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Analysis Paper

THE SECURITY COUNCIL: PERMANENCE, (RE)CONSTRUCTION AND CHANGE

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The Security Council: Permanence, (Re)construction and Change[1]

The United Nations Security Council is one of the most relevant institutions of the international multilateral system. As it is responsible for maintaining international peace and security, as well as for determining the existence of any threat to peace, breach of the peace or act of aggression,[2] the Security Council has contributed to the interpretation of the use of force and the principle of non-intervention and self-defence; it has also helped in the peaceful settlement of disputes and the creation of a network of rules and agencies (such as tribunals, sanctions committees, etc.) that, to date, regulate relations between countries.

Its legitimacy and performance have been varied over the years. In general, three major periods are identified in the interactions within this U.N. body. During the Cold War, there was talk of an impasse in the functioning of the Council, particularly because of the confrontation between the United States and the Soviet Union (USSR), both permanent members of the Council with the prerogative of vetoing resolutions.[3] In the early 1990s, started a period of activism in the Council[4] generally attributed to the disintegration of the USSR and the "unipolar moment" of the United States.[5] In recent years, with the so-called *crisis of multilateralism*, the Security Council has been seriously questioned for failing to respond effectively to international crises.[6]

[1] This is the first in a series of analysis notes to be published on the Security Council. The aim is to analyze its relevance 75 years after its creation and to examine the changes it has undergone over time. This is made more relevant by the decision to submit Mexico's candidacy as a non-permanent member of the Council for the 2021-2022 biennium.

[2] Charter of the United Nations, Articles 24 and 39.

[3] From 1946 to 1990, 683 resolutions were adopted; if we compare them with the 1822 resolutions adopted from 1991 to date, we can speak of a lack of activism on the part of the Council during the decades of the Cold War. In addition, conflicts such as the missile crisis (1962), the Vietnam War (1955-1975), the revolution in Nicaragua (1979-1990) and the civil war in El Salvador (1980-1992) were resolved outside the United Nations. This is attributed to the veto exercised by the permanent members due to the confrontation between the western bloc, led by the United States, and the eastern bloc, led by the Soviet Union.

[4] Between March 1991 and October 1993, 185 resolutions were adopted, compared to 685 during the previous 44 years.

[5] Recommended Charles Krauthammer, "The Unipolar Moment", in *Foreign Affairs*, vol. 70, no. 1, 1990-1991, pp. 23-33.

[6] International Crisis Group, "Council of Despair? The Fragmentation of U.N. Diplomacy", Special Briefing/Global 1, April 30, 2019, at *https://www.crisisgroup.org/global/b001-council-despair-fragmentation-un-diplomacy* (consultation date: June 10, 2020).

A detailed analysis demonstrates that the changes in the Council have not only been the result of structural transformations or questioning of the international order but have mostly occurred through the practice of its members and the interpretations that have been made regarding the threats that exist to international peace and security. The central idea of this text is that the post-war political order has been maintained until today and political transformations of recent decades have occurred within the system and not in opposition to it.[7] It is also argued that peace and security have not had a fixed meaning, but have been changing concepts according to the international context and relations of power.

The permanence of the international order

The Security Council is one of the main organs of the United Nations. It is made up of 15 members,

five of which are permanent (P5) while ten are elected for a two-year period (E10). Its main functions include maintaining international peace and security, in accordance with the purposes and principles of the United Nations, determining whether there are threats to peace or acts of aggression, recommending measures to achieve international security, urging members to apply sanctions[8] and other measures, not involving the use of force, in order to prevent or stop aggression, authorising, organising and supervising military actions against aggressors of the international order, and also recommending the admission of new members. The decisions of the Security Council are binding on all members of the United Nations.[9] Given the

[7]   Regarding changes to the international system, see Mette Eilstrup-Sangiovanni & Stephanie C. Hofmann, "Of the Contemporary Global Order, Crisis, and Change", in *Journal of European Public Policy*, vol. 27, no. 7, 2019, pp. 1077-1089, at *https://doi.org/10.1080/13501763.2019.1678665* (consultation date: June 10, 2020).

[8]   According to Article 41 of the U.N. Charter, the Security Council may decide which measures, not involving the use of armed force, are to be employed to give effect to its decisions, and it may call upon the members of the United Nations to apply such measures. One such measure is sanctions, which have taken various forms depending on the objectives pursued: economic and trade sanctions, arms embargoes, travel bans and financial or product restrictions, among others. See Security Council, "Sanctions", in United Nations, at *https://www.un.org/securitycouncil/sanctions/information* (consultation date: June 10, 2020).

[9]   For a more detailed analysis, see David Malone, "Security Council", in Sam Daws & Thomas G. Weiss (eds), *The Oxford Handbook on the United Nations*, First edition, Oxford, Oxford University Press, 2008, pp. 118-120.

nature of the United Nations Charter as an international treaty, when ratified by its States Parties, all have an obligation to comply with the provisions of Article 25: "The Members of the United Nations agree to accept and carry out the decisions of the Security Council".

The international order that gave rise to the Council is based on a multilateral arrangement with pre-eminence of the major powers[10] that reflects the multipolar distribution of power.[11] Despite the political and economic transformations that the world has undergone —wars between states during the Cold War, rivalries between major powers, globalisation, technological advances, the increasingly relevant role of parties other than those of states (civil society and transnational corporations, among others)— this balance has been maintained since the end of World War II.[12] The powers that designed the system represented by the United Nations (particularly the United States, the United Kingdom and Russia, and to a lesser extent China and France) continue to be the most powerful states in the international system despite the differences between them.[13]

According to a study by The Henry Jackson Society that assesses the political, diplomatic and economic capabilities of the Group of Twenty (G20) countries to shape interactions in the international system, the United States, China, France, the United Kingdom and Russia not only remain central figures in the distribution of inter-state power, but also remain poles of global power.[14] Moreover, not only has the international system maintained a multipolar

[10]   The significant world powers, says Nuno Monteiro, are states that have sufficient capacity to defend themselves in conditions of parity against the aggressions of the strongest state in the international system and that, moreover, can carry out autonomous and prolonged political-military operations in at least some region of the world other than their own, on a scale similar to that of the most powerful country in the system (*Theory of Unipolar Politics*, New York, Cambridge University Press, 2014, p. 41).

[11]   In 1949, the theorist Hans Morgenthau defined the Security Council as "the international Government of the Great Powers" (*Politics Among Nations: The Struggle for Power and Peace*, New York, Knopf, 1949, p. 381).

[12]   When the distribution of power in the international system is similarly concentrated among three or more States and none of them is capable by itself of prevailing over another pre-eminent power, the international system is classified as multipolar (Christopher Layne, "The Unipolar Illusion Revisited: The Coming End of the United States' Unipolar Moment", in *International Security*, vol. 31, no. 2, autumn 2006, p. 21).

[13]   Because of the importance to the Western world of the rivalry between the Soviet Union and the United States during the Cold War, analyses of the international system have generally presented the idea that the post-war world was divided into two poles of power –the Soviet and the American– (see, for example, Kenneth N. Waltz, "The Stability of a Bipolar World", in *Daedalus*, vol. 93, no. 3, summer 1964), pp. 881-909); however, as Norman A. Graebner says, the argument of the bipolar world of the second half of the 20th century was an effort by U.S. officials to justify the actions of that government in those years, U.S. foreign policy was presented as a response to a boundless confrontation between only two powers, but "every fundamental trend in international life wars against the concept of *bipolarism* [in the post-war world]. Graebner argues that, if it had happened, the bipolar era would have begun at the end of World War II, eroded since 1950 and ended in 1960, when the countries of Europe and Asia openly defied the strategies of the Soviets and the Americans (see "Multipolarity in World Politics: The Challenge", *The Virginia Quarterly Review*, vol. 64, no. 3, summer 1988).

[14]   In this index, the United States appears as the most powerful country in the world, against which the other States are compared (on a scale of 0-100 points, where the United States represents 100%). In second place is the United Kingdom (57.1%), followed by China (56.9%), France (52.6%) and, without including the nuclear capacity factor in the analysis, Russia (37.9%). See James Rogers (comp.), *Audit of Geopolitical Capability: An Assessment of Twenty Major Powers*, London, The Henry Jackson Society/ Global Britain Programme, 2019..

structure since 1945, but even the poles of inter-state power appear to have increased in number in recent decades (India and Pakistan have developed nuclear weapons that achieve parity with the post-war powers and have increased their economic and political capacities to influence international policy independently).[15]

Finally, despite the rivalries and clashes, the powers have honoured the agreement to preserve the system. On the one hand, none of the major powers have sought to establish structures contrary to the United Nations System or to propose alternatives to the 1945 project. Countries such as India, Pakistan, Japan and Germany, instead of trying to overthrow the system established in 1945, have sought greater space, participation and capacity within the order instituted after World War II. Japan and Germany —both defeated in this war— participate recurrently in the Council (the former has been there eleven times and the latter, one of the current members, seven); moreover, they are part, together with Brazil (which has participated ten times) and India (with seven participations) of the G4. This group has deployed all its influence and enormous diplomatic efforts in search of sufficient support to achieve a reform that would result in its members acquiring the status of permanent members of the Council.

On the other hand, the possible revisionist forces that have appeared since the establishment of the current international order have not had the capacity or the intention to modify or present alternatives to post-war political structures. As happened with China's permanent place in the Security Council, initially assigned to the Republic of China and later transferred to the People's Republic of China,[16] when changes in international policy may have resulted in challenges to the structures agreed upon by the victors of the war, the dominant powers have sought to channel the sources of conflict and have made the rules more flexible, with the aim of incorporating probable sources of political instability into the system and thus avoid modifying the primary structure and fundamental imbalances of the order represented by the United Nations. Since the mid-20th century, changes in the international system have not

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[15]   The International Campaign to Abolish Nuclear Weapons (ICAN), "The World's Nuclear Weapons", in ICAN, at *https://www.icanw.org/nuclear_arsenals* (consultation date: June 10, 2020).

[16]   See Courtney J. Fung, *China and Intervention at the U.N. Security Council: Reconciling Status*, Oxford, Oxford University Press, 2019, pp. 15-16; Nabarun Roy, "In the Shadow of Great Power Politics: Why Nehru Supported PRC's Admission to the Security Council", in *The International History Review*, vol. 40, no. 2, pp. 376-396.

occurred in opposition to the system established in 1945, but from within it.

The Structure and Practice of the Security Council

Like the international order that gave rise to it, the structure of the Security Council has changed very little. On the one hand, the Council's rules of procedure have remained provisional since its creation, that is, they have never been formally adopted. On the other hand, since they began in 1992, discussions on the reform of this body in the General Assembly have not achieved concrete results, as no proposal has managed to gain the broadest political agreement of the Member States, particularly on the expansion of the Council's membership. This is due to the divided positions of some groups of countries —most notably the Uniting for Consensus Movement (of which Mexico is a member), the G4 (composed of Brazil, Germany, India

and Japan), the African Group and the Accountability Coherence and Transparency Group (ACT). In fact, the only reform in the Security Council took place in 1965, when, as a response to the decolonisation procedures that resulted in an increase of the U.N. membership, a decision was made to expand from a total of eleven (five permanent and six non-permanent) to fifteen members (five permanent and ten non-permanent).[17]

This does not mean that the Security Council has remained exactly the same since 1945; rather, the transformations it has undergone have been the result of the practice of its members. The most important changes to this U.N. body have occurred from the 1990s onwards. However, it is important to note that, although in the years of the confrontation between the United States and the Soviet

[17] This changed the voting pattern, as Council decisions must now be adopted by nine votes instead of seven.

Union, most conflicts were resolved outside the Security Council (as was the case of the Vietnam War and the Cuban missile crisis), important developments also took place during the Cold War period. For example, in 1950, at the beginning of the Korean War,[18] the Security Council adopted resolutions 82, 83, 84 and 85 with four favourable votes by the P5 and interpreted that the abstention of a permanent member was not considered as a veto towards the proposal (the Soviet Union was absent from the sessions); although this did not imply changes to the United Nations Charter, from that moment on, it became a practice of the Council.[19]

The Suez Canal crisis in 1956 was another conflict that could not be resolved in the Security Council but marked a turning point.[20] On the one hand, given the impossibility of adopting a resolution due to the conflict of interests of the P5 (in particular the United Kingdom and France, and to a lesser extent the United States and the Soviet Union), the U.N. Secretary General and the General Assembly chose to become directly involved

in the matter. On the other hand, in response to this crisis, the United Nations Emergency Force (UNEF) was created, considered the first U.N. peacekeeping operation.[21] Peacekeeping operations (PKOs) are one of the main tools currently available to the Security Council.[22] Also, these operations —initially designed to address interstate conflicts and whose tasks were to oversee ceasefire agreements, troop withdrawals and border surveillance— have changed considerably over the years.[23] Currently, the thirteen PKOs deployed in the world, most of them with multidimensional mandates, do not seek to solve conflicts between States, but to help create conditions to address the root causes of conflicts and to move towards peacebuilding scenarios, with tasks such as humanitarian support, verification of electoral processes and collaboration in inclusive political processes and the promotion of respect for human rights, the rule of law and sustainable development, among others.[24] On some occasions they have even been

[18] The Republic of Korea was supported by the United States and the Democratic People's Republic of Korea was supported by the People's Republic of China and the Soviet Union.

[19] In an advisory opinion, the Vice-President of the International Court of Justice in 1970 concluded that the consistency and uniformity of this practice over time left no doubt about its validity. See *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion*, ICJ Reports 1971, p. 10, paragraph 22, available at *https://www.icj-cij.org/files/case-related/53/053-19710621-ADV-01-00-EN.pdf* (consultation date: June 10, 2020)
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[20] Better known as the Sinai War, it consisted of a military alliance formed by the United Kingdom, France and Israel against Egypt.

[21] W. M. Roger Louis, "The Suez Crisis and the British Dilemma at the United Nations", in Vaughan Lowe, Adam Roberts, Jennifer Welsh & Dominik Zaum (eds.), *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945*, Oxford, Oxford University Press, 2008, p. 296. Eighteen PKOs were created during the Cold War period.

[22] There are currently thirteen PKOs authorized by the Security Council. The three pillars of these operations are impartiality, consent and non-use of force.

[23] "Peace and Security", in United Nations, at *https://www.un.org/en/sections/issues-depth/peace-and-security/* (consultation date: June 10, 2020).

[24] For an account of the different stages of PKOs, see United Nations Peacekeeping, "Our Story", in United Nations, at *https://peacekeeping.un.org/en/our-history* (consultation date: June 10, 2020).

given full powers in the countries where they are deployed.[25]

Another change in practice in the Council has been France's decision not to veto resolutions regarding cases of war crimes, genocide and crimes against humanity; indeed, France and the United Kingdom have not vetoed a single resolution in the Council since 1989. This indicates that, because of the importance that has been given in recent decades to the protection of human rights and as a result of situations such as the genocides in Rwanda (1994) and Bosnia (1995), the political cost of vetoing certain resolutions has increased for the P5, without a reform of the Charter being undertaken.

The most notable changes that have occurred in the practice of the members of the Security Council have been, on the one hand, the issues that have been discussed in this United Nations body and, on the other hand, the broad interpretation that its members have made of

its powers to determine threats to international peace and security. First, unlike the Council's decisions during the Cold War, in recent decades the majority of resolutions have dealt with internal conflicts, not with rivalries between States; furthermore, issues of human rights, the rule of law and the protection of civilians in armed conflict have been included. A great deal of impetus has been given to the participation of women in all stages of conflict and to the protection of children. The international community has focused its' attention more on the individual and less on the State; threats to peace and security have been linked more to terrorism, transnational organized crime, climate change and health crises than to wars between States. Secondly, based on concepts such as massive and systematic violations of human rights and international humanitarian law, the Council has reinterpreted the scope of the principle of non-intervention in the internal affairs of States and their capacity to act beyond international politics.[26] For several decades, "the notion of a

[25]   Juan Manuel Gómez Robledo, *La práctica del Consejo de Seguridad después de la Guerra Fría y la interpretación de la Carta de las Naciones Unidas*, México, Tirant lo Blanch, 2018, p. 50.

[26]   *Ibid.*, p. 47.

threat to peace referred to an act of aggression or a breach of the peace, usually in the context of a conflict between States".[27] Over the years, the Security Council has focused its efforts on intra-State conflicts, redefining the interpretation of sovereignty, as can be seen in the way the Council has responded to various conflicts in recent decades.

(Re)interpreting threats to international peace and security

Iraq's invasion of Kuwait in 1991 is seen as a key moment for the Security Council, as it brought an end to the impasse that persisted in this United Nations body during the Cold War. Only hours after the start of the invasion, the Council condemned the actions and ordered the withdrawal of Iraqi troops. Four days later, by means of resolution 661, it imposed sanctions on Iraq

and created a committee to implement them.[28] After seeing that the sanctions failed to have the desired effect, the Council authorised the use of force through resolution 678. For several decades, intervention in another State, even for humanitarian reasons, was highly questioned by the Security Council.[29] However, in April 1991, the Council adopted resolution 688, which condemned Saddam Hussein's repression of the Kurdish population in northern Iraq, which had caused thousands of refugees to flee to Turkey.

Between January 1992 and November 1994, the Council adopted 17 resolutions on the crisis in Somalia. The intervention in that

[27]   *Ibid.*, p. 76.

[28]   For a detailed analysis of the Security Council's actions in the case of Iraq, see Poorvi Chitalkar & David M. Malone, *The U.N. Security Council and Iraq*, Tokyo, United Nations University (UNU) (UNU Working Paper Series 1), November, 2013.

[29]   Jennifer Welsh, "The Security Council and Humanitarian Intervention", in V. Lowe, A. Roberts, J. Welsh & D. Zaum (eds.), *op. cit.*, p. 537.

country, led by the United States through the Unified Task Force (UNITAF), was the first in which the Council authorised military action —through resolution 794— without the consent of the Government, appealing for humanitarian reasons. However, the Security Council stated that this was not intended to set a precedent for future interventions. This became evident only months later, when one of the biggest crises in the Security Council occurred due to its lack of action in the face of the Rwandan genocide (1994). Due to a lack of communication between the Secretariat, the representative of the Secretary-General in the field, the Department of Peacekeeping Operations and the Security Council, and because of the opposition between the interests of particular countries —it should be noted that Rwanda occupied a non-permanent seat at that time— the Security Council chose to consider the conflict in Rwanda as a civil war, not a genocide. In April 1994, the Council opted to withdraw most of the troops from the United Nations Assistance Mission for Rwanda (UNAMIR), as they felt that they could not succeed in a civil war and the United Nations would be discredited.

The consequences of the genocide, in which approximately 800 000 civilians were murdered,[30] left a significant legacy for humanitarian interventions. In order to prevent "another Rwanda", the U.N. Secretary General promoted a rethinking of the concept of sovereignty. In 1999, at the opening of the 54th session of the General Assembly, Kofi Annan declared that "there is now widespread recognition that the State is at the service of its people, and not vice versa".[31] Based on the doctrine of "responsibility to protect" (R2P),[32] arguments were made about the responsibility of the state and the international community. In general terms, R2P proposes a two-tier responsibility: (1) the state has the primary responsibility to protect its population from genocide, war crimes, crimes against humanity and ethnic cleansing; and (2) the international community has the responsibility to support the state's efforts towards that goal and, where the state is unable or unwilling to exercise that responsibility, or is the perpetrator of mass atrocities, it has the responsibility to act.[33] It also has three pillars: (1) the State's responsibility to protect; (2) international assistance and capacity-building;

[30]   Security council, "Appendix. Report of the Independent Commission of Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda", S/1999/1257, December 15, 1999, p. 3, at *https://undocs.org/es/S/1999/1257* (consultation date: June 10, 2020).

[31]   Cited in J. M. Gómez-Robledo V., "Universalidad de los derechos humanos y asistencia humanitaria: la evolución inexorable del principio de no intervención", in Blanca Torres & Gustavo Vega (coords.), *Relaciones internacionales*, México, El Colegio de México (Los Grandes Problemas de México, vol. XII), p. 134.

[32]   The concept of sovereignty as responsibility was coined by Francis Deng in 1996 and adopted by the International Commission on Intervention and State Sovereignty (ICISS), which in 2001 published the report *The Responsibility to Protect*, which laid the foundation for the document adopted by the United Nations in 2005. For a detailed analysis, see Gareth Evans, "The evolution of the Responsibility to Protect: from Concept and Principle to Actionable Norm", in Ramesh Thakur & William Maley (eds.), *Theorising the Responsibility to Protect*, Cambridge, Cambridge University Press, 2015, pp. 16-37.

[33]   General Assembly, "2005 World Summit Outcome", A/RES/60/1, October 24, 2005, p. 33, at *https://undocs.org/en/A/RES/60/1* (consultation date: June 11, 2020).

and (3) timely and decisive response.[34] Despite the fact that genocide and war crimes, crimes against humanity and ethnic cleansing are prohibited under international law, R2P represents a universal political commitment to prevent them and to act when they are already occurring. It should be noted that the R2P doctrine does not create new obligations; however, it provides a framework that shifts the debate from the right of the international community to intervene to the responsibility of the state and the international community to protect its population and assist victims. It is accepted that sovereignty is not absolute, but conditioned; it is not about control but about responsibility.

R2P, formally adopted by the United Nations in 2005, has been mentioned in many Security Council resolutions.[35] An emblematic case was that of Libya, in 2011, because of the broad interpretation that was made of the doctrine and its consequences. Following Muammar Gaddafi's crackdown on peaceful protests in the cities of Benghazi and Tripoli, in which hundreds of civilians were killed, it became clear that the government was going to commit mass atrocities.[36] In view of this situation, the Council adopted resolution 1970, in which it reaffirmed Libya's responsibility to protect its population,

and established coercive measures such as an arms embargo, travel restrictions and referral to the International Criminal Court. As the Gaddafi regime did not comply with these measures, the Council adopted resolution 1973, in which it established a no-fly zone and authorised all necessary measures to protect civilians. The military's broad interpretation of "all necessary measures" helped the "rebel" group take control and kill Gaddafi. This opened a debate about whether R2P could be used to bring about a change of government. It also showed that, while the doctrine calls on states to take collective action in a timely and decisive manner, it does not indicate how to do so.[37] Although R2P has not been used in cases such as Syria (2011),

[34]   General Assembly, "Implementing the responsibility to protect", A/63/677, January 12, 2009, at *https://undocs. org/pdf?symbol=en/a/63/677* (consultation date: June 10, 2020).

[35]   "What is R2P?", in Global Centre for the Responsibility to Protect, at *https://www.globalr2p.org/what-is-r2p/* (consultation date: June 11, 2020).

[36]   Simon Adams, "Libya", in Alex Bellamy and Tim Dunne (eds.), *The Oxford Handbook of the Responsibility to Protect*, Oxford, Oxford University Press, 2016, p. 769.

[37]   See A. Bellamy & T. Dunne, "Responsibility to Protect" on Trial–or Assad?", in *Ethics and International Affairs*, June 2012, at *https://www.ethicsandinternationalaffairs. org/2012/responsibility-to-protect-on-trial-or-assad-3/* (consultation date: June 10, 2020). While the ICISS report identified six principles for military intervention —adequate authority, just cause, right intention, last resort, proportional means and favourable expected results— these were not included in the 2005 U.N. document.

the concept that in order to achieve international peace and security it is necessary to protect the rights of the individual still permeates the Security Council. Concepts such as human security —prior to R2P— and sustainable peace are some examples of this.[38]

One of the questions the Security Council has faced, partly as a result of some of the cases previously mentioned, has been whether it is exclusively a political body with executive powers or whether it has legislative and quasi-judicial powers.[39] In 1992, by establishing, through resolution 808, an international tribunal to try those responsible for violations of international humanitarian law in the territories of former Yugoslavia since 1991, the Council

crossed a threshold by directly linking the violation of international humanitarian law with the threat to peace.[40] Subsequently, on 8 November 1994, the Security Council adopted resolution 955, which established the International Criminal Tribunal for Rwanda. The purpose was to try those allegedly responsible for serious violations of international humanitarian law. In these resolutions, the Council based its power to establish the tribunals on Chapter VII of the Charter of the United Nations.[41]

After the attacks perpetrated by Al Qaeda on 11 September 2001 (9/11), the Security Council crossed another threshold; by means of Resolution 1373 it imposed a series of obligations on all U.N. Member States regarding terrorism, even though they were not parties to the international conventions.[42] Furthermore, it was the first time that the Council had referred to self-defence when referring to acts committed by a non-State actor. The issue of terrorism after 9/11 was undoubtedly a watershed in the Security Council, since in addition to changing the Council's way of acting, it redefined the way in which international peace and security are understood.

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[38]   In 1994, the U.N. coined the concept of *human security*, through the report prepared by the United Nations Development Programme (UNDP). In general terms, human security is defined as "freedom from want and fear", that is, the satisfaction of human development. See Oscar A. Gómez & Der Gasper, *Human Security. A Thematic Guidance Note for Regional and National Human Development Report Teams*, New York, PNUD, 2013, at *http://hdr.undp.org/sites/default/files/human_security_guidance_note_r-nhdrs.pdf* (consultation date: June 11, 2020). The concept of sustainable peace, coined in resolution 2282 in 2016, notes "the importance of a comprehensive approach to sustaining peace, in particular by preventing conflict and addressing its root causes, strengthening the rule of law at the international and national levels, and promoting sustained and sustainable economic growth and poverty eradication, social development, sustainable development, national reconciliation and unity, through such means as inclusive dialogue and mediation, access to justice and transitional justice, accountability, good governance, democracy, accountable institutions, gender equality and respect for and protection of human rights and fundamental freedoms". See Security Council, "Resolution 2282", S/RES/2282, April 27, 2016, p. 2, at *https://undocs.org/en/S/RES/2282(2016)* (consultation date: June 11, 2020).

[39]   J. M. Gómez Robledo, *La práctica del Consejo de Seguridad...*, p. 27.

[40]   *Ibid.*, p. 114.

[41]   Based on Article 39 of the Charter of the United United, the Security Council may determine the existence of any threat to the peace, breach of the peace, or act of aggression and make recommendations or decide what measures shall be taken in accordance with Articles 41 and 42 to maintain or restore international peace and security.

[42]   J. M. Gómez Robledo, *La práctica del Consejo de Seguridad...*, p. 83.

(Re)interpreting international peace and security

Peace and security are socially constructed concepts, so there are no fixed definitions; defining them depends on the context, values and power relations between various actors.[43] This explains why threats to peace and security have been interpreted differently by the Council over the years.

Securitisation theory starts from the premise that security is conceptualised and practiced politically differently in different places and at different times.[44] There is always a 'securitising agent', who has social and institutional power to enunciate when something should be securitised, a specific context and an audience that accepts or rejects the discourse, depending on the dominant values of the moment.[45] This theory helps us to understand that security issues do not exist in isolation, but must be articulated as problems by securitising agents and find an echo in the target audience. It also helps to understand that not just any issue can be the subject of security considerations, nor

can any country bring a priority issue of its foreign policy to the Security Council.

The declaration of terrorism as a global threat was a turning point for the Security Council because it allowed for the use of exceptional measures that went beyond its "traditional powers" and redefined the way in which security was understood. By resolution 1368, the Security Council condemned "*unequivocally in the strongest terms the horrifying terrorist attacks which took place on 11 September 2001 in New York, Washington, D.C. and Pennsylvania*" and regarded "such acts, like any act of international terrorism, as a threat to international peace and security".[46] Through Resolution 1373, as already mentioned, the Council imposed measures on U.N. members that go beyond the obligations they chose to take on. In addition, the Counter-Terrorism Committee was established with a mandate of implementing the resolution.[47] In this case, the Security Council, under the leadership of the United States, was the securitising agent and the rest of the U.N. members were the audience that accepted the speech, as it was in line with their interests and values at that time.

The issue of terrorism had already been discussed by the Security Council prior to 2001. However, until then, it had been considered on an ad hoc basis and understood as a national problem of some States, not a threat to the

[43]   Dagmar Rychnovská, "Securitization and the Power of Threat Framing", in *Perspectives,* vol. 22, no. 2, 2014, p. 9.

[44]   Nils Bubandt, "Vernacular Security: The Politics of Feeling Safe in Global, National and Local Worlds", in *Security Dialogue*, vol. 36, no. 3, September 2005, p. 291.

[45]   Thierry Balzacq, "The Three Faces of Securitization: Political Agency, Audience and Context", in *European Journal of International Relations*, vol. 11, no. 1, June 2005, pp. 171-201. For the purposes of this paper, the securitizing agent is the Security Council and the audience is the members of the United Nations, as well as other non-state actors. The discourse is in resolutions, messages during meetings and debates, presidential statements, among other Council tools.

[46]   Resolution S/RES/1368, September 12, 2001, p. 1.

[47]   Security Council, "The United Nations Security Council Counter-Terrorism Committee", in United Nations, at *https://www.un.org/sc/ctc/* (consultation date: June 11, 2020).
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whole international community.[48] As a result of the above-mentioned resolutions, the understanding of international security has changed and the scope for appropriate and accepted policies and actions in the fight against terrorism has expanded.[49] Wars were no longer fought only between states, but between non-state actors and the international community. As previously mentioned, it was the first time that the Security Council invoked Article 51 of the Charter, concerning self-defence against a non-State actor (resolutions 1368 and 1373).

The attacks of 9/11 were viewed from a logic of "us against them", and the terrorists were seen as uncivilized people who were threatening peace, order and democracy.[50] Although the attack was perpetrated against a specific country (the United States), the need for an international response to terrorism was explained by the transnational nature of terrorism and the danger it represented to the international order. By declaring a "war on terrorism", there was talk of a threat that went against the values defended by the United Nations. In fact, the fight against terrorism is one of the issues on which there is generally consensus in the Security Council.[51]

The issue of climate change is another example of how the concept of security has changed. Although it is discussed in other forums, since 2007 the Security Council has discussed

[48]   Eric Rosand & Allistar Millard, "Strengthening International Law and Global Implementation", in David Cortright & George Lopez (eds.), *Uniting Against Terror: Cooperative Nonmilitary Responses to the Global Terrorist Threat*, Cambridge, MIT Press, 2007, p. 51, & Hilde Haaland & Steve Yetiv, "The U.N. Security Council's Response to Terrorism: Before and After September 11, 2001", in *Political Science Quarterly*, vol. 122, no. 3, autumn 2007, p. 411.

[49]   Jane Boulden, "The Security Council and Terrorism", in V. Lowe, A. Roberts, J. Welsh & D. Zaum (eds.), *op. cit.*, p. 620.

[50]   D. Rychnovská, *op. cit.*, p. 25.

[51]   J. Boulden, *op. cit.*, p. 608.

the risk that climate change may represent for international peace and security.[52] The current argument is that global warming "intensifies competition for resources such as land, food and water, exacerbating socio-economic tensions and, increasingly, causing mass displacement. The climate is a risk multiplier that worsens existing challenges. Droughts in Africa and Latin America directly fuel political unrest and violence".[53] Discourse has focused on how climate change may be one of the structural causes of conflict and therefore requires urgent action.[54]

Both cases reflect an important trend. In declaring "a war against terrorism" or in debating the subject of climate change, the idea permeates that peace is not merely the absence of conflict between states. As the individual has positioned himself at the centre of security, peace has been understood more broadly; there is talk of sustainable peace, which emphasises development and the structural causes of violence.[55] Over the years, issues such as the rule of law, the protection of civilians, gender, terrorism, human rights, small arms and light weapons, climate change and pandemics, among others, have entered the

Council's agenda. That is because there is talk of the need to address the structural causes of violence —concepts such as human security and sustainable peace are some examples. The idea that peace and security depend on development, the protection of human rights, equality and even care for the environment has become increasingly pervasive.[56]

Final considerations: the Security Council today

In the previous sections, it was argued that the international system that gave rise to the Security Council, based on a multipolar system dominated by the major powers, remains to this day. However, over the years, the Security Council has changed considerably. By making a broad interpretation of its powers, particularly the determination of a threat to international peace and security, and by recognizing that the latter two are not immovable concepts but socially constructed, changes have taken place through practice.

As mentioned at the outset, for some years now —in the context of the "crisis of multilateralism"— the Council has been widely questioned.[57] Among other cases, the situation in Syria particularly stands out, as it has claimed hundreds of thousands of lives since 2011. Several scenarios have been observed in this crisis since the beginning of the conflict: the attempt to ignore the Al-Assad regime, humanitarian access in conflict areas, arms trafficking

[52] See the session act 6587 (S/PV.6587, July 20, 2011), particularly interventions in Cuba, Denmark, Bolivia & Italy, at https://undocs.org/en/S/PV.6587 (consultation date: June 11, 2020).

[53] "The Climate Crisis – A Race We Can Win", in United Nations, at https://www.un.org/en/un75/climate-crisis-race-we-can-win (consultation date: June 11, 2020).

[54] Salla Kalliojärvi, Struggle for Security: A Discourse Theoretical Approach to the Construction of Security Against Climate Change in the United Nations Security Council, Masters thesis, Kalliojärvi, Salla, Lapland University, 2017, p. 39.

[55] Consult: Johan Galtung, "Peace, Positive and Negative", in D. J. Christie (ed.), The Encyclopedia of Peace Psychology, in Wiley Online Library, November 13, 2011.

[56] Consult Security Council resolution 2282 of 2016, which recognizes that "development, peace and security and human rights are interlinked and mutually reinforcing (p. 1).

[57] International Crisis Group, op. cit.

to rebel groups and, more recently, the presence of the Islamic State, DAESH or ISIS, and the role of Russia and Turkey in Syria and the presence of the United States (since Iraq in 2003) to support Kurdish militias in the fight against this group.

The conflict in Syria has not been able to be resolved by the Security Council, due to the Russian and Chinese vetoes. In fact, in recent years, the trend of vetoing resolutions has been increasing. To put it in perspective, from 1990 to 2011, 23 vetoes were exercised (15 by the United States, 6 by Russia and 5 by China), while from 2011 to date 22 draft resolutions have been vetoed (3 by the United States, 19 by Russia and 9 by China; all resolutions vetoed by China have been in tandem with Russia).[58] In 2019, three draft resolutions

had been vetoed by Russia and China, including two on the situation in Syria (S/2019/756 and S/2019/961), drafted by Belgium, Germany and Kuwait. It should be noted that, as of 2013, the non-permanent members of the Security Council are the penholders (that is, the drafters) of resolutions on the humanitarian situation in Syria, given the division between the United States, the United Kingdom and France, on the one hand, and Russia and China, on the other. The resolutions that have been adopted on the subject do refer to humanitarian issues and the fight against terrorism.

This highlights two main things. On the one hand, power struggles persist within the Security Council, as the structure has been maintained. For this reason, although there have been relevant changes, the issues in which the interests of the P5 are directly involved have not been able to be resolved by the Council. Moreover, previous cases —such as that of Libya, already analysed— have served as a framework

[58] Daj Hammarksjold Library, "Security Council-Veto List", in United Nations, at *https://research.un.org/en/docs/sc/quick* (consultation date: June 11, 2020).

to justify certain actions (such as inaction). On the other hand, issues such as terrorism and humanitarian affairs remain at the centre of the agenda. It should also be noted that the Council does not act consistently. In other words, the fact that it has taken specific action in certain situations does not mean that it will do so in other similar situations.

However, as we have seen, the Council has been characterized as a body shown to be adaptable to the circumstances of the moment. As a result of the covid-19 pandemic, the Security Council is negotiating —at the proposal of France and Tunisia— a resolution emphasizing the urgent need for greater coordination among all countries and demanding a cessation of all hostilities in the world for at least 30 days due to the crisis caused by the pandemic. Furthermore, in recent weeks there have been interesting developments in working methods, bearing in mind that New York —where the U.N. headquarters are located— has been one of the epicentres of the pandemic. Although some members were initially reluctant, after four Council presidencies (China, Dominican Republic, Estonia and France) more flexible mechanisms have been established, taking advantage of the use of digital technologies. Faced with the impossibility of meeting physically, members, with the support of the Secretariat, have held meetings through teleconferences (the first was on 24 March 2020). On May 7, a series of guidelines were presented, establishing two formats (open and closed videoconferences), based on the provisional rules of procedure of the Security Council (representation of all Council members, adoption of the agenda, participation of other U.N. members in open videoconferences, etc.). In addition, with the exception of closed meetings, the Council presidency announces the daily programme to the public via social networks and the sessions are broadcast via the U.N. official webcast. Resolutions are voted on in writing within 24 hours and have the same legal status as those adopted at U.N. headquarters.

The Security Council's analysis shows that historically, no matter which stages are analysed, there have always been tensions and contradictions. That is because the Council is composed of States with particular interests and acts in specific contexts. Its broad scope of action depends on its powers, as well as on the fact that concepts such as threat, peace and security are not fixed and are constantly (re)interpreted in the light of power dynamics in the international arena. The importance of the Council lies in its power as a securitising agent.

Some trends can currently be observed in the Council; for example, 1) a division between the Western group (United States, France and United Kingdom) and China and Russia on specific issues, such as the cases of Venezuela and Syria; 2) discrepancies between the United States and its two European allies, France and the United Kingdom, in cases such as Libya, the situation in the Sahel and North Korea; 3) increased assertiveness by Russia and China, as well as tensions between China and the Western countries of the Council on issues such as the conflict in Kashmir and the military atrocities of the Myanmar government; and 4) tensions between the permanent and non-permanent members, This has allowed the latter to be more active regarding specific issues on the agenda —particularly those related to the rule of law, international humanitarian law, human rights, women, peace and security, children in armed

conflict, among others— and to put forward reform proposals aimed at achieving greater transparency, accountability and representativeness.[59] Although it has already been mentioned that the Council has not been reformed, changes have been made in practice.

In addition to the voluntary restriction of the use of the veto (see above), another important example is the discussions under the "Arria formula", which have taken place since 1992. Although not provided for in the U.N. Charter or the Council's rules of procedure, over the years this way of conducting meetings has become a common tool in the Security Council and one that provides transparency in this body. The objective is to establish a direct dialogue with the main representatives of governments of countries involved in the issue through discussion, international and regional organizations, and non-State actors, among others. Under these formulae, issues that are now an important part of the agenda have been discussed, such as "women, peace and security" and "water, peace and security", among others.

It is also important to note that, although there are contentious issues on the agenda such as Syria, Libya, Palestine-Israel, Venezuela, Kashmir, Mali, among others, this does not mean that the UNSC is paralysed. In 2019 alone, 52 resolutions were approved, and so far this year, 11 resolutions have been adopted by the Security Council. All of them, in some way, refer to the aforementioned issues (protection of civilians, human rights, sustainable peace, women, peace and security, rule of law and terrorism, among others). In addition, and as part of its subsidiary bodies, there are currently 14 Committees that monitor compliance with sanctions, with the aim of supporting the political settlement of conflicts, the non-proliferation of nuclear weapons and the fight against terrorism, as well as six working groups on various topics.[60]

In short, the Security Council is a body that, despite the permanence of its structure and the international system that gave rise to it, is in constant transformation. The meaning of threats to peace and security has changed depending on the international context and relations of power. That is why the issues that have been discussed, despite having the same powers for 75 years, are not the same. The Security Council is a political body –which has also taken on legislative and quasi-judicial functions– which allows us to understand the tensions and contradictions, but also their current relevance in an international order that, broadly speaking, still remains.

[59]   The group United Movement for Consensus —known as the Coffee Club— of which Mexico is a member, as well as the Accountability, Consistency and Transparency Group (ACT) are the most active on these issues. The first group proposes increasing the number of seats on the Security Council (to 25), based on regional representation and proposes the creation of the category of semi-permanent members without veto power and with the possibility of re-election. The second proposes improving the working methods of the Council through codes of conduct, greater transparency and accountability. For more information, see "Background on Security Council Reform", in Global Policy Forum, at *https://www.globalpolicy.org/security-council/security-council-reform/49885.html?itemid=1321* (consultation date: June 11, 2020).

[60]   Security Council, "Sanctions and Other Committees", in United Nations, at *https://www.un.org/securitycouncil/content/repertoire/sanctions-and-other-committees* (consultation date: June 11, 2020)

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