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UNITED NATIONS REFORM IS NEEDED URGENTLY FOR THE SAKE OF OUR HUMAN SECURITY

By Lyal S. Sunga. Photography: UN.

The United Nations Security Council is responsible for determining the existence of any threat to or breach of the peace or act of aggression and for taking measures to restore international peace and security (under articles 39, 41 and 42 in Chapter VII of the Charter). Whereas the General Assembly can only recommend rather than compel action, the Council can invoke Chapter VII and adopt a resolution binding on all member States to address the situation, even using military force if necessary to restore peace and security. Where UN collective security fails, we see the tragedies of Syria, Iraq, Yemen, Afghanistan and other unresolved armed conflicts.

It is well known that no draft Council decision, except those on purely procedural matters, can be adopted without nine affirmative Council votes including the concurring votes of the permanent members, which means in practice either an affirmative or an abstaining vote. This allows China, France, Russia, the UK and US to block any Council draft resolution, even if all other 14 Council members vote for example to deploy UN peacekeepers to a troubled zone to keep belligerents apart and enforce peace.

Including veto privileges for permanent Council members in the Charter was intended in 1945 to ensure that UN coercive action could be taken only where all 5 major powers agreed. It would also make collective security action, based on the an attack against one is an attack against all principle, more effective, by ensuring that big powers did not line up on opposite sides of a conflict, escalating tensions, perhaps even risking nuclear war.

In practice however, permanent Council members frequently use their veto powers in ways that prioritize their political and strategic interests over international peace and security and that can let armed conflicts and all the human misery associated with them continue. Since 1945, vetoes were used to block draft Council decisions for example to: address the Palestine question; condemn the USSR's 1956 invasion of Hungary; impose a cease-fire between Egypt and Israel (Suez, 1956); demilitarize Jammu and Kashmir; condemn Southern Rhodesia's racist regime; admit Vietnam as a UN member; denounce apartheid; expel South Africa from Namibia; denounce the US invasion of Grenada; and denounce the Soviet Union's invasion of Afghanistan. The Council failed to stop the Khmer Rouge from wiping out millions in Cambodia from 1975-1979, or to prevent extremist

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Hutu militia from massacring between a half million and one million Rwandans in 1994, and there are more recent examples. Since the Syrian civil war broke out in March 2011, four Council draft resolutions to negotiate peace, condemn the violence and refer the situation to the International Criminal Court, were vetoed - the death toll is now climbing to 400 thousand.

Reforming the UN, a process initiated in 1992, and revamping the Council from anachronistic, hamstrung and ineffectual, to representative, responsible and responsive, are admittedly no easy tasks. Charter amendment requires a two-thirds majority of the 193 member States including all permanent members. Agreement will have to be reached upon: altering veto privileges (which some current permanent members strongly oppose); making regional representation more equitable; improving Council working methods; and optimizing the relationship among the Security Council, General Assembly and the UN Peacebuilding Commission.

The Razali Formula (1997) favours expanding permanent Council membership, but without extending veto powers to new members. Kofi Annan's Plans A and B (2004) leave veto powers and current permanent membership intact, increase only the Councils non-permanent membership, and tinker with the length of non-permanent member terms. Brazil, Germany, India, Japan, South Africa and Nigeria among others, insist on becoming permanent members, while certain others put themselves forward. The complex variety of proposals, shifting member State support for them, and challenges of reaching agreement, seem to cry out for reforming the UN reform process itself!

Yet protecting human security is everyone's business since anyone anywhere can fall victim to war or other breach of the peace. As the race for new Secretary-General warms up, thankfully, certain candidates have been emphasizing UN reform as a priority concern. In our interdependent world, United Nations reform is needed urgently for the sake of our human security.



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