

## REVIEW AND COMMENTARY NOTE: IS THE UN SECURITY COUNCIL - RESPONSIBLE FOR OR A THREAT TO PEACE?

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### บทคัดย่อ

บทวิจารณ์นี้ได้ตั้งคำถามหลายประการเกี่ยวกับประสิทธิภาพของคณะมนตรีความมั่นคงแห่งสหประชาชาติและความสามารถของคณะมนตรีความมั่นคงฯ ในอันที่จะปฏิบัติตามภารกิจที่ได้รับมอบหมาย ทั้งนี้ โดยพาดพิงเป็นพิเศษถึงประเทศสมาชิกถาวรของคณะมนตรีความมั่นคงฯ ห้าประเทศกล่าวคือการใช้อำนาจอับยั้ง (veto power) ของประเทศสมาชิกถาวรเหล่านี้ในขณะที่ดินตนเองเป็นผู้นำในการขายอาวุธสามัญ (ไม่ใช่อาวุธนิวเคลียร์) ให้แก่ประเทศกำลังพัฒนา ดูเหมือนจะเป็นที่ปรากฏต่อผู้สังเกตการณ์หลายท่านว่า นับตั้งแต่คณะมนตรีความมั่นคงฯ ได้เริ่มก่อตั้งขึ้นในปี ค.ศ. 1946 เป็นต้นมา คณะมนตรีความมั่นคงฯ ในหลายๆ กรณีได้กลายไปเป็นองค์การสหประชาชาติเสียเอง ทั้งนี้ เมื่อพิจารณาจากอำนาจและอิทธิพลที่คณะมนตรีความมั่นคงฯ ครอบครองอยู่ภายในองค์การสหประชาชาติ และในการควบคุมขอบเขตการรายงานข่าวของสื่อต่างๆ เมื่อเทียบกับสมัชชาสหประชาชาติ อาณัติของคณะมนตรีความมั่นคงฯ ได้แก่ “คณะมนตรีความมั่นคงฯ มีความรับผิดชอบเบื้องต้นภายใต้กฎบัตรสหประชาชาติ ในการรักษาสันติภาพและความมั่นคงระหว่างประเทศ” บทวิจารณ์นี้ได้แสดงเหตุผลโน้มน้าวให้เห็นว่าประเทศสมาชิกถาวรของคณะมนตรีความมั่นคงฯ ไม่มีทั้งความน่าเชื่อถือและความสนใจที่จะอนุวัติการให้เป็นไปตามอาณัติ ทั้งนี้ เพราะมีหลักฐานปรากฏว่าในปัจจุบันประเทศสมาชิกถาวรเหล่านี้ได้ดำเนินกิจกรรมทางทหารที่เกี่ยวกับสงครามและความขัดแย้งต่างๆ ทั้งภายในและภายนอกดินแดนของตนเองนอกเหนือไปจากข้อเท็จจริงที่ว่า ประเทศสมาชิกถาวรเหล่านี้ได้ควบคุมการขายอาวุธทั่วโลกร้อยละ 89 ให้แก่ประเทศกำลังพัฒนา ประเทศสมาชิกถาวรเหล่านี้จะสามารถอ้างว่าสนับสนุนการสร้างไว้ซึ่งสันติภาพและความมั่นคงระหว่างประเทศได้อย่างไร ในเมื่อในขณะเดียวกันตนเองได้คิดอาวุธและได้รับผลประโยชน์จากการขายอาวุธนั้นให้แก่ผู้ที่เกี่ยวข้องกับความขัดแย้งต่างๆ ของโลกด้วย

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คณะมนตรีความมั่นคงฯ ถูกทำให้เป็นอัมพาตมาหลายปีแล้วโดยผลสืบเนื่องมาจาก “อำนาจยับยั้ง” ของประเทศสมาชิกถาวรเหล่านี้ซึ่งสามารถสกัดกันข้อมติที่อีกประเทศหนึ่งได้ เสนอมาได้ทุกเมื่อดังที่เราได้เห็นประจักษ์มาแล้วในหลายปีที่ผ่านมา สิ่งนี้ได้ทำให้สหประชาชาติไร้สมรรถภาพในความพยายามที่จะจัดการกับความขัดแย้งและระบอบต่างๆ ที่มีอยู่จำนวนมากในหลายๆ แห่ง อาทิ ชาด (Chad) ดาร์ฟูร์ (Darfur) คีอาร์ซี (DRC) โซมาเลีย อิรัก อัฟกานิสถาน พม่า เชนเนีย ซิมบับเว และพวกอุยกูร์ (Uighurs) ซึ่งอยู่ทางตะวันตกเฉียงเหนือของแคว้นซินเจียงของจีน และในอิสราเอลกับปาเลสไตน์

บทวิจารณ์นี้ได้ยกข้อเรียกร้องหลายประการ เพื่อให้ประธานาธิบดีสหรัฐฯ แสดงความเป็นผู้นำในการสนับสนุนاهدัตติของคณะมนตรีความมั่นคงฯ และเป็นตัวอย่างในการขจัดอาวุธนิวเคลียร์ ซึ่งเป็นส่วนหนึ่งของสนธิสัญญาว่าด้วยการไม่แพร่ขยายอาวุธนิวเคลียร์ (Nuclear Non Proliferation Treaty หรือ NPT) ประธานาธิบดีฯ จะต้องรับรองว่าจะเลิกคัดค้านสนธิสัญญาต่อต้านระเบิดดาวกระจาย (Anti Cluster Bomb Treaty) ซึ่งได้มีประเทศต่างๆ ลงนามไปแล้วมากกว่าหนึ่งร้อยประเทศ ที่นอร์เวย์ในเดือนธันวาคม 2008 บทวิจารณ์นี้ได้แสดงความสงสัยว่าสหรัฐฯ จะสามารถอ้างได้อย่างไรว่าตนเป็นผู้นำสันติภาพของโลก ถ้ายังคงควบคุมมากกว่าร้อยละ 70 ของความตกลงทั้งหมดว่าด้วยอาวุธสามัญกับประเทศกำลังพัฒนาดังเช่นในปี ค.ศ. 2008 ถึงเวลาแล้วที่สหรัฐฯ จะต้องให้สัตยาบันต่ออนุสัญญาว่าด้วยการจัดการเลือกปฏิบัติต่อสตรีในทุกรูปแบบ (Convention on the Elimination of all Forms of Discrimination against Women หรือ CEDAW) เพราะสหรัฐฯ เป็นเพียงประเทศเดียวใน 187 ประเทศ ที่ยังไม่ได้ดำเนินการดังกล่าว สหรัฐฯ ยังคงปฏิเสธไม่ยอมลงนามในสนธิสัญญาต่อต้านกับระเบิด ประธานาธิบดีบารัค โอบามา ไม่มีแผนการที่จะเข้าร่วมในสนธิสัญญาในระดับโลกที่ห้ามการใช้กับระเบิดเพราะกระทรวงการต่างประเทศสหรัฐฯ ได้แถลงว่าจากการทบทวนนโยบายของสหรัฐฯ แล้วพบว่าสหรัฐฯ ไม่สามารถบรรลุถึงพันธกรณีของตนในด้านความมั่นคงได้

ในท้ายที่สุด บทวิจารณ์นี้ได้เรียกร้องให้สหประชาชาติและโดยเฉพาะอย่างยิ่งคณะมนตรีความมั่นคงฯ ไตร่ตรองถึงประโยชน์ส่วนรวมในระดับโลกของประเทศสมาชิกสหประชาชาติทั้งปวง ไม่ใช่แต่เพียงเฉพาะประโยชน์ประเทศสมาชิกถาวรของคณะมนตรีความมั่นคงฯ เท่านั้น เมื่อได้พิจารณาถึงข้อบกพร่องต่างๆ ของบทวิจารณ์นี้แล้ว ถึงเวลาแล้วหรือไม่ที่จะเรียกร้องให้มีการเปลี่ยนแปลงอย่างถอนรากถอนโคนในสมาชิกภาพทั้งแบบถาวรและไม่ถาวรของคณะมนตรีความมั่นคงฯ ตามข้อเสนอของหลายๆ ประเทศ และในที่สุดมีข้อสรุปจากคณะทำงานที่เปิดกว้างหลังจากการพิจารณาที่ผ่านมาแล้ว 16 ปี นี่เป็นการเปลี่ยนรูปแบบของสหประชาชาติ แต่เป็นสิ่งที่มีความต้องการอย่างยิ่งขุด เพื่อประกันการกลับมาถึงความชอบธรรมและความน่าเชื่อถือของสหประชาชาติ ที่จะช่วยจัดการกับความขัดแย้งของโลกและประกันสันติภาพของโลกโดย “การสร้างไว้ซึ่ง สันติภาพและความมั่นคงระหว่างประเทศ”

## **Abstract**

This paper raises many questions about the effectiveness of the current UN Security Council, and its ability to carry out its Mandate, with special refer-

ence to the five permanent members - their use of their veto powers while also leading in the sales of conventional arms to developing countries. It would appear to many observers that since its inception in 1946, the UN Security Council has in many ways become the de facto UN itself given the extraordinary power and influence it wields within the UN body, and the extent of the media coverage it commands when compared to the UN General Assembly. The UN Security Council's Mandate states that: "The Security Council has primary responsibility, under the Charter, for the maintenance of international peace and security".

This Paper argues the case that the current permanent membership of the UN Security Council has neither the credibility or interest in fulfilling its mandate as evidenced in their own current military actions involving war and conflicts either within or outside their own territories, in addition, to the fact that they themselves control 89% of global arms sales to developing countries. How can they purport to be supporting "the maintenance of international peace and security", while at the same time arming, and thus gaining from the sales, to those involved in global conflicts?

The UN Security Council has been paralyzed for years due to the 'veto power' of its permanent members who can block each other's resolutions at anytime, as we have witnessed over the years. This has made the UN impotent in its attempts to address the many global conflicts and Regimes that persist today in places such as Chad, Darfur, DRC, Somalia, Iraq, Afghanistan, Myanmar, Chechnya, Tibet and among the Uighurs in China's north-western Xinjiang region, and in Israel & Palestine.

The paper raises a number of challenges for the new US President to provide the necessary leadership to support the UN Security Council's Mandate while also leading by example in eliminating Nuclear weapons as part of the NPT. He must also ensure that the US signs off on the Anti Cluster Bomb Treaty signed by over a hundred nations in Norway in December 2008. It raises the question of how the USA can claim to be a leader of peace around the world if it continues to control over 70% of all conventional weapons agreements with developing countries as in 2008? It is time that the USA ratified the international Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), being the only country of 187 that has yet to do so. The USA still refuses to sign up to the anti-landmine treaty. United States President Barack Obama has no plans to join a global treaty banning landmines because a policy review found the US could not meet its security commitments without them, the State Department said (Nov. 2009).

Finally, the paper Challenges the United Nations and especially its Security Council to better reflect the Global interests of all its members and not just the few who sit as Permanent Members. Given the arguments made in this Paper and evidence included, is it not time to call for a radical change in both the Permanent and Non-Permanent Membership of the Security Council, as proposed in the various States' Submissions, and finally get results from the open-ended working group after 16 years of deliberations? Yes! This would be a paradigm shift for the UN,

but it is one that is badly needed to ensure the UN reclaims its legitimacy and credibility to help address Global Conflicts and ensure World Peace through “the maintenance of international peace and security”.

## INTRODUCTION

Since its inception in 1946, the UN Security Council has in many ways become the de facto UN itself given the extraordinary power and influence it wields within the UN body. If one examines what the UN Security Council’s Mandate is we note that:

*“The Security Council has primary responsibility, under the Charter, for the maintenance of international peace and security”. This responsibility is activated “When a complaint concerning a threat to peace is brought before it, the Council’s first action is usually to recommend to the parties to try to reach agreement by peaceful means. In some cases, the Council itself undertakes investigation and mediation. It may appoint special representatives or request the Secretary-General to do so or to use his good offices. It may set forth principles for a peaceful settlement.*

*When a dispute leads to fighting, the Council’s first concern is to bring it to an end as soon as possible. On many occasions, the Council has issued cease-fire directives which have been instrumental in preventing wider hostilities. It also sends United Nations peace-keeping forces to help reduce tensions in troubled areas, keep opposing forces apart and create conditions of calm in which peaceful settlements may be sought. The Council may decide on enforce-*

*ment measures, economic sanctions (such as trade embargoes) or collective military action.*

*A Member State against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly on the recommendation of the Security Council. A Member State which has persistently violated the principles of the Charter may be expelled from the United Nations by the Assembly on the Council’s recommendation”.*  
[http://www.un.org/Docs/sc/unsc\\_background.html](http://www.un.org/Docs/sc/unsc_background.html)

One of the key questions asked in this Paper is how the Security Council can effectively carry out its primary responsibility ‘for the maintenance of international peace and security’, while at the same time its permanent members control up to 89% of arms sales in the world? <http://www.nytimes.com/2007/10/01/us/01weapons.html>

A second question is why there are five permanent members of the Security Council: *China, France, Russian Federation, the United Kingdom and the United States*, and why this particular five? The challenge put forward by this author to the UN and its Security Council is to abolish the need for five permanent members and instead replace all 15 Security Council members on a rotation basis, as it currently does with the 10 non-permanent members?

In a recent speech by Ms. Susan Rice, the US permanent representative at the UN, she stated “*The Security Council is less riven than it was in the coldest days of the Cold War, but it still stumbles when interests and values diverge, as they do over such issues as Darfur, Zimbabwe, and Burma*”. <http://usun.state.gov/briefing/statements/2009/august/127953.htm>

## The Charter of the Security Council

Under the Charter, the functions and powers of the Security Council are:

- “*to maintain international peace and security in accordance with the principles and purposes of the United Nations*;
- *to investigate any dispute or situation which might lead to international friction*;
- *to recommend methods of adjusting such disputes or the terms of settlement*;
- *to formulate plans for the establishment of a system to regulate armaments*;
- *to determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken*;
- *to call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression*;
- *to take military action against an aggressor*;
- *to recommend the admission of new Members*;
- *to exercise the trusteeship func-*

*tions of the United Nations in “strategic areas”*;

- *to recommend to the General Assembly, and the appointment of the Secretary General and, together with the Assembly, to elect the Judges of the International Court of Justice”*.

[http://www.un.org/Docs/sc/unsc\\_functions.html](http://www.un.org/Docs/sc/unsc_functions.html)

## The Reality

The UN - has for years been held ransom by the US and other permanent members of the Security Council, due in part to their own self-interests and their control of 89% of the global arms trade. <http://www.nytimes.com/2007/10/01/us/01weapons.html>);

How can the Security Council then be asked to help support world peace from a position of weapons’ proliferation? The US has for years refused to pay their dues to the UN and its organizations such as the *UN Population Fund* unless they followed what the US deemed was in their own best interests, rather than in the best interests of the world at large (see reference below on the current US Administration position). In August 2009, Ms. Rice announced that Washington would hand over more than USD 2 billion in new and old contributions owed to the UN peacekeeping department (Global Development Newsletter, 13/9/09)

Many people still wait for the UN to sanction the US and UK for their invasion of Iraq in 2003, under what were obvious spurious claims and yet when there was no concrete evidence of Weapons of Mass Destruction (WMDs) <http://www.theage.com>.



au/articles/2003/02/15/1044927819765.htm The UN's own investigators together with those from the IAEA pulled out prematurely to make way for an invasion, despite the fact that they had not found any convincing evidence of WMDs after their months of searching. As any scientist worth his salt would have seen from the presentation of Colin Powell to the UN in advance of the second Gulf War, there could not have been mobile weapons' units manufacturing WMDs throughout Iraq, for such scientific work requires stable and sealed laboratories if they are to use any type of centrifuges or other scientific equipment that needed high level calibrations. Even an undergraduate science student knows this if they have worked with centrifuges or other calibrated equipment in a laboratory setting. Later in 2003 Mr. Hans Blix stated that Iraq dumped WMDs years ago, <http://www.guardian.co.uk/world/2003/sep/18/iraq.iraq>

### **Recent Security Council Failures**

The recent and ongoing failures in Zimbabwe, Darfur, Chad, Democratic Republic of Congo (DRC) and Myanmar, remain a stark reminder of the ever present threats to human life in the world. While each of these countries has their own turbulent colonial histories from the UK and France - both permanent members of the UN Security Council, these do not explain or excuse the killing and suffering being visited on their own people at this time. The war in Iraq and Afghanistan continues to cause the destruction of life, of both the invaders and occupiers, where over 5,000 US and UK personnel have died, <http://www.icasualties.org>

but these numbers are very small relative to the scale of civilian deaths and injuries of innocent people. <http://www.iraqbodycount.org/>. Iraq's human rights ministry said on Oct. 13, 2009, that at least 85,000 people had been killed by bombs, murders and fighting in 2004-08, in a rare death toll release by an Iraqi government agency - Global Development Newsletter Oct. 15, 2009). Yet! With all the arms and presence of tens of thousands of troops, peace continues to be a distant hope in these countries. Afghanistan in particular seems to be witnessing a resurgence of the Taliban power base, with little shortage of new recruits to fight against the occupying forces. Again, this 'fight' is spreading into Pakistan and India which has had its share of bombings and killings throughout 2008/09. Does the West ever learn from its own history? If you read Robert Fisk's excellent tome entitled: *"The Great War for Civilisation: The Conquest of the Middle East"* you will see the many parallels that exist between Britain's occupation of Iraq early in the last century with the US led invasion at the start of this century. The Iraqi response also has many parallels. Why has the US not learned the lessons from its own foreign policies of the past where they befriended, and for years in the mid 1980's armed leaders of the mujahidin in Afghanistan such as Osama Bin Laden to help oust the Soviets from Afghanistan, only for them to later turn against the US? The same goes for the US support for Saddam Hussein when he was fighting against Iran and was armed by the US and Europe. He too later turned against the US after the first Gulf War. It was the US and Europe that supplied the Chemical weapons that Saddam used against Iraqi Kurds and which

also led to his own death sentence. Are the US and European suppliers of these Chemical weapons to be exonerated for contributing to these Kurdish deaths? It certainly seems so. There has been little condemnation against the suppliers of these Chemical Weapons, only against the users of them. Is this how Western justice works? If one examines the justice system against regular crime in the US or Europe you will see that the suppliers of murder weapons are also indicted and sentenced as accomplices to such murders. <http://www.counterpunch.org/dixon06172004.html>

Why not the same for nations who supply WMDs such as Chemical Weapons to other States like Iraq, who then use them against their own people? If Iraq actually had WMDs that they were accused of having in 2002/03, where would these have come from? Most likely from the West (mainly from the five permanent members of the UN Security Council) or would they have been manufactured at home as Colin Powell reported to the UN? Should Mr. Powell be accused of falsifying information and presenting it to the UN to 'justify' the subsequent invasion of Iraq? <http://www.theage.com.au/articles/2003/02/15/1044927819765.html>

Should President Bush and Tony Blair and their associates in the US and UK, who planned for and executed the invasion of Iraq be brought before the International Court of Justice by the UN Security Council? Is this not what the Charter states above: *to maintain international peace and security in accordance with the principles and purposes of the United Nations?* How can the invasion of Iraq be reconciled with this UN Charter statement? There was

no evidence that there was a war within the country before the invasion. Iraq was not at war with other nations at the time of the second Gulf war in 2003 because their military had been partially destroyed during the First Gulf War or Desert Storm and the US/UK had an ongoing campaign of Air Patrols covering the country after 1991 to prevent such an event. How was 'international peace and security' maintained by this Invasion? It would appear to many that the very opposite has occurred as a result of the Invasion. From the Afghanistan experience, has the invasion there helped to bring 'international peace and security' in the region? This author thinks not, as the evidence shows clearly from events in Pakistan, India and Sri-Lanka over the past couple of years as reported on CNN and the world's press. How then can the Security Council justify its claims to fulfil its Charter given its current composition?

There is also Somalia which continues to struggle to elect its own government without interference from the US backed Ethiopians, which in turn has led to the economic collapse of the country since the US invaded the country during Bush Senior's Presidency. <http://rwor.org/a/020/war-of-shame-somalia.htm>. Is it any wonder that those unemployed from the fishing and other coastal industries would turn to piracy to make a living?

The Israeli - Palestinian conflict continues through another year, despite the building of the famous wall, the corruption scandal that rocked the ex-Israeli PM, Mr. Ehud Olmert <http://www.theage.com.au/world/israeli-expm-olmert-indicted-for-graft-prosecutor-20090831-f4g0.html>, the failure of the Foreign Minister Tzipi Livni to form a

government and now they have reverted to another former leader Binyamin Netanyahu's who oversaw the failure of his policies many times in the past and who was ousted for corruption last time he was PM. How will it be different this time? All this at a time when the Palestinian population continues to try and survive in ghetto like conditions, within closed borders, high unemployment, little aid and virtually no trade taking place <http://www.brandeis.edu/crown/publications/meb/MEB12.pdf>. As long as these Palestinian conditions prevail, Israel will never be able to live in peace and security from the angry youth it is condemning to poverty and hopelessness. No-one will win in these circumstances. It is only when they can learn to talk and listen to each other that the beginnings of peace will get a chance to develop. Dialogue and negotiation are the only meaningful way forward to bring peace to a long standing conflict, as we have seen in the case of Northern Ireland, and South Africa where negotiation led to the ending of Apartheid. What does Israel expect from the Palestinians when they took their jobs away in the thousands, after the arrival of former Soviet Jews following the Soviet Collapse in the early 90's, and then condemned the Palestinians to ghetto like conditions within a destroyed economy? What positive role did the UN Security Council play in censoring both the Palestinians to stop their rocket attacks, or the Israelis for their disproportionate response, by invading Gaza at the end of 2008 and start of 2009? This invasion included the killing of around 1,500 Palestinians compared to about 13 Israelis, the destruction of Gaza's infrastructure, buildings and even the UN's own compound. [http://www.timesonline.](http://www.timesonline.co.uk/tol/news/world/middle_east/article5521925.ece)

[co.uk/tol/news/world/middle\\_east/article5521925.ece](http://www.timesonline.co.uk/tol/news/world/middle_east/article5521925.ece). Yet! To this day the borders have not been opened by Israel to allow for the rebuilding and reconstruction of Gaza, or the provision of essential services such as health, social welfare and education. <http://corner.nationalreview.com/post/?q=OTNIM2IzZTVkZThkOWM2ZDQ0YmNmNDIjMzc1YWZhNGE>. Why is this? Again, why can't the UN Security Council take decisive action to censor the Israelis for their conduct of this war in Gaza? Even a few hundred former Israeli soldiers who were involved in the invasion have come out against their government's handling of events and accused their military leaders of excessive force and the killing of civilians.

### **The Challenge to the New US President**

Will he and his team finally address, in an enlightened manner, what is termed the war against terrorism, which has done more to encourage worldwide terrorism in the past eight years than any other single nation or event could have done? <http://www.routledge.com/books/Global-Security-and-the-War-on-Terror-isbn9780415419383>. The past US Administration made a false link between Bin Laden and Iraq, which in turn has provided a new breeding ground for terrorism, to add to those already there according to the US, namely Afghanistan and Pakistan etc? Why has suicide bombing grown as a legitimate means to assert ones beliefs? These used to be confined to the Middle East and now they are visible in the UK, France, Spain, Italy, India, Pakistan, and Indonesia as well as many other places. Is it because terrorism has grown into a worldwide phenomenon on the coat-



tails of the US and Western foreign policies - especially those promulgated by President Reagan and his CIA Chief William Casey in the 1980's when both had a vendetta against the Soviet Occupation of Afghanistan that led to the arming of any and all those who professed to be anti-Soviet at the time in Afghanistan and Pakistan (see the Pulitzer Winning 'Ghost Wars' by Steve Coll, 2004). Will President Obama and his Administration finally engage in a dialogue for peace with Iran, with North Korea, with the Taliban in Afghanistan, with Israelis and Palestinians in equal measure, and with other revolutionary forces in the Sudan, Somalia, Chad, DRC, the FARC in Colombia, with Cuba, etc?

Yes! It is true what Ms. Rice stated recently that the US has "*changed course, embracing as our own the Millennium Development Goals, which the United States once shunned. We rescinded the Mexico City policy that barred U.S. assistance to programs that support family planning and reproductive health services. We stopped withholding U.S. contributions to the UN Population Fund. We signed the first new human rights convention of the 21<sup>st</sup> century, the UN Convention on the Rights of Persons with Disabilities. We reversed course to back a General Assembly resolution, excuse me, statement opposing violence and discrimination based on sexual orientation. We no longer oppose mentions of reproductive health or the International Criminal Court*". But has it gone far enough? <http://usun.state.gov/briefing/statements/2009/august/127953.htm>

It is a contradiction to fight a war for peace - war by definition is the absence of peace. How has peace come to Iraq in the

past eight years? It is far more dangerous to walk the streets of Baghdad today than it was before the first Gulf War. This author worked in Baghdad in the early '80's and drove around the city and walked wherever I chose without ever fearing being shot, booby trapped, or afraid of a suicide bomber. How is a country like Iraq better off today than then, when it has now lost its identity, its infrastructure which has yet to be rebuilt, its electricity and clean running water, its hospitals and schools and its sense of safety and security? This is not even mentioning the 100's of thousands of people who have lost their lives or been maimed as a result of war, as well as the tens of thousands who have left the country for fear of their lives. What democratic criteria does one use to reconcile this travesty of justice that dishonours the very concept of Democracy?

The same can be said of Palestine, on what basis are Palestinians better off today after having their land occupied, their jobs and economy taken from them, forced to live a ghetto like existence where survival is the essence of each person's day, and a wall build around them to contain them? All done to supposedly protect Israelis from attack! Are Israelis anymore free from attack today than 20 years or 40 years ago at the time of the 6 Day War? The evidence is there to see, and the answer is a BIG NO. Yet! This warped thinking and logic continues to drive Israeli foreign policy, funded and facilitated by the US and its Allies, especially Britain - who were the cause of much of the genesis of this conflict by their actions in the late 40's. How will President Obama meet this challenge?

As Ms Rice stated "*We see it in a fresh*

*U.S. determination to work for a world free of nuclear weapons and the peril of proliferation*". <http://usun.state.gov/briefing/statements/2009/august/127953.htm>  
How will President Obama meet the challenge against Nuclear proliferation - will he reverse the agreement made between the US and India in 2005? Will he listen and learn from the IAEA about the nuclear programs in Iran and North Korea, after all the IAEA are the only ones competent to answer and assess these situations, not the CIA or other intelligence groups. Will the US lead the way to abolish all Nuclear weapons as both pointless, expensive and dangerous to keep, because they cannot be used sensibly by any nation in the world today without destroying the world as we know it? There is little hope of this if the US won't even sign up to the Anti Cluster Bomb Treaty adopted by over a hundred nations in Dublin, Ireland, in May 2008. Will the US reduce its share of weapons sales to Developing Countries and cease being the largest source of weapons in the world today with 70% of the market? How will the current Administration address the proliferation of conventional weapons sales to developing countries and reverse the trend witnessed in 2008 as reported below? Will the USA lead the way in the reduction of its conventional weapons sales and herald a rapid decline in such sales? If not, how can the USA claim to be a leader of peace around the world if it continues to control over 70% of all conventional weapons agreements with developing countries as in 2008 - see below?

Ninety Four states signed, and four of these ratified the Convention against Cluster Bombs in Oslo on 3-4 December 2008

[http://www.clusterconvention.org/pages/pages\\_i/i\\_statessigning.html](http://www.clusterconvention.org/pages/pages_i/i_statessigning.html). This augers well for the future safety and security of millions, who have been past victims of these same weapons. However, Global conflicts continue to dominate the news and these must be stopped through dialogue and negotiation rather than through arms and conflict. Will President Obama and his current Administration be effective leaders in the pursuit of Peace and begin by signing this Anti Cluster Bomb Treaty?

It is of note that both the current Secretary of State and the US Ambassador to the UN are both women, and yet when it comes to the protection of women in war, the USA is the only country that has not ratified the international Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). This is despite the recent statements from the UN that said the abuse of women in war zones is rampant and brutal, continuing unchecked, and has urged all nations to ratify the (CEDAW). "*The UN committee monitoring compliance with CEDAW has welcomed the Security Council resolution affirming that it would consider the prevalence of rape and sexual violence in decisions to impose or renew sanctions on countries embroiled in conflict. There are 186 countries that are party to the 1979 Convention*" - (The Global Development Briefing 15/10/09)

The USA still refuses to sign up to the anti-landmine treaty. United States President Barack Obama has no plans to join a global treaty banning landmines because a policy review found the US could not meet its security commitments without them, the State Department said (Nov. 2009), which has already been signed by 121 countries in

1997 (December, Ottawa). [http://www.huffingtonpost.com/2009/11/24/land-mine-treaty-wont-be\\_n\\_369658.html](http://www.huffingtonpost.com/2009/11/24/land-mine-treaty-wont-be_n_369658.html). State Department spokesman Ian Kelly said that “*the administration recently completed a review and decided not to change the Bush-era policy*”.

“*We decided that our land mine policy remains in effect*”, he said. More than 150 countries have agreed to the Mine Ban Treaty’s provisions to end the production, use, stockpiling and trade in mines. Besides the United States, holdouts include: China, India, Pakistan, Myanmar and Russia. Sen. Patrick Leahy, D-Vt., criticized the State Department’s review of the land mine policy as “*cursory and halfhearted*”.

### **The UN Security Council Members**

If the UN is to be truly a Global Forum for all members, then surely it should also reflect this in the membership of the UN Security Council? What is the current membership of this?

**Membership of the UNSC in 2010** <http://www.un.org/sc/members.asp>

In 2010 the UN SC was composed of five permanent members from China, France, Russian Federation, the United Kingdom and the United States, plus ten non-permanent members (the year when their term ends):

Austria (2010), Bosnia and Herzegovina (2011), Brazil (2011), Gabon (2011), Japan (2010), Lebanon (2011), Mexico (2010), Nigeria (2011), Turkey (2010) and Uganda (2010).

The General Assembly elected Bosnia and Herzegovina, Brazil, Gabon, Lebanon and Nigeria to serve as non-permanent members of the Security Council for two-year terms starting on January 1, 2010. The newly elected countries will replace Burkina Faso, Costa Rica, Croatia, Libyan Arab Jamahiriya, and Vietnam.

### **About the Council**

The Presidency of the UNSC is rotated among all the members in turn, in the English alphabetical order of their names. Each President holds office for one calendar month. This raises questions about how effective the Presidency is, and how continuity is assured among them?

The ten non-permanent members, are elected by the General Assembly for two-year terms, and are not eligible for immediate re-election. In 1965 the number of non-permanent members was increased from six to ten by an amendment to the Charter.

Each Council member has one vote. Decisions on procedural matters are made by an affirmative vote of at least nine of the 15 members. Decisions on substantive matters require nine votes, including the concurring votes of all five permanent members. This is the rule of “great Power unanimity”, often referred to as the “veto” power.

Under the Charter, all Members of the United Nations agree to accept and carry out the decisions of the Security Council. While other organs of the United Nations make recommendations to Governments, the Council alone has the power to take decisions which Member States are obligated under the Charter to carry out.

### **Proposed Reform of the UNSC**

By its resolution 48/26, the General Assembly decided to establish an open-ended working group to consider all aspects of the membership of the Security Council and included the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council. It began its deliberations in January 1994. The Working Group submitted progress reports to the General Assembly at its forty-eighth to sixty-second sessions. At those sessions, the Assembly extended the mandate of the Working Group. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/508/11/PDF/N0950811.pdf?OpenElement>.

To-date there has been a number of proposals regarding the UNSC membership and its representation of both permanent and non-permanent members.

At the World Summit, “*leaders agreed to reform the Security Council in order to make it more transparent, accountable, and equitably representative. Several models have been proposed for expanding the membership, limiting veto privileges, and reforming sanctions and working methods, but progress on agreement has been slow*”. <http://www.reformtheun.org/index.php/issues/1737?theme=alt4>.

#### **Some of the Submissions to reform the UNSC include the following:**

##### **Uniting for Consensus Proposal**

proposes that: “*The 20 non-permanent members of the UNSC shall be elected according to the following pattern: Six (6) from African States; Five (5) from Asian States; Four (4) from Latin Ameri-*

*can and Caribbean States; Three (3) from Western Europe and Other States; and Two (2) from Eastern European States*”.

##### **African Union Proposal (2005)**

“(a) *Enlarge the Security Council in both the permanent and non-permanent categories and improve on its working methods;*

(b) *Accord the new permanent members the same prerogatives and privileges as those of the current permanent members, including the right of veto;*

(c) *Grant Africa two permanent and five non-permanent seats in the Security Council and increase its membership from fifteen to twenty-six with the eleven additional seats to be distributed as follows:*

(i) *Two permanent seats and two non-permanent seats for African States;*

(ii) *Two permanent seats and one non-permanent seat for Asian States;*

(iii) *One non-permanent seat for Eastern European States;*

(iv) *One permanent seat and one non-permanent seat for Latin American and Caribbean States;*

(v) *One permanent seat for Western European and other States;*

(d) *Amend the Charter of the United Nations accordingly*”.

##### **G-4 Proposal (India, Germany, Brazil and Japan - 2006)**

##### **On the Size and composition of the UNSC they propose:**

“(a) *That the membership of the Security Council shall be increased from fifteen to twenty-five by adding six permanent and*

*four non-permanent members;*

*(b) That the six new permanent members of the Security Council shall be elected according to the following pattern:*

- (i) Two from African States;*
- (ii) Two from Asian States;*
- (iii) One from Latin American and Caribbean States;*
- (iv) One from Western European and Other States;*

*(c) That the four new non-permanent members of the Security Council shall be elected according to the following pattern:*

- (i) One from African States;*
- (ii) One from Asian States;*
- (iii) One from Eastern European States;*
- (iv) One from Latin American and Caribbean States”.*

What is of note in these various Proposals, and others not mentioned here, is that the current composition of the permanent members of the UNSC will have to change to reflect the current global situation, and ensure that all regions of the world are represented in both the permanent and non-permanent membership. It is thus no surprise that this open-ended working group has been paralyzed in its work for over 16 years, and has so far failed to reach a consensus with the current Five UNSC permanent members, for to do so will mean the removal of some of them from this select group of Five. It is a typical case of “*those who have power don’t wish to relinquish it*”. Some of the rather frivolous arguments presented against the reform of the UNSC’s permanent membership were recently leveled at Australia which was ac-

cused of increasing their African Aid budget in order to secure a permanent seat at the UNSC - Global Development Newsletter May 25, 2010.

Is it not time to challenge the United Nations, and especially its Security Council to better reflect the Global interests of all its members and not just the few who sit as Permanent Members? Given the arguments and evidence presented in this Paper - see below, is it not time to call for a radical change in both the Permanent and Non-Permanent Membership of the Security Council, as proposed in the various States’ Submissions, and finally get results from the open-ended working group after 16 years of deliberations? Yes! This would be a paradigm shift for the UN, but it is one that is badly needed to ensure the UN reclaims its legitimacy and credibility to help address Global Conflicts and ensure World Peace through “*the maintenance of international peace and security*”.

### **The UN Security Council and the Arms Trade**

According to Richard F. Grimmett’s recent September 4, 2009 Report: **Conventional Arms Transfers to Developing Nations, 2001-2008**: “*In 2008, the United States ranked first in arms transfer agreements with developing nations with \$29.6 billion or 70.1% of these agreements, an extraordinary market share for a single year. Far behind in second place was Russia with \$3.3 billion or 7.8% of such agreements. France was ranked third with \$2.5 billion or 5.9%. In global arms transfer agreements in*



2008, the United States also dominated, ranking first with \$37.8 billion in such agreements or 68.4% of all such agreements. In 2008, the United States ranked first in the value of arms deliveries to developing nations at \$7.4 billion, or 40.9% of all such deliveries. Russia ranked second at \$5.2 billion or 28.5% of such deliveries.

In 2008, the United Arab Emirates ranked first in the value of arms transfer agreements among all developing nations weapons purchasers, concluding \$9.7 billion in such agreements. Saudi Arabia ranked second with \$8.7 billion in such agreements. Morocco ranked third with \$5.4 billion.

*Developing nations continue to be the*

*primary focus of foreign arms sales activity by weapons suppliers. During the years 2001-2008, the value of arms transfer agreements with developing nations comprised 64.8% of all such agreements worldwide. More recently, arms transfer agreements with developing nations constituted 69.2% of all such agreements globally from 2005-2008, and 76.4% of these agreements in 2008".* Based on these figures the total sales of arms in 2008 from the five permanent members of the UNSC was \$34.412 Billion or 89% from the top 11 suppliers. This has increased from 78% in 2006, see below.

**Table 1: Arms Transfer Agreements**

**with Developing Nations in 2008:  
Leading Suppliers Compared** (in millions of **current** U.S. dollars)

Rank	Supplier	Agreements Value 2008
1	United States	29,612
2	Russia	3,300
3	France	2,500
4	Italy	1,500
5	Netherlands	900
6	China	800
7	Sweden	600
8	Brazil	500
9	Germany	400
10	Israel	400
11	United Kingdom	200

**Source:** U.S. Government

**Notes:** All foreign data are rounded to the nearest \$100 million. Where rounded data totals are the same, the rank order is maintained. <http://www.fas.org/sgp/crs/weapons/R40796.pdf>

**Table 2: Arms Transfer Agreements with Developing Nations in 2008:**  
**Agreements by Leading Recipients** (in millions of **current** U.S. dollars)

Rank	Recipient	Agreement Value 2008
1	U.A.E	9,700
2	Saudi Arabia	8,700
3	Morocco	5,400
4	India	4,000
5	Iraq	2,000
6	Egypt	1,400
7	South Korea	1,300
8	Taiwan	1,300
9	Israel	1,000
10	Pakistan	800

**Source:** U.S. Government

**Notes:** All data are rounded to the nearest \$100 million. Where rounded data totals are the same, the rank order is maintained. <http://www.fas.org/sgp/crs/weapons/R40796.pdf>

How can any sane person believe that the current composition of the UN Security Council is a place from which Peace will be negotiated, implemented and supervised, when these same nations are the suppliers of most of the weapons used in Global Conflicts throughout the world today?

All five permanent members of the Security Council have shared the global stage as colonisers and/or invaders of other nations, thus threatening and removing their sovereign right to determine their own destinies. As of today - all five permanent members are involved in wars or conflicts either within or outside their own territorial boundaries, whether it is China's crackdown in Tibet or on the Uighurs - "Nearly 10,000 Uighurs involved in deadly riots in China's northwestern Xinjiang region went missing in one night, exiled Uighur activist Rebiya Kadeer said July 29, calling for an international investigation (The Global Develop-

ment Briefing 30/07/09), and support for the governments of Myanmar and Sudan/Darfur; Russia's crackdown in Chechnya or recent conflict with Georgia over Abkhazia and South Ossetia; the current involvement of the US & UK in Iraq and Afghanistan; or France's continued involvement in many African countries. How then can these five permanent members of the Security Council be relied upon and have the credibility "*for the maintenance of international peace and security*", given their own actions and weapon sales to developing countries?

The 2009 Transparency International watchdog report released in November 2009, gives fuel to the belief that corruption continues to pervade many countries. The majority of countries scored below five out of a maximum of 10 as seen by business people and country analysts. The bottom five or most corrupt were those plagued by

long standing conflicts, which have torn apart their governance structures. The US slipped one place to 19<sup>th</sup>, in 2009 while China slipped seven places to 79<sup>th</sup>. The least corrupt countries were New Zealand, Denmark and Singapore while the most corrupt were Somalia, Afghanistan, Myanmar, Sudan and Iraq. In the case of the UNSC the scores were as follows: UK No.17; USA No.19; France No.24; China No.79, and Russia No.146. When combined with the above data on conventional arms sales we can see that these corruption scores give little credibility to the UNSC when it comes to providing effective leadership to the rest of the UN and the world at large.

### **Use and Abuse of the Veto Powers<sup>1</sup>**

The ‘veto power’ of the five permanent members has been used for many years as a means of preventing the Security Council from taking decisive action against any state that threatens or disturbs international peace and security. This ‘veto option’ is adopted by whichever of the five permanent members is under criticism or threat by the Se-

curity Council - witness the veto of Russia when others wanted to censure its actions in Chechnya or more recently against their actions in Georgia over Abkhazia and South Ossetia; or China over its handling of Tibet; or the US which is the most frequent user of the veto, mainly against resolutions criticizing Israel. This has been a constant cause of friction between the General Assembly and the Security Council, as seen with the 2003 Iraqi war which was not endorsed by the UN. The UK used its veto power a number of times during the Rhodesia crisis in the 1960s and also over the Suez Canal and often supports the US in its stance over Israel in its many invasions and occupations of Palestinian territories, or against their invasions in Iraq in 2003; or France’s actions in Cote D’Ivoire and Senegal. When it comes to countries like Iran and N. Korea the Security Council has many difficulties getting consensus from all five permanent members because of the support and arms sales by some members to these very nations, including nuclear technology. Why are these same five members currently doing everything in their power to sell nuclear technology to different Gulf States and yet there

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<sup>1</sup>The UNSC veto system was formalized at the Yalta Conference, 4-11 February 1945, and was established in order to prohibit the UN from taking any further action directly against its principle founding members; in large part a legacy of the expulsion of the Soviet Union from the League of Nations in 1939, at the outbreak of World War II. It had already decided at the UN’s founding conference in 1944, that Britain, China, the Soviet Union, the United States and “in due course” France, should be the permanent members of the newly formed Council.

The **United Nations Security Council ‘power of veto’** refers to the Veto power wielded solely by the five permanent members of the UNSC enabling them to prevent the adoption of any ‘substantive’ draft Council resolution, regardless of the level of international support for the draft. The veto does not apply to procedural votes, which is significant in that the Security Council’s permanent membership can vote against a ‘procedural’ draft resolution, without necessarily blocking its adoption by the Council.

The veto is exercised when any permanent member - the so-called ‘P5’ - casts a “negative” vote on a ‘substantive’ draft resolution. Abstention, or absence from the vote by a permanent member does not prevent a draft resolution from being adopted.

is no criticism or concern expressed that this same technology will not be used for nuclear arms? What assurances does the UN General Assembly have that this technology will only be used for peaceful means, and yet these same five permanent members continue to accuse Iran and N. Korea of building nuclear weapons, while no investigation has been made of Israel's alleged nuclear arsenal? What legitimacy and credibility does the UN Security Council have when one examines the above self-interest actions of the five permanent members?

**G-4 Proposal (India, Germany, Brazil and Japan - 2006)** <http://www.reformtheun.org/index.php/issues1737?theme=alt4>

Proposed that the Veto power of the UNSC:

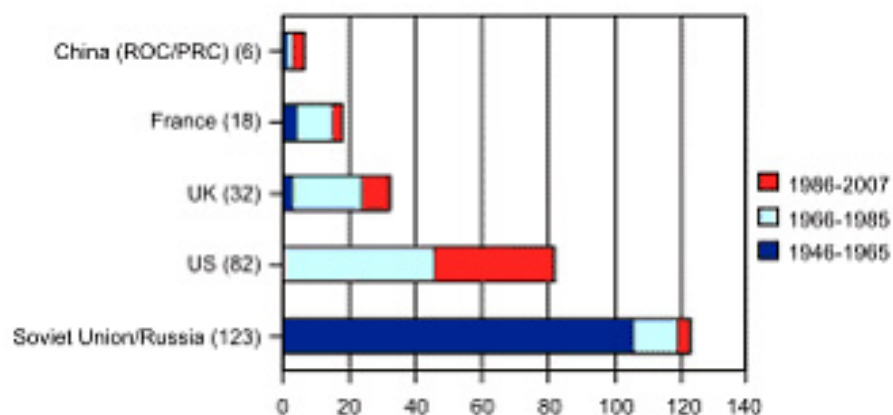
*“(a) That the new permanent members should have the same responsibilities and obligations as the current permanent members;*

*(b) That the new permanent members shall not exercise the right of veto until the question of the extension of the right of veto to new permanent members has been decided upon”.*

### Arguments against the UNSC Veto Power

Many discussions have taken place in recent years over the suitability of the Security Council ‘veto’ power in today’s world. Some of the key arguments include:

- The five permanent members no longer represent the most stable and responsible member states in the United Nations as witnessed by their own actions historically and at present.
- That their veto power slows down and often prevents important decisions being made on matters of international peace and security - see examples above.
- Due to the global changes that have taken place politically and economically since the formation of the UN in 1945, widespread debate has been apparent over whether the five permanent members of the



Number of resolutions vetoed by the five permanent members of the UN Security Council between 1946 and 2007. From: Global Policy Forum: Changing Patterns in the use of the Veto in the Security Council (2008).

UN Security Council remain the best member states to hold veto power, or is it time to expand this number or as suggested below eliminate the very status of permanent member altogether?

- Since its inception in 1946 the UNSC was initially comprised of the 'great powers' of that time. There is currently a debate as to the definition or meaning of the term

- Are these same five permanent members still considered 'great powers' today compared to 1945/46?

- A second argument against retaining the UNSC veto power is that it is detrimental to balanced political decisions, as any draft text needs to be approved of by each permanent member before any draft resolution can possibly be adopted.

- This in turn shows a deficit of democratic principles when some members have more power than others - in national democracies each person has only one vote irrespective of their wealth or prestige.

- The result of this democratic deficit is that many times a proposed draft resolution is never even formally presented to the Council for a vote because of the knowledge that a permanent member would vote against its adoption. This is referred to as the so-called 'pocket veto'.

- Some debates also persist over the potential use of the veto power to provide 'diplomatic cover' to a permanent member's allies.

- The United States has used its veto power more than any other permanent member since 1972. This is particularly the case with any draft resolutions condemning the actions or policies of the State of Israel, which included the excessive use of force

used by Israel during its Invasion of the Gaza Strip in December 2008.

- Advocates of the veto power believe that it is just as necessary in the current geo-political landscape, and that without the veto power, the Security Council would be open to making "majority rules" decisions on matters that have implications at a global level- decisions that may well go directly against the interests of a permanent member.

- However, the Charter clearly states that the UNSC has a global mandate and responsibilities, and thus should not favour any individual members' country over global interests.

- This argument seems strange when the very same accusation can be levelled at the current UNSC members who act in their self-interest and very often against the interest of many other countries, e.g. the US led invasion of Iraq in 2003, plus its ongoing support for Israel against Palestine, have greatly disrupted the overall possibility of Peace in the Middle East.

- Discussions on improving the UN's effectiveness and responsiveness to international security threats often include reform of the UNSC veto. This Paper also supports this reform, but goes even further in proposing the elimination of the very status of permanent member, as no longer needed or appropriate in the world of the 21<sup>st</sup> century.

- However, any reform of the veto will be very difficult. Articles 108 and 109 of the United Nation's Charter grant the P5 veto over any amendments to the Charter, requiring them to approve of any modifications to the UNSC veto power that they themselves hold.



- Nonetheless, it has been argued that the current UNSC ‘power of veto’ is, fundamentally, irrelevant. With the Assembly’s adoption of the ‘Uniting for Peace’ resolution on November 3, 1950, it was made clear by the UN Member states that, according to the UN Charter, the P5 cannot prevent the UN General Assembly from taking any and all action necessary to restore international peace and security, in cases where the UNSC has failed to exercise its ‘primary responsibility’ for maintaining peace.

- Such an interpretation sees the UNGA as being awarded ‘final responsibility’ - rather than ‘secondary responsibility’ - for matters of international peace and security, by the UN Charter. Although not couched in the same language, various high-level reports make explicit reference to the ‘Uniting for Peace’ resolution as providing the necessary mechanism for the UNGA to overrule any vetoes in the UNSC; thus rendering them little more than delays in UN action. However, how often has this ‘Uniting for Peace’ resolution been invoked by the UNGA?

- Surely, it is time for the UNGA to flex its collective muscle and begin to implement this ‘Uniting for Peace’ so that the Charter requirement and mandate for “*the maintenance of international peace and security*”, is actually realised?

### **A Challenge to the UN Security Council**

Given the above arguments and evidence, is it not time to call for a radical change in both the Permanent and Non-Permanent Membership of the Security

Council, as proposed in the above Submissions, and finally get results from the open-ended working group after 16 years of deliberations? Yes! This would be a paradigm shift for the UN, but it is one that is badly needed to ensure the UN reclaims its legitimacy and credibility to help address Global Conflicts and ensure World Peace through “*the maintenance of international peace and security*”.

If the current permanent members continue to resist these Proposed changes, then is it not time for the UNGA to enact the ‘Uniting for Peace’ resolution of November 3, 1950, which makes it clear that the UN Member states cannot, according to the UN Charter, be prevented from taking action by the P5? The UN General Assembly can in fact take any and all action necessary to restore international peace and security, in cases where the UNSC has failed to exercise its ‘primary responsibility’ for maintaining peace.

### **A Positive Note to end with “The 1970 Non-Proliferation Treaty (NPT) Meeting in May, 2009”**

It is of note that “*Delegates meeting on the 1970 Non-Proliferation Treaty (NPT) struck their first agreement on the anti-nuclear arms pact in a decade on Thursday, which diplomats said was largely due to U.S. President Barack Obama.*

*Three days into a two-week meeting on the landmark arms control agreement, delegates from its 189 signatories agreed on an agenda for a major conference next year, where member states*

hope to adopt an action plan to overhaul the treaty". Furthermore the agreed agenda "includes a review of disarmament commitments made by the United States, Britain, France, China and Russia in 1995 and 2000. It also includes a discussion of 'nuclear-weapons-free-zones' -- which diplomats said would mainly be about Israel's presumed nuclear arsenal". While "Huge obstacles remain, the clear change of tone coming from the Obama administration has changed the equation", said one Western diplomat involved in the talks. "The U.S. is now willing to engage on disarmament. It's willing to engage with Iran. It mentions Israel. That's all new and it's helping". The U.S. Assistant Secretary of State Rose Gottemoeller read a message from Obama to the delegates in which she reiterated his vow to take new disarmament steps while urging delegations to bridge differences on strengthening the NPT, and said Washington wanted Israel, India, and Pakistan to join the NPT and North Korea, which pulled out of it in 2003 and tested a nuclear device in 2006, to return to the pact". (Reuters 7 May 2009)

### Summary and Conclusions

It would appear to many observers that since its inception in 1946, the UN Security Council has in many ways become the de facto UN itself given the extraordinary power and influence it wields within the UN body, and the extent of the media coverage it commands when compared to the UN General Assembly. If one examines what the

UN Security Council's Mandate is we note that:

*"The Security Council has primary responsibility, under the Charter, for the maintenance of international peace and security"*. This Paper argues the case that the current permanent membership of the UN Security Council has neither the credibility or interest in fulfilling its mandate as evidenced in their own current military actions involving war and conflicts either within or outside their own territories, in addition, to the fact that they themselves control 89% of global arms sales to developing countries. How can they purport to be supporting *"the maintenance of international peace and security"*, while at the same time arming, and thus gaining from the sales, to those involved in global conflicts?

The UN Security Council has been paralyzed for years due to the 'veto power' of its permanent members who can block each other's resolutions at anytime, as we have witnessed over the years. This has made the UN impotent in its attempts to address the many global conflicts and Regimes that persist today in places such as Chad, Darfur, DRC, Somalia, Iraq, Afghanistan, Myanmar, Chechnya, Tibet and among the Uighurs in China's north-western Xinjiang region, and in Israel & Palestine.

The Paper raises a number of challenges for the new US President to provide the necessary leadership to support the UN Security Council's Mandate while also leading by example in eliminating Nuclear weapons as part of the NPT. He must also ensure that the US signs off on the Anti Cluster Bomb Treaty signed by over a hundred nations in Norway in December 2008. It raises the question of how the USA can claim to

be a leader of peace around the world if it continues to control over 70% of all conventional weapons agreements with developing countries as in 2008? It is time that the USA ratified the international Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), being the only country of 187 that has yet to do so. The USA still refuses to sign up to the anti-landmine treaty. United States President Barack Obama has no plans to join a global treaty banning landmines because a policy review found the US could not meet its security commitments without them, the State Department said (Nov 2009).

Finally, the Paper Challenges the United Nations and especially its Security Council to better reflect the Global interests of all its members and not just the few who sit as Permanent Members. Given the above arguments and evidence, is it not time to call for a radical change in both the Permanent and Non-Permanent Membership of the Security Council, as proposed in the various States' Submissions, and finally get results from the open-ended working group after 16 years of deliberations? Yes! This would be a paradigm shift for the UN, but it is one that is badly needed to ensure the UN reclaims its legitimacy and credibility to help address Global Conflicts and ensure World Peace through "*the maintenance of international peace and security*".

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