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Note: This paper uses US English (with punctuation and rule of style).

The Effectiveness of the United Nations Security Council

1) <u>Introduction</u>

The world leaders, who gathered for a Millennium Summit in New York in September 2000, reminded once more that the UN is "the indispensable common house of the entire human family."[1]

Five years thereafter, in preparation for another World Summit that took place in 2005, then Secretary-General of the UN, Mr. Kofi Annan, convened a High-Level Panel[2] to render him advice on tackling the insurmountable global peace and security challenges. Mr. Annan agreed with the core argument presented by the Panel that: "what

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[1] United Nations Millennium Declaration: United Nations General Assembly Resolution A/RES/55/2 of 8 September 2000.

[2] Report of the High-Level Panel on Threats, Challenges and Change; *A more Secure World: Our shared responsibility* (United Nations Department of Public Information, New York, 2004)

is needed is a comprehensive system of collective security[3] and that:"All the United Nations principal organs are in need of change, including the Security Council."[4]

In the 2005 World Summit declaration,[5] the world leaders, inter alia, pledged their preparedness to take timely and decisive collective action, through the Security Council and in accordance with the UN Charter, including in instances when nations fail to fulfill their 'responsibility to protect' their populations from genocide, war crimes and ethnic cleansing.

Yet, well before the convening of these Summits and the Panel, questions have frequently been raised on the Council's effectiveness in its primary role of maintenance of global peace and security. Such criticism gained intensity in the 1990s with the surge in UN peace operations. Without delivering any consensus, diplomats at the UN have also spent many years pondering on the issue of effectiveness of the Council in the context of "reform" of the Council. The Panel's recommendations may have rekindled hope and ignited impetus for change. But the discussion that ensued in the preparatory meetings for the 2005 Summit only reconfirmed the depth and scope of the divide on the subject.

The divisive nature of this issue was perhaps evident when, at the 110th Plenary Meeting of the UN General Assembly on 28 June 2005, Brazil tabled for action draft

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[3] Ibid., vii

[4] Ibid., ix

[5] 2005 World Summit Outcome: United Nations General Assembly Resolution A/RES/60/1 of 16 September 2005.

resolution A/59/L.64, on behalf of the "G-4"[6]. Introducing the draft, Brazil emphasized in particular that the continued effectiveness of the Security Council was contingent on permanent presence in the Council of major financial contributors, and those most willing and able to contribute to the work of the UN. At the same meeting, a total of 20[7] other Member States expressed mixed reaction, both on the conceptual and institutional changes the sponsors of the draft resolution had envisaged. Amongst the most vocal reactions was from Pakistan, representing a group of countries known in the diplomatic circles as "Uniting for Consensus."[8] Several other Member States spoke at the next General Assembly Plenary follow-up meeting on 12 July.

Amongst other issues, the divergence of views centered around the perennial issue of enlargement of the Council, including its overall size; the composition of the permanent and non-permanent categories of membership; the right of *veto*[9]*;* and how to improve transparency and the working methods of the Council.

In particular, reacting to the "G-4" proposal for expansion of the Security Council, a key question that bears relevance to the *issue* of effectiveness of the Council was posed

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[6] This is a "Group of 4" United Nations Member States made up of Brazil, Germany, India and Japan.

[7] Algeria (on behalf of African Group), Argentina, Bhutan, China, Colombia, Fiji, Finland, France, Iceland, Japan, Jordan, Latvia, Lithuania, Mongolia, Pakistan, Poland, San Marino, Sweden, Switzerland, and Tuvalu.

[8] Uniting for Consensus or "the Coffee Club" is a main rival group to the "G-4", modeled primarily along inter-continental bilateral differences that exist amongst certain UN Member States. The Group now has at least 40 members, with Argentina, Italy and Pakistan as the key players. These three UN Member States particularly have issues with their geographical neighbors Brazil, Germany and India.

[9] The United Nations Charter does not explicitly use the word "*veto*", but it has become a famous code meaning for the "concurring votes of the permanent members" of the Security Council on voting relating to non-procedural matters provided for under Article 27 of the UN Charter.

by Argentina, to the effect that: If the Council had failed to impose peace in many cases due to the conflicting views amongst its permanent members, how could it be made more effective by adding six more members in that category of membership? Underscoring the scale of divergence of views, the "G-4" draft resolution did not result in the *bandwagon* effect necessary to pass as a unanimous General Assembly resolution.

Divergent *points of view* do also exist amongst professionals and academics of diverse backgrounds, convictions and persuasions. Critics have often shared the concerns expressed by many diplomats that the Council's present structure, its decision-making process and working methods, as well as the "permissible" means available to enforce what it decides, inhibit its ability to effectively perform. Some have specifically expressed the view that, as currently constituted, the Council is not representative enough and therefore by extension undemocratic.

In addition, the Council has often been criticized of not only lacking transparency in its working methods, but also for not being proactive and swift enough when reacting to crisis situations. In this context, repeated calls have been made to adapt the Council to the "changed global political and economic world order", through a process of what many consider long overdue reform.

However, despite these concerns, very little has changed. For example – at a time when the UN now has 192 Member States – the Council still maintains a static membership of only 15[10]. Five of these continue to wield the privilege of *veto* in

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[10] Article 23 of the United Nations Charter was last amended in 1965 following the decision by the General Assembly in 1963 to increase the membership of the Security Council from eleven to fifteen.

decision-making. Some critics have hastened to add that the *veto* is in fact applied to serve mainly the self-interests of the "Permanent Five", at the expense of the moral duty originally envisioned by the founding fathers of the UN, as enshrined in the Charter.

Many continue to argue therefore that, by maintaining most of its original characteristics, including the *veto* or rule of *Great Power* unanimity, the Security Council perpetuates the *status quo* of post-World War II and - Cold War eras. As a result, the *status quo* is largely seen as responsible for the real or perceived ineffectiveness of the Council.

In an "Online Debate" of September 2006 on the topic: "*The Effectiveness of the UN Security Council*," featured by the Council on Foreign Relations (CFR)[11], Joshua Muravchik and Lee Feinstein also weighed in on the debate about the Council. Their interaction is clearly reminiscent of the controversy on this subject. In the context of their discussion and utilizing, amongst other sources, the lessons learned from the series of audio lectures by David Zarefsky[12], I will seek to *appraise* the claims Muravchik and Feinstein make. I hope to analyze the language in which their arguments are cast and determine the *soundness* or *validity* of those claims, as well the *evidence* they provide to support their claims. Where relevant, I will determine whether, explicitly or implicitly, either one of them fell vulnerable to the pitfalls of common *fallacies* in reasoning.

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[11] Joshua Muravchik and Lee Feinstein Council on Foreign Relations Online Debate, September 25 to 29: *The Effectiveness of the UN Security Council*,
http://www.cfr.org/publication/11520/effectiveness_of_un_security_council.html

[12] David Zarefsky, *Argumentation: The Study of Effective Reasoning*, 2nd Edition, Parts I and II (Chantilly, VA: The Teaching Company , 2001)

I will also pay attention to any *rhetorical* or *slanting devices* in their arguments. In doing so, I will bear in mind the clarification by Moore and Parker that: "…there is nothing wrong with trying to make your case as persuasive as possible by using well-chosen, rhetorically effective words or phrases"[13]. I hope to also be able to demonstrate the value of *critical thinking* and the importance of adherence to the intellectual standards that underpin "fair-mindedness". Finally, I hope to demonstrate not only my writing skills, but also ability and commitment to presenting papers in accordance with acceptable academic and scholarly guidelines.

2) <u>Structure of Presentation</u>

The above introduction is indicative that, indeed, there are many "nations that complain about the unfairness". As advised by Zarefsky, for better analysis, I will add information on "*what I know*" about the issue at hand. Or, as Paul and Elder[14] put it, I also utilize both my first-hand 14 years of "*direct experience*" as a career diplomat dealing with UN matters and "*what I know to be true*" from other credible sources of information.

Below, I will first set out the legal framework under which the Security Council operates. Secondly, I will identify the broad claims and seek to validate some of the main issues addressed by Muravchik and Feinstein in the following five broad clusters: the UN's intervention doctrine; past and present nature and scope of UN peace operations;

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[13] Brooke Noel Moore & Richard Parker, *Critical Thinking,* 7th Edition, New York: McGraw-Hill, 2004, 125.

[14] Richard Paul & Linda Elder, *Critical Thinking: Tools for taking Charge of Your Learning and Your Life.* Upper Saddle River, NJ: Prentice Hall, 2002, 84

the UN as "the stamp for legitimacy and consensus"; the Council's cooperation with regional organizations; and whether v*eto* facilitates self-interest and undercuts morality.

Thirdly, in the analysis of how best the arguers have effectively reasoned their case, I briefly identify the discussants and refer to their background. This is important in determining the credentials they carry for one to believe they can authoritatively share a "credible" view on such a controversial subject.

Again, this draws mainly from Zarefsky and also takes into account a crucial cautionary point made by Paul and Elder concerning possible bias, that:

> … it is very important, when assessing professionals, to have some sense of the nature of the "discipline" underlying the profession and the manner in which that discipline is typically used as well as the way [it] is being used in a given case….Of course, when people with vested interests are involved, they cannot be trusted to represent the facts in a fair and objective manner.[15]

In the final step in analyzing how the arguers have effectively presented their cases, I will refer back to the above-mentioned cluster of issues or matters in dispute, and isolate areas where there seem to be agreement between the discussants. In the conclusion, I address the manner in which I think the discussion terminated, that is the resolution.

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[15] Ibid., 258 & 259.

a) *Argument Analysis*

The purposes and principles of the UN are clearly stipulated in its Charter.[16] Based on collective action and harmony, the purposes include maintenance of peace and security; fostering friendly relations amongst nations; promotion of international cooperation in the socio-economic, humanitarian and cultural spheres. Principles include recognition of the sovereign equality of all Member States; settlement of disputes through peaceful means; non-use or threat of use of force; respect for territorial integrity and political independence of states.

In this context, the Charter confers upon the Security Council the primary responsibility for maintenance of global peace and security. The Council's composition, functions and powers, voting and other procedures are clearly stated in the Charter[17]. The progressive phases in responding to dispute situations are also clearly stated[18], the first option being "pacific settlement of disputes" under Chapter VI, which can be followed by Chapter VII measures in cases of "failure to comply".

An interesting stipulation in the Charter, which has a bearing on the issue of "effectiveness", is the provision that:

> In order to ensure prompt and *effective* action [**emphasis added**] by the United Nations,
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> its Members confer on the Security Council primary responsibility for the maintenance of

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[16] *Charter of the United Nations*, Articles 1 & 2: UN Department of Public Information, 5-7

[17] Ibid., 19-23

[18] Ibid., 24-33

international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.[19]

The Charter also recognizes the important role of "regional arrangements" in dealing with "local disputes", either at their initiative or by specific referral from the Council[20]. While such a role is restricted mainly to Chapter VI measures, the Security Council may authorize Chapter VII measures through a regional organization. The Charter also makes provision[21] for a "Military Staff Committee", composed of Chiefs of Staff of the permanent members of the Security Council or their alternates and responsible for rendering advice, assistance and strategic direction on military requirements.

Above, I have set out the broader legal framework under which the UN in general and the Security Council in particular operate. When and how then should the UN be involved? What is the scope of intervention authorized by the Security Council? Is such intervention effective? Should the Security Council do it alone? Does UN involvement add legitimacy?

The concept and scope of UN peace operations covers preventive diplomacy, peacemaking, peacekeeping, peace-enforcement and peace-building. Peace operations authorized by the Security Council have evolved since the founding of the Organization in 1945. The Charter had envisaged mainly "inter-state," as compared to "intra-state"

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[19] Ibid., Article 24 , 20

[20] *Charter of the United Nations*, 34-36

[21]Ibid., 21 & 30-31

conflict situations. Since the early 1990s, more of the latter required deployment of non-traditional but "multidimensional" operations.

Within the above outlined legal context, the Security Council authorizes peacekeeping intervention "when there is peace to keep." First and fore-most, "consent and co-operation" of the parties to the conflict must be secured. "Minimum use of force" is permitted strictly for self-defense and protection of property, and not as part of day-to-day implementation of the mandate. Invariably, some UN missions have explicit mandate to protect civilians in eminent danger.

All civilian and uniformed personnel associated with missions authorized by the Council are therefore expected to act in accordance with the purposes and principles outlined in the Charter. For example, a UN Police Handbook[22] outlines, amongst other issues, the "duties and obligations for the police officers" who form part of UN operations. The handbook also sums up the fundamentals of peacekeeping, such as "consent", "impartiality", "the minimum use of force" and "credibility." It contains a specific statement on "neutrality," that: "A display of neutrality contributes to your own protection as well as to the protection of the police component and the overall mission."[23]

Unlike traditional UN missions, modern ones are no longer merely for "patrolling streets". They are a multi-tasked outfit, performing disarmament and demobilization and capacity-building activities in areas of security sector reform and rule of law. In fact, as

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[22] *United Nations Police Handbook:* UN Department of Peacekeeping Operations

[23] Ibid., 71

recommended by an Independent ("Brahimi") Panel[24] in 2000, at the early stages of deployment, peacekeepers are now also involved in implementation of small-scale and short-term quick-impact projects (QIPs) designed to "win the hearts and minds of the local populations".

To fulfill the multiple tasks, a recent report by the UN Secretary-General[25] provides trends in personnel deployments and associated costs. To support 16 active missions in 2010 – 2011, the report indicates that approximately 115, 000 uniformed personnel and about 26, 000 civilians will be needed. The total annual budget is estimated at US$8.4 billion. The same report shows exponential growth of both uniformed and civilian personnel from some 68,000 and 12,000, respectively, at an annual cost of US$4.2billion to support 15 missions that were active in 2004 – 2005.

Several sources also confirm that multiple entities work in partnership with UN Security Council authorized missions, including the following. In Afghanistan, a Coalition Force and ISAF worked jointly with UN Police to train Afghan police. When the Council deployed in Sierra Leone in 1999, the Economic Community of West African States (ECOWAS) had already been involved. ECOWAS did the same in similar peace efforts in Liberia and Cote d'Ivoire. In Kosovo, NATO's Kosovo Force (KFOR) took the lead in launching air-strikes to stop Slobodan Milosevic's atrocious acts in 1999.

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[24] Report of the Panel on UN Peace Operations *(*Brahimi Report): United Nations document A/55/305-S/2000/809 of 21 August 2000

[25] Report of the Secretary-General on "Overview of the financing of the United Nations peacekeeping operations: budget performance for the period from 1 July 2008 to 30 June 2009 and budget for the period from 1 July 2010 to 30 June 2011: United Nations document A/64/643 of 1 February, 2010

Thereafter, the Organization for Security and Cooperation in Europe (OSCE) worked along-side the UN to build Kosovo's institutions.

Recent initiatives[26] in Africa also confirm that the UN Security Council recognizes the important role the African Union (AU) can play in settlement of conflicts in the region. Since 2006, the UN is implementing a 10-year capacity-building programme to strengthen the AU's peace and security efforts. The UN Security Council and the AU Peace and Security Council have also agreed to hold annual joint meetings in September on peace and security issues.

Furthermore, the deployment of a joint AU-UN Hybrid Operation in Darfur (UNAMID) in 2007 was preceded by an AU Mission in the Sudan (AMIS). Before transition from AMIS to UNAMID, the former had benefited from a direct "light" and "heavy" support financial package funded by the UN through its mission in the Sudan (UNMIS). Currently, pending a final decision by the UN Security Council to deploy in Somalia, a UN Support Office for the AU Mission in Somalia (UNSOA) was in established in 2008 to provide logistical and other forms of support to the AU troops deployed in Somalia.

The above-cited examples, together with the fact that the UN maintains permanent liaison at the headquarters of both the AU and the European Union (EU) in Addis Ababa and Brussels, respectively, seem to suggest that, contrary to Muravchik's

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[26] See Report of the Secretary-General on "*Support to African Union peacekeeping operations authorized by the United Nations*" (A/64/359-S/2009/490) of 18 September 2009.

claim, the Security Council "facilitates" rather than "inhibit" cooperation with other regional organizations[27].

Of course, there is evidence too that, in discharging its "primary responsibility" under the Charter, the Council has not been perfect. But the 2004 Panel referred to earlier did point out that:

In the last 15 years, more civil wars were ended through negotiation than in the previous two centuries in larger part because the United Nations provided leadership, opportunities for negotiation, strategic coordination, and resources needed for implementation. Hundreds of thousands of lives were saved, and regional and international stability were enhanced.[28]

At the same time, the Panel admitted that the UN's success was not without major failures, especially when implementation of UN brokered peace processes failed. For example, the Panel stated that timely implementation of the 1991 Bicesse Agreement for Angola and the 1993 Arusha Agreement for Rwanda could have prevented subsequent events and saved several millions of lives. It also cited the lack of commitment by the Security Council in Afghanistan in the early 1990s, which created a political vacuum for the Taliban to assume power and offer Al-Qaida terrorists a sanctuary.

The Panel's report also emphatically asserts that, with the exception of East Timor, the "biggest failure" of the UN has been in halting ethnic cleansing and genocide. Again, Rwanda is cited as an example in which the Security Council failed, partly

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[27] See also of the 2005 World Summit Outcome, A/RES/60/1, paragraph 170.

[28] Report of the High-Level Panel on Threats, Challenges and Change, 33 & 34.

because it was not provided necessary early warning information by the UN Secretariat. Unfortunately, as the horrific scenes unfolded, the troop contributing countries withdrew peacekeepers "and the Security Council, bowing to United States pressure, failed to respond."[29] Bosnia and Herzegovina is cited too as a failure, while in Kosovo, due to "paralysis in the Security Council," NATO had "to bypass the United Nations."

But are these and other "failures" enough to take away the UN's "stamp of legitimacy and consensus"? Can it be argued convincingly that "unilateralism" is any better than "multilateralism"? These are some of the issues Muravchik and Feinstein addressed in their CFR interaction. Certainly, advocates and critics of the UN would answer differently to these questions.

Arthur A. Goldsmith[30] quotes President of the National Empowerment for Democracy, Carl Gershman, arguing "that it is appropriate and desirable for the United States to provide moral, political, technical, and financial support to the people who are striving to achieve democracy." Alan W. Dowd of the Sagamore Institute for Policy Research is also mentioned by Goldsmith as having acknowledged "America's unique role" as a global "natural" promoter of free governance.

Without a *knee-jerk rejection* of assumptions underlying such view points, Goldsmith however draws attention to "large-N" quantitative studies that paint a rather pessimistic picture about unilateral democracy engagements. He cites the International

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[29] Ibid., 34

[30] Arthur A. Goldsmith, "Democracy in the 21st Century: What Can the United States Do?", *Whitehead Journal of Diplomacy and International Relations,* Vol. VIII, No.2 (Summer/Fall 2007), 65-72

Peace Research Institute in Oslo, which investigated military interventions between 1960

and 1996 and "concluded that forced democratization is a very unsure path to political

freedom and self-determination."[31] Goldsmith corroborates the Norwegian research with

American political scientists, Jeffrey Pickering and Mark Peceny, whose "multivariate

analysis" of more than 200 cases found some evidence that:

> …interventions involving the UN may have a favorable impact on democratization,
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> possibly due to the fact that the UN often engages in peacekeeping missions at the request of
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> the warring parties themselves.[32]

Goldsmith provides evidence that "unilateral pressure" is not perfect either, and in

fact he confirms that some unilateral cases show worst record of success. For example,

based on a report by the Peterson Institute for International Economics, he reveals that

only one out of ten US imposed sanctions in the 1990s were deemed successful. He

therefore concludes that, while easier said than done, success of unilateral measures is

uncertain "especially when they lack the imprimatur of an international organization such

as the UN."[33]

The above analysis is indicative how any discussion on what the UN Security Council

does, and how best it has or can do its work, and comparisons with other alternative

choices is bound to be a controversial one. Sceptics who have lost confidence in the UN

would undoubtedly argue that, if the Council fails to act, it should be "bypassed" by those

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[31]Goldsmith, "Democracy in the 21st Century: What Can the United States Do?", 67

[32]Ibid., 67

[33] Ibid., 71

who supposedly can do a better job. But those who value multilateralism do not think that declaring the Council irrelevant and wishing for a "replacement" is the right answer either. Supporters of the latter view may easily accept the 2004 Panel's conclusion that: "The task is not to find alternatives to the Security Council as a source of authority but to make the Council work better than it has."[34]

b) *Effective Reasoning Analysis*

In the CFR interaction, Muravchik and Feinstein agree that the Military Staff Committee[35] was "a dead letter from the start," and a good example of "hopeless flaws" in the Charter. They also do agree that there is an issue concerning how to strike a proper balance between "fairness" and "efficiency" in the way the Security Council functions. They largely also agree that the Council has not performed satisfactorily in cases of ethnic violence, genocide and other mass atrocities, such as those committed in Rwanda, Bosnia and, as Feinstein puts it, the "slow-motion ethnic cleansing" in Darfur. As their agreement is supported by verifiable popular views elsewhere, these issues could therefore be put aside as areas where there is no need for further debate.

Below, I instead briefly focus my analysis of how they have effectively reasoned their cases, based on the following five broad claims:

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[34] Report of the High-Level Panel on Threats, Challenges and Change, 65

[35] In paragraphs 258, 259 and 300 of its report, The 2004 High-Level Panel reminded the Security Council that troop contributing countries have rights under Article 44 of the Charter to be fully consulted on such matters and recommended a different military advice model and the deletion of Article 47 of the Charter and references in Articles 26, 45 and 46. In paragraph 178 of the 2005 Outcome Document (General Assembly resolution 60/1 of September 2005), the world leaders agreed with the Panel and requested the Security Council to consider the composition, mandate and working methods of the Military Staff Committee.

a) The Security Council is the "hamstrung institution of the Cold War", and the end of the Cold War has "brought only modest improvements in the body's performance".

b) The UN is "The stamp for legitimacy and consensus".

c) The Security Council "inhibits and does not facilitate cooperation with regional organizations".

d) Veto is a "hopelessly flawed arrangement" that facilitates self-interest and undercuts the Councils' morality to act.

e) The UN "helps only a small selection of international problems" and "deploys only when there is commitment" not to fight.

Who are the discussants? At the time of the debate in 2006, Joshua Muravchik was a resident scholar at the American Enterprise Institute, studying UN, neo-conservatism, socialism and communism, the history of Arab-Israeli conflict, global democracy, terrorism, and the "Bush Doctrine". He is author of a 2005 book "*The Future of the United Nations*"**,** in which he dismisses the UN as a failure and advocates for "sweeping UN reforms." He seems more on the academic side of the debate.

On the other hand, Lee Feinstein exhibits more of practical experience. At the time of the debate, he was a director of studies and senior fellow at the Council on Foreign Relations (CFR). He is cited as "a top expert on the UN" and knowledgeable on US foreign policy matters. He formerly served as deputy of the Clinton State Department policy planning staff. In 2004 he was also a foreign policy advisor to Senator John

Kerry's presidential campaign. The CFR web-site shows him featuring in a series of transcript and audio interviews, as well as articles on major global policy issues.

Muravchik opens the debate with what sounds anti-UN rhetoric, evident in his 2005 book. He first admits the usefulness of some achievements of the 60-plus years old Security Council which he says need not be exaggerated. But he immediately issues a *down-player* by adding: "but not much of one." He accurately and clearly identifies the Council's key role in upholding peace, but his main contention is that "at that it has been an abject failure." He follows that with more rhetorical down play, asserting that "Only twice" in the history of the UN did the Council acted against an aggressor (in Korea and Kuwait). He supports his reasoning by saying that the Council succeeded simply because it acted outside Article 51 of the Charter. He contends that the end of the Cold War has "brought only modest improvements in the body's performance".

Muravchik may be right that the early days of the Council were "paralyzed" by excessive application of Veto. But Feinstein quickly spots an *empty space* in his reasoning. The former would later voluntarily admit as the debate continues of *slaying of a straw man*, by blaming modern weaknesses of the Security Council a UN Charter that was designed in 1945, rather than focusing on the present and offering concrete suggestions on the real "institutional flaws" of the Council! Such an argument may also fall in the category of *genetic fallacy*[36] - that is, reasoning on the basis of origin or history. He deliberately, or unknowingly, ignores current evidence that certain things have changed.

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[36] Moore and Parker, *Critical Thinking,* 184

Further, Muravchik overly exaggerates the 1992 incident in Bosnia by unfairly accusing the Security Council of violating "the first principle of Hippocratic Oath: Do not harm…" He refers to an "aggressor" and "an ill-equipped defender" and indicts the Council of "binding the lamb for slaughter." This is not only characteristic of *rhetorical comparison*, but also demonstrates the *activated ignorance*[37] on his part regarding the core principle of neutrality governing UN intervention in conflict situations. As Paul and Elder rightly caution: "Whenever activated ignorance exists, it is dangerous.… Ignorance treated as the truth is no trivial matter."[38]

Also, by saying "some good has undeniably been accomplished" through UN peacekeeping, he *over-generalizes* the few mishaps, albeit catastrophic, and unduly downplays the significant transformation UN peacekeeping has gone through. He also seems to apply *stereotype* against China, France and Russia for being egoistic and lacking morality in exercising veto, when he refers to these countries in lump sum as: "The other three", while at the same time taking trouble to mention the US and UK by name. He insinuates that the latter two are more considerate with the veto[39], but chooses not to offer any verifiable proof for his claim.

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[37] Paul and Elder, *Critical Thinking,* 82-83

[38] Ibid., 83

[39] *Wikipedia* indicates that, since inception of the Security Council, China (Republic of China/People's Republic of China) has exercised *Veto* 6 times, France 18 times, Russia/USSR 123 times (mostly first 10 years), United Kingdom 32 times and the United States 82 times. The United States has the highest number of vetoed Security Council resolutions, a majority of which were those critical of Israel.
http://www.wikipedia.org/wiki/File:United_Nations_Security_Council.jpg

In any case, Gharekhan, a distinguished UN insider diplomat from India, argues that every member of the UN would like to use the organization for their own interest if they could. He renders Muravchik's argument unsound by indicating that "… veto is becoming increasingly irrelevant, it has been exercised most infrequently in recent years."[40] In 2009, for instance, it is reported[41] that veto was exercised only once. Therefore, the fact that Muravchik depended on outdated evidence to dwell on what had increasingly become a non-issue by 2006 raises the question of *relevance.* According to Paul and Elder,[42] this is an argument based on 'a point in time' that sometimes impacts on a point of view.

On the contrary, probably due to his evident hands-on involvement and "direct experience" on foreign policy issues, Feinstein demonstrated much better familiarity with the "real" UN, as compared to the *wishful thinking* of an "ideal" UN that Muravchik envisages. Whilst agreeing with the latter on some of the Charter's historical flaws, such as the Military Staff Committee, several times he reminds his protagonist to debate the effectiveness of the Security Council in the present and not the past. Here is where he picks on the importance of time *relevance* in reasoning.

Not only does Feinstein expose the *straw man* fallacy on the part of Muravchik. He approaches the debate as a *fair-minded* critical thinker ready to be convinced. He appears

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[40] Chinmaya R. Gharekhan, *The Horseshoe Table: An Inside View of the UN Security Council,* (Pataparganj, New Delhi: Dorling Kindersley, 2006), 313.

[41] Security Council Report monthly forecast http://www.securitycouncilreport.org

[42] Paul and Elder, *Critical Thinking, 94.*

very prepared and swift in offering specific relevant references to either support his case or rebut his opponent. But when he says: "but no one, apart from a few federalists" and "The reality is also that for much of the world, the UN has carried the stamp of legitimacy and consensus" he attempts to *argue from popularity*. He hopes to convince Muravchik to accept his view by simply saying *"everyone knows"* that some of the original concepts of the Council were impractical, except "…a few federalists…" While this statement cannot be denied, by and in itself, it is not evidence for a critical audience to easily *assent*. As Zarefsky[43] teaches us, *adherence* to the claim is best facilitated by the reasons being given, and the extent to which a connection between those reasons and the claim can be clearly established.

However, when Feinstein asserts that "… the logic that peacekeepers should only be dispatched when there is a peace to keep is compelling", he demonstrates *awareness* of the legal framework under which the Security Council operates. Nonetheless, despite having up to date *data* at his disposal (actual numbers of peacekeepers deployed) and *evidence* from reliable sources (the UN peacekeeping website; report of the 2004 Panel; the RAND report), he did not put them to good use. By simply saying "…UN now deploys some 70,000 forces in sixteen countries on five continents" and referring to "…significant… number of peacekeepers…" Feinstein does not effectively deter Muravchik's *down play*. Feinstein also weakens his own case by making *vague* comparison with the US troop deployments, especially if arguing in favor of "legitimacy" which he recognizes as one the strengths of UN interventions.

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[43] David Zarefsky, *Argumentation: The Study of Effective Reasoning*, 2nd Edition, Parts I, Lecture One.

Feinstein should therefore have substantiated his examples, by specifying what this many peacekeepers do. As I described earlier, this would have exposed what appears to be *activated ignorance* that Muravchik is consistently acting upon as the truth. Feinstein is right though that, because of the heavy UN presence, "the picture is much improved from the traumatic period of the 1990s." He is also correct that earlier peace operations, were symbolic and mostly limited to "monitoring, investigation, and reporting." A good example I know is the old and static UN "observer group" (UNMOGIP) unproductively monitoring the common border between India and Pakistan.

It didn't therefore surprise me that, when Feinstein left the door wide open to Muravchik, he seized the moment and rightly reminded him that: "To say that UN peacekeeping has high budget and many personnel is not an answer." That is also why the latter keeps not only "harking back to the Cold War," but also extensively adding a barrage of *down players* ("only those"; "not something it has earned"; "not to its credit", etc.) designed to diminish the contribution the UN has made, but without any meaningful proof whatsoever. This is also evident when he says:

> Patrolling the streets of Haiti, Congo, and the like is a worthy mission. It is fine to have an international mechanism to do it. But it is dangerous to entrust big issues of peace – terrorism, nuclear proliferation, etc. – to a body that is more often paralytic or capricious than effective.

Muravchik also either *ignores* or does not have full knowledge the actual role of the UN Secretary-General which, as Gharekhan correctly points out, it is only limited to two broad functions: "chief administrative officer and to bring to the notice of the Security Council any matter which, in his opinion, is likely to threaten international peace

and security."[44]Whilst the Council depends to a large extent on recommendations by the Secretary-General, it seems a *flawed argument* that Mr. Kofi Annan, who was at the time of the atrocities in Srebrenica the head of peacekeeping, could possibly have exercised authority he does not enjoy and "proclaim" a new UN peacekeeping doctrine.

Also evident in Muravchik's reasoning is the repetitious examples in his "evidence." Not only does he continuously go back to "the story of the past," but also falls victim to *circular fallacy* when he repeats the accusation of China, France and Russia, which he had stated at the start, by saying:

> Given that three utterly selfish states exercise vetoes, the Security Council is a capricious entity. On any given issue, there is no reason to assume that the council will act with an eye to the commonweal. Better that it had less legitimacy.

Whilst true that in the early days Russia/USSR exercised less restraint with veto, there is also evidence that the fear of actual, or threat of use, of veto by both US and UK on many instances prevented the Council from acting. Even when the Council eventually did act, some of the resolutions authorizing intervention were negotiated and watered down to the level of rendering the Council "ineffective." It is therefore not a sound argument to place the blame squarely on "the other three," without also demonstrating how others faithfully utilized the same instrument. Also, classifying France in the category of China and Russia commits, to some extent, a *fallacy of composition*, as the vital national interests of the former rarely coincide with the latter two. Historically, China and Russia have had much more in common and acted together than with France.

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[44] Chinmaya R. Gharekhan, 312.

3) <u>**Conclusion**</u>

Surely, there cannot be a quick-fix to the problems of the UN Security Council. The answer is clearly not exclusively a matter of "either this or that." The solution to attainment of collective security does not just rest in "multilateralism" or "unilateralism" acting in isolation from one another. It lies in genuinely embracing the value of collective responsibility by the international community united behind a common purpose. It would have been unfair therefore to expect neither Joshua Muravchik nor Lee Feinstein to emerge from a discussion on such a complex political issue as a "crown winner". Feinstein is right that, regardless of the differences in views, a healthy and "genuine debate" such as the one he had with Muravchik should not be inhibited under any pretext.

However, through lessons I learned from *critical thinking* and *argumentation*, I am at least able to conclude that Feinstein presented sound arguments and supported his claims fairly well. He reflected much awareness of what the UN and the Security Council have done and could do better. He appeared more constructively disposed and optimistic about the value of multilateralism. With a few exceptions, he made relevant claims which one could validate through recognizable sources and fell least victim to common fallacies in reasoning. Feinstein ends the debate with real *fair-mindedness* of a constructive critical thinker. Despite differing views, the debate was *productive* and did not terminate *arbitrarily*, as evidenced by the courteous closing statement by Feinstein, that: "Josh has addressed this with clarity and force in his book, and I have offered my views recently."

On the one hand, Muravchik sounded more skeptical and dismissive. As indicated above, he weakened his case by employing too many *rhetorical* or *slanting devices*. He did not better substantiate his claims, repeated the same examples most of the time and

simple references to a few Security Council resolutions. The only major source of his views appeared to be 'his own' book which a quick review shows that he has a long-held negative view of the UN. As a result, he chose to ignore the changes that the UN has gone though in many respects and the many good things it has done since 1945. Strong supporters of multilateralism could easily conclude that he is a sworn-in critic of the UN.

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