major alliance systems, based on the maintenance by each power of a high level of assured destruction capability against any aggression.

However, the deterrence theory has come under a lot of debate and scathing criticism given the fact that state actors in the international system may not always be rational in the use of available weapons. This necessarily comes with the spread of nuclear
weapons as part of the deterrent activity; and thus there is need to coalesce it with that of collective security to foster peace and security in the world.

Thus, a complex collective deterrence theory would not only allow all the states of the world to participate in constantly keeping those potential states and non-state actors that would get involved in terrorist, genocidal and dehumanizing actions, but also keep even the strongest states in check. States like North Korea and Iran feel they have the right to act the way they like simply because they know that there is no meaningful coalition of global powers and the international community interested in stopping them. Thus they feel that they can freely employ their weapons of mass destruction or try to acquire one without recourse to the implications for world peace and the treaties on non-proliferation of weapons.

If there is collective deterrence, no nation, not even the United States, not even the five permanent members of the security council, would dare to take on the whole world at a time. That, we posit that a theory that would undermine the acquisition and deployment of nuclear missiles in the world today would be good for global peace.

Furthermore, it would strengthen the Security Council when it knows that the world is behind it instead of the current indifference and cynicism the powerful select group elicits in the thinking of global political actors. To this global camaraderie that can help to sustain the United Nations and its reforms would then have meaning and focus, and be effective.

The United Nations' Search For Global Peace And Security

The world, having been aghast at the devastations which it had just emerged from in World War II, formed the United Nations in 1945. The UN was designed to be highly decentralized, with power shared equitably among the Secretariat and the other relatively autonomous organs and agencies; and given that the powers of the Secretary-General are limited, these agencies often work at cross-purposes or fail to maintain effective coordination as a result of overzealousness and also the constant need for people to have control of every available space they can get. However, this does not in any way demean the importance of the UN and its quest for global peace and security.

Thus, the UN was established to pursue the following objectives:

(a) to save generations of the future from the devastating affliction of wars;
(b) to reaffirm faith in the fundamental and equal human rights, dignity and worth of the human person; and the equal rights of all mankind and all nations of the world;
(c) to maintain justice and respect for the obligation arising from treaties and other sources of international law;
(d) to promote social powers and better standards of life in larger freedom (Deutsch, 1978,216).

The founders of the global body put the fate of the world in the hands of then global powers like the US, Great Britain and USSR initially and later France and China. They were called the Security Council; and their membership of the Council was permanent, while ten non-permanent members were added, who are intermittently changed and rotated after two-year terms. Thus, the major function of the world body had been to ensure peace and security of all world citizens. Fortunately, the founders had the good sense to give powers to the Security Council to
enforce the law for a peaceful world, which would not have to undergo the catastrophic experience at the war. This is its major mandate when one takes into cognizance Article 24(1) of the UN Charter which states thus:

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.

Article 25 of the Charter clearly underscores the fact that the decisions of the Security Council are binding on member states where it states that "the members of the United Nations agree to accept and carry out the decision of the Security Council in accordance with the present Charter."

Thus, the world accepts that it gives the Security Council enormous powers and responsibility, which cannot be toyed with or allowed to be undermined by the same subjects of the United Nations. It is, therefore, worrisome to note the increasing efforts by states in the international system to acquire, sell and employ weapons of mass destruction in a world that is seeking for lasting peace, and which has mandated a body to checkmate such proliferation in order to avert danger.

The UN seems incapable of controlling the situation as it is incapable of using the over-archig authority it should employ to stop these states. The Security Council seems confused and unfocused about the tactics to use in curbing this problem as the veto powers given by the UN Charter acts as a check. Most of these states this prefer to listen to their allies in Security Council do so knowing that they are safe from sanctions and forceful action by the world governing body. With the support of these allies who hold the age, as it were, they are safe. This is because unless all the five permanent members agree on any issue, the Security Council cannot act.

The latest of these cases where states have taken unilateral actions without considering the consequences, or may be, certain that they are safe, are those of North Korea, Iran and Sudan.

The Case of North Korea:

In October 2002, the Democratic People's Republic of Korea on North Korea, reportedly admitted it had fashioned a programme to enrich uranium, which violated a 1994 aid-for-disarmament deal (Agreed Framework) with the US, South Korea and Japan. Subsequently, she removed 8,000 spent rods from its Yongbyon nuclear facility, where they had been subject to international inspection at an unspecified location, fueling the suspicion that these rods had been reprocessed to produce weapons-grade plutonium.

In December 2002, she expelled international weapons inspectors and withdrew from the Nuclear Non-proliferation Treaty and declared the Agreed Framework invalid (Pan, 2004). In 2006, against all entreaties from the entire world to halt and suspend its testing of its missile, had on July 5, 2000 launched the said missile. This was done, according to the government of Deputy's leader Kim Young-nam in Pyongyang, to bolster its war deterrent capability for self-defense. The so-called routine military misadventure is causing a lot of ripple not just in the Asian
sub-region but beyond as the missile is capable of reaching even the US. This is glaring the global hegemon and has far-reaching implications for global peace and security. This is precisely why the US and other members did not hesitate in voting out the resolution, more so, as it goes against the dictates of world treaties on weapons proliferation and abuse, to which North Korea was an original signatory.

The Security Council, on 15th July 2006, precisely after ten days of debate on the matter, passed Resolution 1695 demanding North Korea to suspend all activities related to its ballistic missile programme and to establish a moratorium on missile launches. It also urged North Korea to return to the six party talks on its nuclear programme which had stalled since 2005 as a result of the latter’s non-cooperation (Lederer, 2006).

However, North Korea outrightly rejected the Resolution, saying that it had the right to protect itself as the UN could not protect it, nor could any other state for that matter. According to Pak Gii Yon, North Korea’s UN Ambassador, our successful missile tests were part of a regular military exercise conducted by our military to boost our self-defence. Our military will confirm with missile launch drills in the future as part of efforts to strengthen self-defence deterrent. If anyone intends to dispute or add pressure about this, we will have to take stronger physical action in other forms (wwwclf.org, 16th July, 2006).

Despite all the fears expressed, the buses and cars that had enveloped world politics in the aftermath of the test, North Korea remained defiant and in early October 2006, claimed that its test of the missile was successful. This is yet to be confirmed, and it is a milestone as a confirmation would make North Korea the eighth country in the world known to have atomic weapons along with the United States, Russia, France, China, Britain, India, Pakistan and Israel, although the latter refuses to confirm it. Meanwhile, North Korea has China and Russia as strong allies in the Security Council.

The Case of Iran:

The Security Council, in Resolution 1696, adopted by 14 out of the 15 members, with Qatar voting against, demanded Iran to suspend its nuclear enrichment programme by 31st August, 2006 or face possible economic and diplomatic sanctions. But the government of President Mahmoud Ahmadinejad and even the Supreme Spiritual Leader, Ayatollah Ali Khamenei, has tended to rationalize that their efforts are peaceful. However, from the report of Mohammad El-Baradie, the Director-General of International Atomic Energy Agency (IAEA), Iran has continued uranium enrichment activities. As at the second week of October 2006, Iran has neither suspended its nuclear enrichment-related activities nor complied with all of its obligations under international non-proliferation agreements. According to the IAEA report, further verification of the country’s declarations is difficult because of a lack of transparency from the Iranians. El-Baradie (2006) noted that:

Tehran has not addressed the long outstanding verification issues or provided the necessary transparency to remove uncertainties associated with some of its activities. While there are no signs of any reprocessing activities taking place, Iran has not suspended its enrichment-related activities; nor has Iran acted in accordance with the
provisions of the IAEA Additional Protocol.

The Security Council had threatened sanctions if Iran did not suspend its uranium enrichment and reprocessing activities, including research and development, and take steps to assure the world that its nuclear programme is exclusively peaceful. Following a resolution on 31 July, the IAEA was requested to report back in a month on whether Iran had complied with those demands. Although the Agency plans to maintain its investigation of Iran’s activities, its progress is hindered in verifying the “correctness and completeness of Iran’s declarations with a view to confirming the peaceful nature of Iran’s nuclear programme” by the refusal of Tehran to grant them access to some operating records at an enrichment plant, even after giving them access to nuclear material and facilities.

Iran had repeatedly claimed that its activities are aimed at the production of energy only, but the United States and other countries insist it is clandestinely seeking to produce nuclear weapons. In August 2006, Iran rescinded its voluntary suspension of nuclear fuel conversion, which is capable of producing the enriched uranium necessary either for nuclear power generation or for nuclear weapons. This led to the strong suspicion that it is seeking a military nuclear program. Meanwhile, the deadline given by the Security Council has passed, and it is still talking tough, apparently sure that nothing would happen to it. Despite being tagged an “axis of evil” in the aftermath of 9/11, the Iranian government does not seem perturbed, showing that its strength lies in either a permanent member of the Security Council or in a strong affiliation or coalition yet unknown.

The Case of Sudan:
Sudan had been in the news for along time now with the recurring humanitarian crisis in Darfur region, where the government had been suspected and accused of arming the Janjaweed militia against the others. The UN has done everything possible to stem the crisis and after a lot of efforts through series of resolutions which have yielded no fruit (United Nations, 2005: 103-105); decided to enforce Resolution 1706 of 31 August 2006 where it called on the Sudanese government of Omar al-Bashir, to permit up to 22,500 UN troops to take over from the overstretched African Union peacekeepers by the end of 2006. The 2,000-strong AU force, which was being hampered by lack of funds, had failed to halt the near-genocidal violence that had claimed at least 200,000 lives and displaced over 2 million people, despite the signing of a peace agreement in April of 2006 in Abuja. The Sudanese government rejected the resolution outrightly, sending away the peacekeepers and even killing some of the UN staff in the process.

The Sudanese case, which is somewhat different in the sense that it does not have nor does it claim to have nuclear weapons, beats one’s imagination as it would be a very simple task for the UN to overrun the state if it so desires. But it is the nature of global regulations that gives the world’s powers the leverage to dare the world, probably knowing fully well that the world is always cautious in the way it relates to states, as no one can correctly predict the steps that an adversarial force have been forged unilaterally over the years.

The above are just the most recent cases of rejection of Security Council
Resolutions by countries in the international system, thereby making the world's most powerful body a mere rubber stamp in the hands of the global super powers like the US, UK, France, China and Russia. It has been so over the years.

Instances Of Violations Of United Nations Resolutions

Below is a comprehensive list of countries that have been violating Security Council Resolutions for almost four decades and nothing has been done to them.

Resolution 252 (1968) Israel: Urgently calls upon Israel to rescind measures that change the legal status of Jerusalem, including the expropriation of land and properties thereon.

262 (1968) Israel: Calls upon Israel to pay compensation to Lebanon for destruction of airliners at Beirut International Airport.

267 (1969) Israel: Urgently calls upon Israel to rescind measures seeking to change the legal status of occupied East Jerusalem.

271 (1969) Israel: Reiterates calls to rescind measures seeking to change the legal status of occupied East Jerusalem and calls on Israel to scrupulously abide by the Fourth Geneva Convention regarding the responsibilities of occupying powers.

298 (1971) Israel: Reiterates demand that Israel rescind measures seeking to change the legal status of occupied East Jerusalem.

353 (1974) Turkey: Calls on nations to respect the sovereignty, independence, and territorial integrity of Cyprus and for the withdrawal without delay of foreign troops from Cyprus.


360 (1974) Turkey: Reaffirms the need for compliance with prior resolutions regarding Cyprus "without delay."

364 (1974) Turkey: Reaffirms the need for compliance with prior resolutions regarding Cyprus.

367 (1975) Turkey: Reaffirms the need for compliance with prior resolutions regarding Cyprus.

370 (1975) Turkey: Reaffirms the need for compliance with prior resolutions regarding Cyprus.

377 (1979) Morocco: Calls on countries to respect the right of self-determination for Western Sahara.

379 (1979) Morocco: Calls for the withdrawal of foreign forces from Western Sahara.

380 (1979) Morocco: Reiterates the need for compliance with previous resolutions.

391 (1976) Turkey: Reaffirms the need for compliance with prior resolutions regarding Cyprus.

401 (1976) Turkey: Reaffirms the need for compliance with prior resolutions regarding Cyprus.

414 (1977) Turkey: Reaffirms the need for compliance with prior resolutions regarding Cyprus.

422 (1977) Turkey: Reaffirms the need for compliance with prior resolutions regarding Cyprus.

440 (1978) Turkey: Reaffirms the need for compliance with prior resolutions regarding Cyprus.

446 (1979) Israel: Calls upon Israel to scrupulously abide by the Fourth Geneva Convention regarding the responsibilities of occupying powers, to rescind previous measures that violate these relevant provisions, and "in particular, not to transport parts of its civilian population into the occupied Arab territories."

452 (1979) Israel: Calls on the government of Israel to cease, on an urgent basis, the establishment, construction, and planting of
settlements in the Arab territories, occupied since 1967, including Jerusalem.

465 (1980) Israel: Reiterates previous resolutions on Israel’s settlements policy.


484 (1980) Israel: Reiterates request that Israel abide by the Fourth Geneva Convention.

487 (1981) Israel: Calls upon Israel to place its nuclear facilities under the safeguard of the IAEA’s International Atomic Energy Agency.

497 (1981) Israel: Demands that Israel rescind its decision to impose its domestic laws in the occupied Syrian Golan region.

541 (1983) Turkey: Reiterates the need for compliance with prior resolutions and demands that the declaration of an independent Turkish Cypriot state be withdrawn.

550 (1984) Turkey: Reiterates UNSC resolution 541 and insists that member states may “not to facilitate or in any way assist” the secessionist entity.

573 (1985) Israel: Calls on Israel to pay compensation for human and material losses from its attack against Tunisia and to refrain from all such attacks or threats of attacks against other nations.


605 (1987) Israel: “Calls once more upon Israel, the occupying Power, to abide immediately and unconditionally by the Geneva Convention relative to the Protection of Civilian Persons in Times of War, and to desist forthwith from its policies and practices that are in violation of the provisions of the Convention.”

607 (1986) Israel: Reiterates calls on Israel to abide by the Fourth Geneva Convention and to cease its practice of deportations from occupied Arab territories.

608 (1988) Israel: Reiterates call for Israel to cease its deportations.

636 (1989) Israel: Reiterates calls for Israel to cease its deportations.

641 (1989) Israel: Reiterates previous resolutions calling on Israel to desist in its deportations.

658 (1990) Morocco: Calls upon Morocco to “cooperate fully” with the Secretary General of the United Nations and the chairman of the Organization of African Unity “in their efforts aimed at an early settlement of the question of Western Sahara.”


673 (1990) Israel: Insists that Israel come into compliance with resolution 672.


690 (1991) Morocco: Calls upon both parties to cooperate fully with the Secretary General in implementing a referendum on the fate of the territory.

698 (1991) Morocco: Reiterates that Israel “must refrain from deporting any Palestinian civilian from the occupied territories, and ensure the safe and immediate return of all those deported.”


725 (1991) Morocco: “Calls upon the two parties to cooperate fully in the settlement plan.”

726 (1992) Israel: Reiterates calls on Israel to abide by the Fourth Geneva Convention and to
979 (1992) Israel: "Reaffirms applicability of Fourth Geneva Convention...to all Palestinian territories occupied by Israel since 1967, including Jerusalem, and affirms that deportation of civilians constitutes a contravention of its obligations under the Convention."

807 (1993) Croatia: Demands return of heavy weapons seized from UN storage areas.

809 (1992) Morocco: Reiterates call to cooperate with the peace settlement plan, particularly regarding votes eligibility for referendum.


822 (1993) Armenia: Calls for Armenia to implement the "immediate withdrawal of all occupying forces from the Kebubadi district and other recently occupied areas of Azerbaijan."

853 (1993) Armenia: Demands "complete and unconditional withdrawal of the occupying forces from Azerbaijani territory."


883 (1993) Armenia: Calls on Armenia to use its influence to force compliance by Armenian militias to previous resolutions and to withdraw from its remaining occupation forces.

896 (1994) Russia: "Calls upon all concerned to respect the sovereignty and territorial integrity of the Republic of Georgia."

904 (1994) Israel: Calls upon Israel, as the occupying power, "to take and implement measures, inter alia, confiscation of arms, with the aim of preventing illegal acts of violence by settlers."


995 (1995) Morocco: Calls for "genuine cooperation" with UN efforts to move forward with a referendum.


1009 (1995) Croatia: Demands that Croatia respect fully the rights of the local Serb population to return, live, or remain in safety.

1017 (1995) Morocco: Reiterates the call for "genuine cooperation" with UN efforts and to cease "procrastinating actions which could further delay the referendum."


1044 (1996) Sudan: Calls upon Sudan to extradite to Ethiopia for prosecution three suspects in an assassination attempt against Nigerian President Harun Mubarak and to cease its support for sanctuary and offering of sanctuary to terrorists.

1064 (1996) Sudan: Demands that Sudan cease its cooperation, with the government of Sudan, in the former conflict in eastern Sudan, and ceases its support for sanctuary and offering of sanctuary to terrorists.

1070 (1996) Sudan: Reiterates demands to comply with 484 and 1034.

1073 (1996) Israel: "Calls on the safety and security of Palestinian civilians to be ensured."


1083 (1996) Turkey/Cyprus: Calls for a reduction of foreign troops in Cyprus as the first step toward a total withdrawal of troops, as well as a reduction in military spending.

1117 (1997) Turkey/Cyprus: Reiterates call for a reduction of foreign troops in Cyprus as the first step toward a total withdrawal of troops and reduction in military spending.

1120 (1997) Croatia: Reaffirms right of return for Serbian refugees to Croatia and calls...
on Croatia to change certain policies that obstruct its right, and to treat its citizens equally regardless of ethnic origin.

1145 (1997) Croatia: Reiterates Croatian responsibility in supporting the political and economic rights of its people regardless of ethnic origin.

1172 (1998) India, Pakistan: Calls upon India and Pakistan to cease their development of nuclear weapons and ballistic missiles.


1215 (1998) Morocco: Urges Morocco to promptly sign a “status of forces agreement.”


1251 (1999) Turkey/Cyprus: Reiterates call for a substantial reduction of foreign troops and reduction in military spending.

1264 (1999) Indonesia: Calls on Indonesia to provide safe return for refugees and punish those for acts of violence during and after the referendum campaign.

1272 (1999) Indonesia: Stresses the need for Indonesia to provide for the safe return for refugees and maintain the civilian and humanitarian character of refugee camps.


1319 (2000) Indonesia: Insists that Indonesia "take immediate additional steps, in fulfillment of its responsibilities, to disarm and disband the militia immediately, restore law and order in the affected areas of West Timor, ensure safety and security in the refugee

camps and for humanitarian workers, and prevent incursions into East Timor." Stresses that those guilty of attacks on international personnel be brought to justice and reiterates the need to provide safe return for refugees who wish to repatriate and provide resettlement for those wishing to stay in Indonesia.

1322 (2000) Israel: Calls upon Israel to consistently abide by the Fourth Geneva Convention regarding the responsibilities of occupying power.


1338 (2001) Indonesia: Calls for Indonesian cooperation with the UN and other international agencies in the fulfillment of UNSC resolution 1319.

1359 (2001) Morocco: Calls on the parties to "abide by their obligations under international humanitarian law to release without further delay all those held since the start of the conflict."

1364 (2001) Turkey/Cyprus: Reiterates 1251 and all relevant resolutions on Cyprus.


1403 (2002) Israel: Demands that Israel go through with "the implementation of its resolution 1402, without delay."

1405 (2002) Israel: Calls for UN inspectors to investigate civilian deaths during an Israeli assault on the Jenin refugee camp.

1416 (2002) Turkey/Cyprus: Reiterates UNSC resolution 1251 and all relevant resolutions on Cyprus.

1435 (2002) Israel: Calls on Israel to withdraw to positions of September 2000 and end its military activities in and around Ramallah, including the destruction of security and civilian infrastructure.

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1510 (2003) Afghanistan: Reiterates the call to halt terrorist acts in the aftermath of the 9/11 disaster.

1518 (2003) Iraq: Deals with the recurrent issue in the country over arms deployment and other humanitarian issues.

1623 (2005) Afghanistan: Calls for the country to halt terrorist acts in the aftermath of the 9/11 disaster.


1690 (2006) Iran: Calls for no action to widen the scope required by the International Atomic Energy Agency (IAEA) which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions.

1706 (2006) Sudan: Calls on the government to permit UN troops to take over from the overstretched African Union peacekeepers by the end of 2006. - Adapted from Zinnes (2002) and other sources.

UN Security Council and Sanctions

The freedom to accept and be bound by international law most often causes problems when there are significant cases of imposition of sanctions by the UN Security Council, which does so to enforce international law. Sanctions in international law are supposed to persuade governments to change their military, economic or human rights policies, in order to end wars, conflicts or other crises that threaten international peace and security, like the missile tests (North Korea), uranium enrichment capable of producing WMD (Iran), and humanitarian issues and conflicts like that in Darfur (Sudan).

Sanctions are supposed to be peaceful and effective means of enforcing international law; they should bring about a change of behaviour and are not supposed to be punishment or retribution (Paul and Akhtar, 1998). The Security Council has the right to call on member states of the UN to "supply measures not involving the use of armed force to give effect to its decisions" (Article 41). This is done either through cutbacks, off trade and investments; preventing a target country from buying or selling goods in the global market place especially arms and oil. It may involve cutting off air traffic, suspending or drastically curtailing diplomatic relations, blocking movements of persons, freezing investments or freezing international bank deposits (Paul and Akhtar, 1998).

However, there have been problems with sanctions of the UN Security Council. We have noticed certain anomalies that negate justice which the UN should stand for. A typical example is the fact that the UN sanctions are supervised by a Sanctions Committee of the Security Council, which operates secretly and is not accountable to the public. This has been called to question by critics of the Security Council and they are right; as permanent members could put pressure on the committee depending on their whines and caprices, and interests and affiliation or relationship with the state under sanction. The case of North Korea shows that these interests will always play vital but demeaning roles in the actions of the Security Council. For instance, after North Korea told the whole world of their successful test, China and Russia have made every effort to make sure that the Security Council does not impose sanctions on them, and after the sanctions were imposed, China refused to help in
searching ships going into North Korea and insisted that military force was out of the question. This watered down the draft resolution of the United States on the matter. Therefore, seeing that it is only the permanent members who enjoy veto powers that have over the years used sanctions when it suits their interests, and released the rule when there is not much to gain, the call for sanctions on Sudan, Iran and North Korea has to be addressed with this in mind. Sanctions should not only be invoked on these nations as a result of their actions which are condemnable, but they should also be enforced adequately in order to ensure global stability. However, there should be a mode of imposing sanctions on erring states without pushing them into aggression that would involve irrational actions to detriment of the world peace, stability, security and progress.

UN Security Council Reforms: An Illusion?

The bid by the out-going Secretary-General of the United Nations, Dr. Kofi Annan, to reform the United Nations as espoused in his In Larger Freedom (2005), which mapped out major areas of concern as poverty alleviation, development, the prevention of conflict and human rights; has received a lot of knocks given the recourse to hindsight and history, which shows that such efforts have always ended in failure. The argument is that what the UN reforms should be addressing is often overlooked while nebulous and irrelevant issues are raised to the front burner. As noted by Weiss (2003):

The principle of UN Charter reform, which includes altering everything from institutional purposes and structures to more mundane operating procedures, retards patience for diplomats in New York as a formal agenda item as well as an informal and enduring cocktail party pastime. In practice, however, substantive and substantial reform has proved virtually impossible. In fact, only three amendments have been made to the UN Charter in almost 60 years and all dealing only with seat members in two of the six principal organs, once for the Security Council and twice for the United Nations Economic and Social Council.

The argument is that the reform being spearheaded by Annan would not be any different as the major issues being raised since the announcement have centered on the number of seats to add to the permanent five, and whether Africa and the Third World should have a seat or two, or none at all. There have been alignment and realignments, formation of G4, G6, etc. all in the bid to have this matter settled, and get the maximum opportunity this reform creates. In the same vein, the permanent members of the Security Council has been using every means available to it to frustrate the move, as it would entail their shouldering shoulders with the new entrants and share their elite position with countries like India, Nigeria, South Africa or any of the others angling for the position.

Moreover, Article 18 (Amendments) of the UN Charter more or less forecloses any changes as the most important condition is that any permanent member can veto or about any proposal for amendment and it would stand. The provision sounds, more like a means to preserve the status quo indefinitely, as it is unlikely any of them would commit a deliberate political suicide by giving up their power monopoly and sharing same with others.

Thus, we concur with Uchechuba (2008) that a more holistic approach would be to overhaul the global system to benefit the
whole world. From what is presently deducible from the actions of the permanent five, and even from the natural self-first attitude of man, the proposed reforms remain what they are - mere proposals, an illusion. It would be a Herculean task for any of the other members presently occupying the seat or even the new Secretary-General, Ban Ki Moon, to convince the permanent five to give up their privileges or share it with others.

Conclusion

We set out in this study to understand the reason for the seeming vagueness and the inability of the UN Security Council to enforce international law, especially as it related to international peace and security, and given the many instances of violations of the Security Council’s Resolutions in the face of dwindling relevance of the most important organ of the apex global body. We were concerned with the fact that these brazen violations are gotten away with, and even when there are attempts at sanctions or enforcement of rules, members of the Security Council veto the actions, citing one reason or the other.

Thus, we noted that this does not make the work of the Security Council any easier than before and it also gives room for criticisms of the body that was formed for the good of the world in search of global peace and security. Therefore, the reforms being attempted are unnecessary and would definitely not work out as there is no way the five permanent members would give up their advantaged positions. We also pointed that even if the reforms go through, either with the inclusion of permanent members for life without veto powers, or elected permanent members that have two-year terms, it is still the same thing as the major decisions of the Security Council would still be vested on those who had been there from the beginning. The aim would, therefore, be defeated as there is no way decisions affecting the whole world would go beyond the vested interests of these permanent members, to the detriment of global peace and security. It is happening in the case of North Korea where China, a known ally of North Korea, is using her powers to influence the form of sanctions to be imposed on the country by the Security Council for violation their resolution.

Therefore, we state that the only thing, the world needs now is a situation where there is a total break from the current world order, which would allow for a total restructuring of the global political system to contain other interests other than those of the five permanent Security Council. These have become so used to their power that it would be useless wasting precious time and resources trying to make them change their mind when they are sure to stop any such effort. What should be done is to devise a means of getting the attention of the whole world to the plights of those who are being threatened by actions or inactions of states and non-state actor in the international system. This may, perhaps, call for a broader understanding of the situations in certain parts of the world that need help urgently.

Moreover, the vested interests of certain powerful members of the global community like Security Council members, which distort their vision and mission can only be addressed if there is a restructuring of the Council. But since this is not possible, the best option is for sub-regional bodies to take their fate into their hands and forge a formidable force capable of withstanding pockets of violence and unrest in their territories for peace and security to reign in the world.

Thus, we advocate for a disintegration of the UN system which would call for a new
world law that would address new global issues, and put into consideration changes in the contemporary global scene in the post-Cold War era. This would herald a new Charter in line with contemporary needs and developments. This is the closest to any kind of successful reforms, as tinkering with the UN provisions as they are presently constituted would be an effort in futility, a colossal waste of time.

Moreover, even if these amendments are effected without these recommendations, which is an impossibility anyway, it would not make the world safer than it is now as long as the vision of collective security which would involve a greater number of states, especially of the developing world, to be part of the decision-making process of the UN Security Council, is not upheld by those that dictate world affairs. The reforms would be meaningless if Africa and other emerging global economies and influential regional powers are not fully given the pride of place they deserve given the pace of development in these regions, and the efforts they have made in all UN-sponsored fight for peace and security in the world.

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