

WHEN THE SECURITY COUNCIL FAILS TO ACT

Report of Branch meeting held on 26 January 2006
in Committee Room 3, House of Lords

Speakers

Professor Francoise Hampson, *University of Essex*

Mr Zvi Rav-Ner, Minister, *Embassy of Israel*

Mr Alexander Sternik, *Senior Counsellor,*
Embassy of the Russian Federation

Chairman

Lord Richard of Ammanford

former UK Permanent Delegate to the UN

Background: *The Responsibility to Protect*, the report of the International Commission on Intervention and State Sovereignty (2001), provided our meeting's title, from its chapter examining the leverage that the UN General Assembly might apply on the Security Council to encourage it to act decisively and appropriately. Might the UN's role in Kosovo and Rwanda have differed if the *Uniting for Peace* procedures (1950) or other procedures been implemented? Heads of State agreed at the 2005 World Summit Outcome to incorporate into the UN's scope *The Responsibility to Protect*. Separately, on 1 November, the General Assembly agreed to mark 27 January as the *Annual International Day of Commemoration to Honour Holocaust Victims*. These two initiatives have resonance in both the UN's Charter and Universal Declaration of Human Rights. Yet on 9 December, at a meeting of the Security Council, key members appeared to be rowing back from those very same principles. On the eve of this new International Day, the mantra '*Never Again*' returns to haunt us. Can we learn from the experience of others, using the horror of the Holocaust in the field of education? Can its significance be harnessed to press Member States to commit themselves to *The Responsibility to Protect*, enjoying the support of their peoples. And what should we do next?

Report: Lord Richard introduced Mr Zvi Rav-Ner, Deputy Ambassador, Embassy of Israel who remarked on this day being the anniversary of the liberation by the Soviet army of the Auschwitz concentration camp. Auschwitz had witnessed systematic killing on an unprecedented scale; he called it 'industrial killing'. However, the greater sadness remains that the lessons of the holocaust continue to be adequately taught. The danger in this is that it could be repeated unless this oversight is addressed.

Professor Francoise Hampson, University of Essex, chronicled the various failures of the League of Nations, pointing to the Japanese invasion of Manchuria. See <http://www.johndclare.net/EL5.htm> and the 1934-1939 German rearmament programme which went beyond the terms of the Treaty of Versailles. See <http://web.jjay.cuny.edu/~jobrien/reference/ob90.html>. She then pointed to the international response to the Iraqi invasion of Kuwait (summer 1990) as an occasion when the UN Security Council acted in the manner in which the UN's founding fathers had intended. Since then, she continued, the Security Council has relapsed into its former 'old ways' of inadequate response to crises. Sometimes these reflect conflicts of interest between permanent members. For instance, China voted against the renewal of the mandate of UNPREDEP, the UN force in Macedonia because that country had recognised the Republic of China (Taiwan). See <http://www.un.org/News/Press/docs/1999/19990225.sc6648.html>. The invasion of Kosovo by NATO forces was not authorised by the United Nations but by NATO members themselves.

Clearly, these inconsistencies demanded a universally recognised code that could be applied in such cases, one which would not provoke the single-minded self-interest of powerful states.

David Wardrop then summarised the course and outcome of the meeting of the UN Security Council held on 9 December when the principle of the Responsibility to Protect was introduced by the UK Presidency. See

<http://www.un.org/News/Press/docs/2005/sc8575.doc.htm> He pointed out the weak contributions made by Algeria, USA, China and the Russian Federation.

Alexander Sternik, Senior Counsellor and Head of the Foreign Policy Group, Embassy of the Russian Federation, noted the criticism of his country's contribution to that debate but he confirmed Russia's continuing support for the Summit Outcome Document, specifically paras 138-140. See <http://www.una.org.uk/2005%20World%20Summit%20Outcome.pdf>.

Although it bore the stamp of compromise, Russia was well aware that human rights violations had sometimes happened during counter-terrorist operations in Chechnya and that certain decisions there had been taken less openly than they should have been.

Lord Richard then invited the audience to comment on the issues discussed. Their comments covered the understandable reluctance of member states to commit their troops to duties not directly related to their own defence, even as part of a UN-sanctioned operation. In this respect, it was argued, the UN had not advanced much beyond the era of the League of Nations. In reply, Mr Sternik noted that the system was only as good as its members wanted it to be, reminding the audience of former UN Secretary-General Dag Hammarskjöld's words, "*The UN was not created to take humanity to heaven but to save it from hell.*" Professor Hampson remarked that the degree of 'clout' that the UN could exert depended so much on its member states. She shared her astonishment that, in the Darfur debate at the Security Council, the US did not block the referral of Sudan to the ICC. See

<http://www.un.org/News/Press/docs/2005/sc8351.doc.htm>. She then referred to the 'Cod War' which the UK and Germany had treated as a diplomatic issue yet Iceland treated as an issue of its very survival.

William Say, a member of the branch Executive Committee, thanked the speakers for their important and interesting contributions and also to Lord Richard, a former Chairman of the United Nations Association, for agreeing to chair the meeting.

Note: Françoise Hampson studied law at the University of Newcastle upon Tyne. She then taught at the University of Dundee for eight years before taking up a post at the University of Essex in 1983. She is a member of the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities and a Governor of the British Institute of Human Rights.

[Thanks to Desmond Campbell for this report]