

# Reforming the Security Council's Enforcement Mechanism



## Background of the Security Council

The Security Council is the cornerstone of the United Nations and is comprised of 15-members, 5-permanent members (who were the leading victors of World War II) and 10-non-permanent members elected for 2-year terms. In addition to their lifetime tenure, permanent members also have a power that other nations are not given: the veto. This veto is so powerful that these countries can defeat measures not in their interests, even if they are the only dissenting member. The Security Council is in charge of issues of security, having vested in it the ability to take measures to enforce peace, end conflicts, and deter aggression.<sup>1</sup> The actions of the Security Council are also, in theory, binding to all United Nations members.<sup>2</sup> Often, however, the Security Council struggles to agree on how to enforce international peace and security, or when they do, their enforcement measures fail to accomplish the Council's goals. The structure and powers of the Security Council are largely a response to the perceived failures of the League of Nations, the predecessor of the United Nations.

Prior to World War II, the League of Nations was on its last leg. The League, founded in 1920, was delegitimized by its inability to act in the 1930s in defense of China in the Manchuria Crisis and in Ethiopia upon its attack by Italy.<sup>3</sup> The League of Nations required unanimity amongst its members before it would take action, meaning one country could stop or prevent any actions.<sup>4</sup> The League's unwillingness and inability to stand up to aggression signaled its death knell as nations began to treat the organization as irrelevant. The League also struggled to retain member states, with Japan and Germany departing in 1933.<sup>5</sup> Given these issues, the framers of the United Nations eliminated the requirement for unanimity among all members, but created a Security Council that could, in theory, enforce international peace. And to ensure that members felt invested and remained within the new organization's folds, it put in place a veto so that the then-Great Powers would remain committed to the organization. Yet, the Security Council has largely failed to act in the way its creators had originally hoped, particularly in the area of taking strong action against aggressive nations.

### **Enforcement Actions in Theory and Shortcomings in the Cold War**

From its initial conception, the Security Council was granted its enforcement powers through Chapter VII of the United Nations Charter. This chapter states that, "The Security Council may

<sup>1</sup> "United Nations Charter, Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression." *The United Nations*. <https://www.un.org/en/about-us/un-charter/chapter-7>.

<sup>2</sup> "Unlike other UN bodies, decisions of security council binding on members." *Economic Times of India*. <https://bit.ly/3OXT6bn>.

<sup>3</sup> "The Parliament of Man: The Past, Present, and Future of the United Nations." *Paul M. Kennedy*. Print, 20.

<sup>4</sup> "5 Things to Know About the League of Nations." *Time*. <https://time.com/5507628/league-of-nations-history-legacy/>.

<sup>5</sup> "The United Nations Security Council and War: The Evolution of Thought and Practice since 1945." *Oxford University Press*. Print, 10.

decide what 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. These **may include** complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.”<sup>6</sup> During the Cold War, these non-military, non-peacekeeping sanctions were only passed twice, a trade embargo in 1966 against South Rhodesia and an arms embargo in 1977 against South Africa.<sup>7</sup>

Chapter VII of the Charter also allows for military force. This chapter states, “Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, **it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security**. Such action **may include** demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.”<sup>8</sup> In theory, the Security Council has wide latitude to enforce its decisions on member states; but it has struggled to use this power, particularly during the Cold War, due to the disagreements between the permanent members.

The Security Council’s most prolific enforcement action only happened by accident. The Soviet Union, a permanent member, boycotted meetings due to a dispute over whether Communist China should take over China’s United Nations seat (which at that point was held by the nationalist government operating from Taiwan). During the Soviet boycott of the Security Council, North Korea invaded South Korea. The Security Council convened and viewed North Korea’s attack as an act of aggression. It voted to authorize military force to defend South Korea in Security Council Resolutions 82 to 85.<sup>9</sup> During the subsequent Korean War, the United Nations expeditionary force, comprised mostly of soldiers from the United States, South Korea, and United Kingdom, fought North Korea. In this way, the Security Council used military force to enforce peace on the Korean Peninsula. Enforcing its will was only possible because the Soviet Union was not present to veto the resolution, which it would have surely done as an ally of the Communist North. Seeing how the Security Council could provide diplomatic legitimacy to the actions of other countries, particularly the United States, the Soviet Union understood the importance of its attendance at Security Council meetings as well as the potential power of the Security Council’s enforcement mechanism.

Through the rest of the Cold War, the Security Council was rarely able to implement effective enforcement measures on pressing security challenges. During the Suez Crisis and Soviet Invasion of Hungary in 1956, the Security Council failed to act to enforce peace. In both crises, permanent Security Council members prevented any action by the Security Council with their vetoes.<sup>10</sup> The only positive from the Suez Crisis was the development of peacekeeping forces, but even these were used sparingly due to disagreements among the permanent members. Peacekeepers help enforce ceasefires between two or more nations or groups in conflict by creating a physical separation between them. During the Cold War, peacekeeping missions were authorized 17 times.<sup>11</sup>

### **Enforcement Since the 1990s**

<sup>6</sup> “United Nations Charter, Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression.” *The United Nations*. <https://www.un.org/en/about-us/un-charter/chapter-7>.

<sup>7</sup> “The UN Security Council.” *Council on Foreign Relations*. <https://on.cfr.org/3unZnW2>.

<sup>8</sup> *Ibid*.

<sup>9</sup> “History of the Korean War.” *United Nations Command*. <https://bit.ly/3LWHi9b>.

<sup>10</sup> “Local Conflict, Global Intervention: The Origins of the United Nations Peacekeeping Force.” *University of Pennsylvania*. [https://repository.upenn.edu/cgi/viewcontent.cgi?article=1004&context=uhf\\_2010](https://repository.upenn.edu/cgi/viewcontent.cgi?article=1004&context=uhf_2010).

<sup>11</sup> “LIST OF PEACEKEEPING OPERATIONS 1948 – 2018.” *United Nations*. <https://bit.ly/2tzBEBZ>.

With the end of the Cold War and a reduction in global tensions, the Security Council was able to be more ambitious in enforcement from the 1990s until the mid-2000s. Expectations for a more ambitious Security Council were raised by the international response to Iraq's invasion of Kuwait in 1990. The Security Council condemned the invasion in multiple resolutions, demanded Iraq withdraw from Kuwait, and, after Iraq's refusal applied sanctions starting in Resolution 661. When these economic enforcement measures failed to enforce the Security Council's will, the Council authorized the use of "all necessary means" if Iraq failed to remove its forces from Kuwait by January 15, 1991.<sup>12</sup> In the ensuing Gulf War, Iraqi forces were ejected from Kuwait and the country regained its freedom. The Security Council continued to maintain economic and trade sanctions on Iraq after the conflict, including preventing the sale of the country's oil.<sup>13</sup> Through the 1990s, the Security Council passed more non-military sanctions on countries violating international law, including Iraq, Haiti, and Yugoslavia.<sup>14</sup> The 1990s also saw the Council increasingly authorize enforcement measures against non-state actors, such as terror or rebel groups, as well. As of 2021, there are 14 different Security Council sanction regimes, covering more than 500 individuals or entities.<sup>15</sup>

This period also saw an increase in the authorization of peacekeeping missions as well as the use of military force by the Security Council. Since 1991, the Council has authorized 59 peacekeeping missions and continues to run 12 peacekeeping operations across the globe.<sup>16</sup> The Security Council has also authorized the use of military force on its behalf, such as in Iraq. During this period, it authorized further use of military force in Somalia in the 1990s and Libya in 2011.<sup>17</sup> These interventions took place while a larger debate at the United Nations over "Responsibility to Protect" (R2P) developed. R2P centers the Security Council as a stakeholder in ensuring that genocides are prevented, through military force if needed. R2P has three pillars which state:

- 1) Each individual state has the responsibility to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity;
- 2) States pledge to assist each other in their protection responsibilities;
- 3) If any state is "manifestly failing" in its protection responsibilities, then states should take collective action to protect the population.<sup>18</sup>

Yet, despite the Security Council's ability to better enforce international security, this period did not last long. During the 2000s, enforcement actions faced more opposition from permanent members. Sanctions against Sudan over human rights violations in Darfur were so watered down, they were ineffective at enforcing the Security Council's demands.<sup>19</sup> Perhaps most prominently, the Security Council's dysfunction prevented any decisive actions to prevent human rights violations and ethnic cleansing during the Syrian Civil War. While the Security Council has many enforcement mechanisms at its disposal, its ability to use them effectively is too often held hostage to the Council's own dysfunction.

## Types of Security Council Enforcement

### Diplomatic Sanctions

<sup>12</sup> "Resolution 678." *United Nations*. <http://unscr.com/en/resolutions/doc/678>.

<sup>13</sup> "Iraq: 1989-1999, a decade of sanctions." *International Committee of the Red Cross*. <https://bit.ly/3Sz9a5Q>.

<sup>14</sup> "The UN Security Council." *Council on Foreign Relations*. <https://on.cfr.org/3unZnW2>.

<sup>15</sup> "Sanctions." *United Nations Security Council*. <https://www.un.org/securitycouncil/sanctions/information>.

<sup>16</sup> "Where We Operate." *United Nations Peace Keeping*. <https://peacekeeping.un.org/en/where-we-operate>.

<sup>17</sup> "The UN Security Council." *Council on Foreign Relations*. <https://on.cfr.org/3unZnW2>.

<sup>18</sup> "What is R2P?" *Global Centre for the Responsibility to Protect*. <https://www.globalr2p.org/what-is-r2p/>.

<sup>19</sup> "The United Nations and Darfur." *Human Rights Watch*. <https://www.hrw.org/legacy/wr2k5/darfur/3.htm>.

Diplomatic sanctions are an enforcement mechanism that the Security Council can implement. For countries, diplomatic sanctions typically involve either a reduction of its diplomatic presence in a target country or closing some of its embassies or consulates in order to express your disapproval. For example, in 2018, Russia expelled 60 US diplomats and closed the American Consulate in St. Petersburg in response to similar American diplomatic sanctions placed on Russia.<sup>20</sup> For the Security Council, diplomatic sanctions typically include travel bans on specific individuals so as to prevent them from traveling outside of their country. For example, Security Council Resolution 2048 placed a travel ban on military groups who had participated in a coup in Guinea-Bissau in 2012.<sup>21</sup> In theory, the Security Council can also recommend the expulsion of a country from the United Nations for continued violations of international law. Diplomatic sanctions typically accompany economic sanctions and are often ineffective., but they serve an important purpose in potentially signaling the international community's disapproval of a country's actions. Diplomatic sanctions can be a first step towards increasingly damaging enforcement measures, possibly, including military action.

### **Economic Sanctions**

Economic sanctions are enforcement measures that target the finances of an individual or entire nation. These can include measures which freeze access to international banks; prevent a targeted country or groups from selling goods or services to citizens in other countries; or bans the trade of specific items to the targeted country. These sanctions can vary in scope from targeting specific individuals, as some sanctions implemented by most NATO nations against Russia have targeted key supporters of Putin by freezing their bank accounts; or can be very broad, such as banning all imports and exports to and from a nation. The goal of economic sanctions is to make a country's behavior more expensive, incentivizing them to cease the behavior. For example, in October 2006, the Security Council passed Resolution 1718 imposing sanctions on the sale of luxury goods, such as fine wines and jewelry, to North Korea.<sup>22</sup>

Economic—as well as diplomatic—sanctions are usually one of the first enforcement measures taken by the Security Council. On their own, economic sanctions have a mixed record. Some critics feel that economic sanctions place a disproportionate burden on the average citizens of the targeted country and fail to compel the country's elite to change their policies.<sup>23</sup> Others contend that economic sanctions are too difficult to enforce as countries can easily circumvent them. Iran has faced economic sanctions from the Security Council over its ambitions to acquire nuclear weapons since the mid-2000s. While its economy has suffered, its economy has not collapsed and it has found unique ways to get around economic sanctions.<sup>24</sup>

### **Military Sanctions**

Military sanctions are similar to economic sanctions, but they usually target the trade of materials for military use, such as guns, component parts for missiles, or inputs for programs to develop weapons of mass destruction. The Security Council has passed over 20 arms embargoes targeting national militaries or armed non-state actors, such as terror groups.<sup>25</sup> Since 2013, the Central African Republic

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<sup>20</sup> "Russia expels US Diplomats and shuts consulate in tit-for-tat move." *CNN*. <https://cnn.it/2uxJj7G>.

<sup>21</sup> "Resolution 2048." *United Nations Security Council*. <http://unscr.com/en/resolutions/doc/2048>.

<sup>22</sup> "What to Know About the Sanctions on North Korea." *Council on Foreign Relations*. <https://on.cfr.org/2ED5m0w>.

<sup>23</sup> "Economic Sanctions: Too Much of a Bad Thing." *Brookings*. <https://brook.gs/3leZRDN>.

<sup>24</sup> "UN arms embargo on Iran." *SIPRI*. [https://www.sipri.org/databases/embargoes/un\\_arms\\_embargoes/iran](https://www.sipri.org/databases/embargoes/un_arms_embargoes/iran).

<sup>25</sup> "Arms Embargoes." *SIPRI*. <https://www.sipri.org/databases/embargoes>.

has been under an arms embargo due to high levels of violence and human rights violations.<sup>26</sup> The Security Council must annually renew this arms embargo. Military sanctions, such as arms embargos, can be effective as they can degrade the ability of the target's military to fight, potentially saving lives. But military sanctions are only effective if they are actually respected. After an arms embargo was placed on Libya by Security Council Resolution 1970 in 2011, the country continued to receive large influxes of weapons from other countries, including Qatar, the Russian Federation, Turkey, and the United Arab Emirates.<sup>27</sup> Despite Security Council actions being binding for all members, too often countries flout sanctions if they feel doing so is in their best interests.

### **The Authorization of Military Force**

Authorizing military force is another enforcement mechanism at the Security Council's disposal. Without a proper military force of its own, the Security Council authorizes individual nations and international bodies to utilize their military forces at the Council's request. These authorizations have included the use of military power to support one nation's repulsion of invasion by another, such as in the 1950 Korean War and the aggression of Iraq against Kuwait in 1990.<sup>28</sup> Other authorizations have implemented "no-fly zones," or bans on all flights in a given region. One of the most well-known examples of this was during the First Libyan Civil War. In an attempt to protect civilian lives, the Security Council authorized the no-fly zone at the Arab League's request and enforcement was carried out by the Arab League and NATO.<sup>29</sup> The more active and invasive nature of military authorizations is a double edged sword; while they can be incredibly effective in quelling international conflict and protecting civilian lives, they are more difficult to pass in the Security Council and can be rather destructive when not properly implemented. Specifically, the lack of a post-conflict roadmap can leave a nation vulnerable and unstable after the authorization of military force is completed.



### **Peacekeeping**

Peacekeeping missions, which can be authorized by the Security Council, can be used, in a sense, to enforce its decisions. The Security Council typically authorizes peacekeeping missions to countries who are in states of conflict and chaos. Peacekeepers must be impartial; missions must be invited by the parties in conflict; and peacekeepers typically only use force in self-defense or within the narrow confines of the peacekeeping mandate as decided by the Security Council.<sup>30</sup> This limited use of force is one of the main separations between the use of peacekeepers from an authorization of military force. Peacekeepers can enforce the Security Council's decisions because they typically maintain peace between two groups in conflicts, protect citizens,

<sup>26</sup> "Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic." *United Nations Security Council*. <https://www.un.org/securitycouncil/sanctions/2127>.

<sup>27</sup> "UN Arms embargo on Libya." *SIPRI*. [https://www.sipri.org/databases/embargoes/un\\_arms\\_embargoes/libya/libya\\_2011](https://www.sipri.org/databases/embargoes/un_arms_embargoes/libya/libya_2011);

"Experts: Libya rivals UAE, Russia, Turkey violate UN embargo." *Associated Press*. <https://bit.ly/3CnhsrD>.

<sup>28</sup> "About the Council; FAQ." *United Nations*. <https://www.un.org/securitycouncil/content/faq>

<sup>29</sup> "Security Council Approves 'No-Fly Zone' over Libya." *United Nations Meetings Coverage and Press Releases*. <https://press.un.org/en/2011/sc10200.doc.htm>

<sup>30</sup> "What is peacekeeping." *United Nations Peacekeeping*. <https://peacekeeping.un.org/en/what-is-peacekeeping>.

help disarm and demobilize armed groups, and facilitate difficult political processes, among other objectives.

Peacekeeping is not inherently coercive in nature, so it is debatable whether peacekeepers are an enforcement measure; but peacekeeping remains an important tool for furthering international security. Largely because peacekeepers need the consent of the country where they will be deployed, their effectiveness is limited. If a government engaged in a civil war does not want peacekeepers, they cannot be deployed. Additionally, many peacekeeping missions are written without a clear mandate—peacekeepers can remain in a country for decades with no fixed goal or exit-strategy in place. This makes peacekeeping an expensive endeavor as maintain peacekeepers for long-spans of time is not cheap as well as dangerous for peacekeepers, who put their lives on the line during deployment. Finally, peacekeeping is most successful when it operates in tandem with a strong, purposeful political reconciliation. Peacekeeping missions should help create conditions for a peaceful settlement and the construction of a new, peaceful stable government, but thoughtful negotiations between former combatants must take place. Peacekeeping can be viewed as a soft-enforcement measure of the Security Council that comes with many potential risks.

## The Veto

The veto is one of the most powerful tools within the United Nations. The veto allows a permanent member to stop substantive measures such as the stop admittance of new members, the election of a United Nations Secretary General, and the passage of Security Council resolutions.<sup>31</sup> The veto has severely limited the Security Council's ability to enforce international peace. The creation of the veto served to reassure the then- Great Powers, that their national sovereignty would not be eroded, incentivizing them to remain within the United Nations.<sup>32</sup> Now the Great Powers can veto any resolution contrary to their national interests.<sup>33</sup>

However, another veto exists. The Security Council needs nine of fifteen affirmations for a resolution to pass.<sup>34</sup> Conceivably the ten nonpermanent members could all vote no against a resolution and it would fail to pass, this could occur even if the veto-wielding members all vote yes for the resolution. This "sixth" veto has never been exercised, and the five permanent members are the only countries to ever use the veto.<sup>35</sup> The veto's use has been a detriment to the United Nation's ability to handle quickly and efficiently international crises and enforce international peace.

The veto is relevant to a conversation around the reformation of the Security Council's enforcement mechanism because the permanent members often use their veto to kill resolutions that seek to enforce an action or threaten to use the veto to weaken the enforcement mechanisms in a resolution. In essence, the veto complicates efforts by the international community to use the Security Council as an avenue for enforcing peace and ensuring international security. In April 2022 after resolutions regarding the Russian invasion of Ukraine had been vetoed, the General Assembly passed a resolution in which, "*the Assembly decided that its President shall convene a formal meeting of the 193-member organ within 10 working days of the casting of a veto by one or more permanent members of the Council and hold a debate on the situation as to which the veto was cast, provided*

<sup>31</sup> "The United Nations: A Very Short Introduction." *Jussi M. Hanhimäki*. Print, 52.

<sup>32</sup> *Ibid.*, 52.

<sup>33</sup> "The United Nations: A Very Short Introduction." *Jussi M. Hanhimäki*. Print, 52.

<sup>34</sup> "United Nations Charter, Chapter V: The Security Council." *United Nations*. <https://bit.ly/3dZa4JD>.

<sup>35</sup> "The United Nations: A Very Short Introduction." *Jussi M. Hanhimäki*. Print, 52.

that the Assembly does not meet in an emergency special session on the same situation.”<sup>36</sup> This is an effort, albeit a weak one, to make the permanent members more responsive to the wishes of the larger General Assembly by prompting permanent members to have to explain their vote to the entire United Nations.

## Case Study: Enforcement Measures against North Korea

The Council’s actions around North Korea’s nuclear program exemplifies the full breadth of the Council’s enforcement mechanisms, as well as its current shortcomings. Starting in the early 2000s, the Democratic People’s Republic of Korea, or DPRK, has made consistent efforts to obtain nuclear weapons. Arguing that the weapons are necessary to protect their national sovereignty, the DPRK carried out its first



nuclear weapons test in 2006, three years after withdrawing from the Treaty on the Non-Proliferation of Nuclear Weapons.<sup>37</sup> These actions have sparked international outrage and condemnation, especially among western nations. Since 2006, the Security Council has authorized nearly a dozen resolutions which included sanctions against North Korea for developing nuclear weapons, with these resolutions emboldening individual nations to impose additional sanctions. These sanctions have included economic, diplomatic, and military sanctions, but have failed to deter the leaders of North Korea from seeking weapons of mass destruction. Among many other actions, the Security Council has barred the trade of military equipment with the DPRK, frozen the assets of those involved with their nuclear program, and banned exporting most goods to the nation.<sup>38</sup>

Unfortunately, experts agree that these sanctions have proven rather ineffective. Nearly 20 years since the DPRK’s first nuclear weapons and the first round of sanctions were imposed, the North Korean government continues to push for nuclear weapons. Many of the issues with these sanctions come from a lack of adequate enforcement and the existence of veto power. Sanctions imposed by the United Nations typically leave enforcement up to individual nations, many of whom do not have adequate resources to perform these enforcement activities. Additionally, black market smugglers and non-state actors continue to sell to the DPRK, as it is nearly impossible to force these organizations to adhere to sanctions. These issues are exacerbated by China and the Russian Federation’s ability to veto any resolution that the Security Council considers, forcing the rest of the Council to water-down the resolutions they wish to see adopted.<sup>39</sup>

## Questions to Consider

- 1) How can Security Council enforcement measures become more effective?
- 2) To what extent can the Security Council enforce international law while respecting national sovereignty?
- 3) To what degree does the veto power of the permanent members of the Security Council hamper enforcement measures?
- 4) Can the Security Council successfully deter aggression and human rights violations through more impactful enforcement mechanisms?

<sup>36</sup> “General Assembly Adopts Landmark Resolution Aimed at Holding Five Permanent Security Council Members Accountable for Use of Veto.” *ReliefWeb*. <https://bit.ly/3dXNOzX>.

<sup>37</sup> “What to Know About Sanctions on North Korea.” *Council on Foreign Relations*. <https://on.cfr.org/3dXWDJU>.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*