The Failure of the UN Security Council in Creating the Framework Conditions for Mediation

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Introduction

This paper will argue that the United Nations Security Council (UNSC) has an institutional responsibility for creating the framework conditions for the effective implementation of mediation interventions. While the UN has had a number of notable 'successes', more recently there has been a precipitous decline in achievement of such outcomes. Through an engagement with the founding principles of the UN as the world's self-designated purveyor of international peace and security, this paper will argue that the persistence of a paralyzed Security Council, which was already a feature of the Cold War, has rendered it ineffectual in preventing and resolving violent conflict. Furthermore, the self-interested agendas and cynical actions of the Permanent Five (P5) members of the UNSC, has transformed elements within the Council into a net contributors to global insecurity. The paper argues that the systemic failure of the UNSC suggests the need for an urgent transformation of the international system. After close to a quarter of a century of rhetoric of restructuring, the fallacy of UN reform has become a self-evident truth. Powerful countries within the UN system, in particular the P5 members continue to dangle the perpetual promise of reform, which they have no intention of honoring. Given the reality of the paralysis of the UNSC and the indefinite postponement of UN reform, this paper will argue for the need for the radical transformation of the international system and the articulation of a new global democratic architecture, which will include a new global infrastructure for mediation. The paper will conclude with a discussion of how a UN Charter review processes can lay the foundation for the establishment of this new global democratic dispensation, which will include a new global infrastructure for mediation.

Mediation in Context

Marieke Kleiboer (1998, 6) suggests that 'there are many forms of third party intervention, so many, in fact, that it is often confusing to try to figure out which is which'. When there are two or more actors involved in a dispute, and they are willing but unable to resolve their problem by themselves, there are forms of third-party intervention can be used to provide them with assistance to address and resolve their differences (Deutsch and Coleman, 2000; Fisher, 1978). Mediation is one among several forms of third party intervention that seeks to assist disputing parties find a mutually acceptable settlement (Moore, 1996). When two or more parties are in disagreement and their relationship has deteriorated to the point of breaking down, or a deadlock in negotiations arises, it may be useful to refer the matter to a third party mediator if they genuinely want to address their differences. Mediation can best be thought of as a dynamic and ongoing process that begins with a pre-mediation process and continues up to the post-mediation implementation and monitoring phase.

According to Moore (1996) there are primarily three types of mediators:

Social Network Mediators: tend to have a relationship with the parties through a social network. They are perceived to be fair and concerned with promoting a good future relationship between parties.

Authoritative Mediators: tend to have a current relationship with the parties. They tend to have an interest in the outcome of the dispute. They may be impartial but may also possess the authority to advise, suggest or decide on a particular issue. In the case of a *managerial* mediator, he or she may have the resources to help in the monitoring and implementation of an agreement. In the case of a *power mediator or vested interest mediator* he or she may even seek a solution that meets his or her own interests, as well as those of the parties and may occasionally use strong leverage or coercion to enforce an agreement.

Independent Mediators: tend to be impartial and generally they have no prior relationship with the parties and are brought in to find an acceptable solution largely developed by the parties. The independent mediator has no authority in enforcing an agreement and may or may not be involved in implementation.

There are a number of other descriptive ways to define what mediators do in practice. The intention here is to illustrate that there is a broad array of ways of understanding mediation practice.

Creating Framework Conditions for Effective Mediation Processes

In terms of creating framework conditions for effective processes, successful mediation is more likely to occur when:

1) all parties are receptive to the mediation process and the framework conditions are conducive to a positive outcome;
2) parties are prepared to brainstorm and accept trade-offs in cases where one issue may be more important to a particular party than another;
3) parties are prepared to consider creative ways of meeting their interests without undermining the interests of the other parties involved;
4) the mediator's refrain from manipulating interventions to their advantage.

The mediator's role is to help the parties find a way to overcome the deadlocked situation, to re-establish channels of communication if they have broken down and work towards rebuilding the relationship - through promoting more constructive dialogue (Beer and Stief, 1997). The mediator also assists the parties in clarifying and discussing the key issues and their interests, with regard to each issue, and helping them to explore innovative options for addressing their interests. An important function of the mediator is to ensure that all parties to the mediation do not feel that their dignity is undermined. On this basis, the ideal mediator needs to be impartial and committed to the principles of fairness and justice for all sides. The mediator works with the parties to forge a consensus on potential solutions to a problem.

Addressing the Asymmetry of Power in International Mediation

Often one party in an international mediation process is much weaker than the other. In some cases, the mediator will need to provide support to the weaker party in order to balance the parties and to make the negotiations more equal. It is important to note that power differentials can also be a matter of perception where one side views the other as somehow

having an unfair advantage in terms of resources or influence. Part of the task of the mediator in this instance is to try and address the concerns brought about by this perception and convince the party that this fact will not undermine the process of achieving an agreement that everyone can live with. In effect, the mediator has a responsibility in creating the framework conditions which will enable an effective intervention to proceed.

Power Politics and the Challenge of International Mediation

A historical contextualization of international relations reveals that during the Cold War power politics and self-interested mediators infiltrated the mechanisms of global conflict resolution. More specifically, power politics or realpolitik as an ideology of inter-state relations co-opted the UN and in effect instrumentalized the world body. The legacy of this era to a large extent retains its currency in contemporary international relations. Stephen Chan and Vivienne Jabri (1993, xiv) argue that 'some researchers emphasise the vital role played by coercive or leveraged mediation and suggest that this form of mediation is the most suited to the Hobbesian international system' (Chan and Jabri, 1993, xiv). They further note that 'advocates of this approach adopt a realist interpretation of the international system and suggest that outcomes to mediated conflicts are solely amenable to interpretation using a power-political framework' (Chan and Jabri, 1993, xiv). The realist approach contends that the intervening third-party needs 'power in order to bring the disputants to the point where they will accept mediation' (Smith, 1994, 148).

William Zartman (1989) argues that mediators can manoeuvre the disputants into perceiving that a moment is 'ripe' for engaging in an attempt at resolution. However, he points to the necessity of having, the second characteristic mentioned above, 'leverage' or power as a mediator in order to bring about this state of affairs. Zartman (1989) partly derived his theoretical prescription from an archetypal realist statesman Henry Kissinger, who proclaimed that 'never treat crisis when they're cold, only when they're hot' (Zartman, 1989, 220). Thus, a key assumption about conflict management within a power political framework is that power can be applied to re-orient the behaviour of the disputants. In a study of Kissinger's contribution to the Arab-Israel peace process, Brian Mandell and Brian Tomlin (1991, 46) concluded that, a third-party could employ 'substantial incentives, or punishments, to encourage behavioural change in the antagonists sufficient in degree and nature to support the transition to cooperative norms'. For this approach certain preconditions have to be met before a dispute can be viewed as feasible for resolution. Either, the parties are coerced into accepting a settlement process or the parties reach a point at which they consider themselves to be locked into, what Saadia Touval and Zartman (1985) have described as a 'mutually hurting stalemate'. The problematic nature of such a 'stalemate' in terms of who is supposed to recognise it and whether it self-evidently presents itself or if it can be 'created' continues to be debated amongst analysts and practitioners of peacemaking (Kleiboer, 1994, 109). What emerges from this discussion is a sense in which political realism in theory and practice conceptualises conflict resolution as a realm in which power politics is fundamental if not all encompassing where mediation processes are concerened. In effect realism contends that 'third parties themselves are often motivated to intervene because their own interests are threatened by the continuation of the dispute' (Smith, 1994, 149).

A central tenet of realism is that the primary actors in the international system, nation-states, are first and foremost self-interested rational actors. Power political third-parties 'are often allies of one of or both disputants, and the dispute may threaten to such third parties in, or

may threaten the entire system of alliances' (Inbar, 1991, 72). The Cold War emphasised the maintenance of a balance of power regime as witnessed in Middle East conflict in 1973 and the efforts to contain it emerged out of concern that it could spill-over and ignite a global confrontation (Touval, 1992). Realists consider that a conflict between two weaker entities can potentially 'threaten' the interests of the powerful third-party. The process of conflict resolution is 'important' to the mediator primarily because it has an interest in securing a particular outcome. Therefore, little or not attention is paid to the moral interests of the disputants or the creation of the appropriate framework conditions to generate an outcome that will be owned and internalized by the parties. This philosophical approach to third party intervention exposes its fundamental limitation in that mediator's is an interested party in a negotiation process. In this context, mediators can, and do, undermine the chances of resolving the conflict to the satisfaction of the parties by failing to create the necessary framework conditions for a successful outcome.

The Role of the United Nations in Mediation

Following the subjugation of the fascist and totalitarian powers at the end of the Second World War the wartime allies decided to construct a new framework for the post-war world order. The United Nations organisation was the progeny of this endeavour and its primary purpose was to ensure that there was an institutional mechanism that would encourage its members to 'settle their international disputes by peaceful means in such a manner that the international peace and security, and justice are not endangered' (United Nations, 1945). Through the mechanisms of the Security Council and the General Assembly the UN was provided with the ability to oversee the peaceful settlement of disputes. Specifically, Article 33 of Chapter VI of the UN Charter (1945) states that 'the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement'. In order to operationalize these interventions the broad range of institutions within the UN system could be utilised. On this basis, it is important not lose sight of the fact that the UN is the composite formation of its Secretariat, the member states and its numerous agencies. However, the UN Security Council is the most powerful of these institutions and it has a primary responsibility to create and establish the framework conditions for other branches and institutions of the UN system to contribute towards the peaceful resolution of disputes.

What seemed initially to be a resourceful array of mechanisms and processes to resolve conflict were soon to be confronted by the structural limitations and the egotistical imperatives of the superpowers that dominated the Cold War era. The superpowers (the USA and USSR) and their client states within the UN framework, formed de-facto alliances along ideological lines and institutionalised an oligarchy of power. This appropriation of global power manifested itself through the dominance of the Security Council in all major decisions, and meant that the UN's ability to resolve conflicts and build peace became structurally paralysed. Rarely, if at all did the interests of the USA or the USSR converge. The greatest threat to international peace and security therefore arose from the conflict between the UN Security Council's most powerful members. The Cold War period witnessed over 150 armed conflicts which claimed approximately 25 to 30 million lives. In this climate of East-West competition the mechanisms and strategies to manage and resolve conflicts relied on coercive political negotiations in the context of the prevailing superpower rivalry. In effect, the involvement of other collective security organisations and third parties was restrained and

possible only in conflicts in which the great powers did not have a direct stake or in which they had shared interests. So even though the UN established what could have served as institutions capable of creating the framework conditions for peacemaking, it was severely undermined by the exigencies of machiavellian superpower politics during the Cold War.

Efforts to Revive the UN's Role in Peacemaking

Given the corruption of the UN's conflict management and resolution institutions and processes during the Cold War. There was an attempt to revitalise the norms that initially animated the UN. The former UN Secretary-General, Boutros Boutros-Ghali, published in 1992, *An Agenda for Peace*, which argued for proactive peacemaking and humanitarian intervention. It outlined suggestions for enabling the UN to respond quickly and effectively to threats to international peace and security in the post-Cold War era. In particular, four major areas of activity were identified, namely: *preventive diplomacy*; *peacemaking*; *peacekeeping*; and *post-conflict peace-building*.

Preventive diplomacy is 'action to prevent disputes form arising between parties, to prevent existing disputes from escalating into conflict and to limit the spread of the latter when they occur' (United Nations, 1992). Peacemaking is 'action to bring hostile parties to agreement, essentially through such peaceful means as those forseen in Chapter VI of the Charter of the United Nations' (United Nations, 1992). Peacemaking therefore includes using mediation to persuade parties in a conflict to cease hostilities and to negotiate a peaceful settlement to their dispute. Generally, preventive diplomacy, which also includes the use of mediation, seeks to resolve disputes before they become violent. Peacemaking is employed to stop on-going conflicts and to find solutions that can preserve peace.

The UN Department for Political Affairs: A Mandate to Mediate

The UN Department for Political Affairs (DPA) is responsible, within the UN Secretariat, for conducting peacemaking and preventive diplomacy. Therefore it needs to have an in-house repository of mediation expertise. As the Cold War came to a close, new opportunities emerged for negotiating peace agreements. A number of conflicts were brought to an end, either through direct UN mediation, or by the efforts of other third parties acting with the support of the UN. This includes disputes in Côte d'Ivoire, El Salvador, Guatemala, Namibia, Cambodia, Kosovo, Mozambique, Nepal, Tajikistan, Sri Lanka, Bougainville, Afghanistan, Sierra Leone, Burundi, and the North-South conflict in the Sudan. In addition, an undetermined number of potential disputes have been diffused through preventive diplomacy and other forms of conflict prevention.

The end of the Cold War brought about a shift in the geo-strategic imperatives of the superpowers and many governments were faced with challenges from within their states. Today, the legacy of this era still persists and many countries are having to deal with sub-national armed resistance movements. The most difficult situations include internal disputes in: the Darfur region of Sudan, Colombia, the Democratic Republic of the Congo (DRC), Israel and Palestine, Somalia, and Western Sahara to name a few. In addition, there are also inter-state conflicts still between India and Pakistan on the Kashmir issue. As a result, the demands placed on the UN have increased. The *High-Level Panel on Threats, Challenges and Change* (2004) noted that the demand for the UN's 'good offices' and mediation in particular had 'skyrocketed'.

The UN Secretary-General's Good Offices

The UN Secretary-General has a significant amount of leeway to convene mediation interventions. The Special Representatives of the UN Secretary-General have become a common feature of the UN system. To complement these actors, the UN system can on occasion establish a Contact Group or Friends Group to support the mediation. The mediator can approach certain actors and invite them to play a formal supportive role in the mediation process. Third parties that have some form of influence on one or both of the parties in dispute can be invited to assist. Special Representatives of the UN Secretary-General sometimes use Friends Groups or Contact Groups to provide technical, financial and social support to the mediation process. It is always important, however, toe ensure that the Friends Group work closely with the mediator and do not try to carry out their own separate initiatives.

Regional Organisations

Regional organisations such as the European Union (EU), African Union (AU), the Organisation of American States (OAS), the Association of South East Asian Nations (ASEAN), the Organisation for Security and Cooperation in Europe (OSCE) also have an important role to play in driving mediation interventions. Specifically, Article 52 of Chapter VIII of the UN Charter states that 'the Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council' (United Nations, 1945). However, when the conditions on the ground are not conducive to the operationalization of peacemaking, for example in situations where armed militia are still projecting violence, then regional organisations generally have to defer to the UN Security Council which has the power to authorize the robust engagement with armed groups if necessary.

The Responsibility of the UNSC for Creating Framework Conditions for Mediation

The existence of these broad range of potential mediation actors does not absolve the UN system from its primary responsibility which is stipulated in its founding Charter. The central task of peacemaking processes, which should be a core objective of the UNSC, is to draw the attention of the disputants to the importance of reconceptualising their positions in relation to each other. One can argue that this then requires a third party to create the necessary framework conditions to achieve this outcome. The Charter of the UN has appropriated and designated the world body with the responsibility to promote international peace and security. As the central institution empowered to promote peace, the UNSC therefore has a responsibility to create the framework conditions for effective mediation processes to proceed.

As noted above, the UN system, and its partner institutions, have achieved a few notable 'success' stories in the aftermath of authoritarian rule and violent conflict, in for example, Cambodia, Namibia, and Timor Leste. In 2008, the UN supported the mediation efforts that were convened under the auspices of the African Union to facilitate dialogue in Kenya following the post-electoral violence that besieged the country. However, there is increasingly a precipitous decline in the ability to achieve such outcomes in the second

decade of the twenty-first century. Lakhdar Brahimi and Salman Ahmed (2008, 11) have observed that 'the current geopolitical landscape is far more fragmented than in the immediate post-Cold War "honeymoon" period … as a result, recent operations have deployed not only without the benefit of a comprehensive peace agreement in place, but also without the necessary leverage in hand to overcome political deadlock during the implementation phase'. In effect, the framework conditions which are necessary to facilitate peace processes are not being sufficiently created to enable successful mediation outcomes. The responsibility to create these framework conditions resides in the most powerful institution within the UN system, the Security Council, working in partnership with other bodies and actors.

A Return to Ad Hocery: Stagnant Crisis and the Impervious Nature of Conflict

The period prior to the emergence of the League of Nations was defined by an ad hoc approach to resolving international crisis (Walters, 1952). A century later, this phenomenon of ad hocery is increasingly returning to define the international relations landscape. For example, the joint Norwegian and Cuban third party intervention in Colombia, to mediate between the Government and the FARC armed militia is an indication of the increasing phenomenon of 'forum shopping'. It is still too early to assess whether the Norwegian-Cuban intervention will bear fruit in Colombia, but it is an indictment of the failure of the UN system and the regional organisation, the OAS, to achieve a successful outcome. There are also stalled crisis in Cyprus which have proven resistant to UN intervention.

The 2011 Syrian crisis, which has morphed into an internecine war-of-all-against-all, has proven particularly resistant to the interventions of the UN system. Meetings of the UN Security Council on Syria consistently degenerate into ineffectual gatherings due to the juvenile brinksmanship of the P5 members of the body. The P5 are divided on how to address the Syrian crisis with the P3 (US, UK and France) broadly insisting on Bashar Al Assad's withdrawal from leadership of the fragmented state, while the P2 (Russia and China) remain defiant in guaranteeing him support. Consequently, the real victims of this UNSC paralysis are the innocent children, women and men of Syria. To add fuel to the fire, the insidious ISIS militia are already operational in Syria and the prospects for finding a sustainable solution receded with everyday that the UNSC vacillates and postures.

The return of ad hocery in international mediation is a cause for concern. It suggests that far from upholding its original purpose of maintaining 'international peace and security' as well as taking 'effective collective measures for the prevention and removal of threats to the peace' (United Nations, 1945, Article 1), the UN is failing to create the conditions and convene the necessary platforms to resolve global crises.

The Precipitous Increase in Wars of Aggression

A more worrying phenomenon is that the UN's erstwhile commitment to engage in efforts to promote the framework conditions for peace have been replaced by a precipitous withdrawal and ambivalence towards volatile conflict situations from the ISIS insurrection in Iraq and Syria, to the Ukrainian-Russian crisis as well as Saudi Arabia's cavalier invasion of Yemen.

Robert Gates (2014, 168), the former US Secretary of Defence and former Director of the US Central Intelligence Agency (CIA), observed that when Russian invaded Georgia in 2008,

'the Russians were also sending a warning to other governments in Central Asia (and Ukraine) about the risks of trying to integrate with NATO'. Gates a cabinet official who served both President Bush and President Obama, was aware that Russia, a P5 member of the UNSC, was consistent in reasserting its willingness to act when faced with an encroachment in its 'traditional sphere of influence, including the Caucasus' (Gates, 2014, 168). In effect, following Russia's invasion of Georgia in 2008, the US, and fellow P5 members, were aware that Ukraine's overtures to NATO would be met with Russian aggression, which is in fact what subsequently materialized in 2014. The German and French mediation between Russia and Ukraine with regards to the incipient and escalating crisis, is resistant to UN intervention because of Russia's prominent position as a member of the P5, which empowers it with a veto to restrict UNSC action.

The Israel and Palestinian crisis has been immune to UN engagement due to the consistent bias that successive US governments have demonstrated towards Israeli interests. US administrations have regularly utilised their veto power within the UNSC to prevent any substantive sanctioning of Israeli actions against Palestine, most notably the 2008 Israeli attack on Gaza.

The Failure of the UN Security Council: A Retrospective

The most compelling failure of the UN Security Council to prevent and manage a crisis was the Rwandan genocide of April 1994. The UNSC was in a position to intervene through a range of instruments to prevent the Rwandan crisis escalating to a genocide given the fact that the governments of the P5 were informed, on 12 January 1994, by General Romeo Dallaire, the Force Commander of the UN Assistance Mission in Rwanda (UNAMIR), of the plans that were underway registering Tutsi for their extermination across Rwanda. Kofi Annan (2012, 56), the former UN Secretary-General, argued in his memoirs *Interventions: A Life in War and Peace* that 'there was the later claim that members of the Security Council were unaware of the warning conveyed by Dallaire's informant. Given that permanent Council members, particularly the United States and France, had far more advance and established intelligence-gathering capabilities in Rwanda than UNAMIR, this could not have been true'. In effect, Annan is accusing the US and France, members of the P5, of having lied about knowing that the Rwandan genocide was imminent prior to the event. In effect, the body tasked with preventing crisis was actively eschewing its responsibilities out of short-term self-interest of its powerful members. Rwanda was thrown under the proverbial bus, in terms of the refusal of the P5 to intervene, whether through mediation or otherwise to prevent the tragedy that has left a debilitating scar on the conscience of Rwanda, Africa and the world. Shortly after the Rwandan tragedy, Bosnian muslim's were massacred in the genocide of Screbenica, which implicated Dutch peacekeeper's who were supposed to be manning the so-called 'UN safe havens' where the embattled Bosnians were holed up.

The evolving theme relating to the callous disregard for the responsibilities of the UN system in general, and the Security Council in particular, can also be traced to the US-led invasion of Iraq in 2003. The US and its client state, the United Kingdom, were not willing to allow diplomacy and mediation to resolve the Iraq crisis. The sentiments in Washington and London were that no amount of talking would reassure them of the intentions of the late Saddam Hussein, the erstwhile dictator of Iraq. On this basis, there was clearly no intention from the US and UK perspective, as two members of the UNSC, to create the framework conditions to pursue and achieve a mediated settlement in the case of Iraq. The precedent that

was set for dealing with those designated as 'dictators' by the self-appointed Washington-London oligarchy of power would have serious implications for how conflicts are prevented, managed and resolved in the future. Reflecting on that period Annan (2012, 364) noted in his memoirs *Interventions: A Life in War and Peace*, that 'the Iraq War was neither in accordance with the Charter nor legitimate'. The illegality of the US-led invasion of Iraq would expose the UN Security Council's claim to purport uphold the maintenance of international peace and security. In the face of the naked aggression of one of its own P5, the UNSC was impotent and rendered an irrelevancy. Annan (2012, 366) concludes that 'by behaving the way it did, the United States invited the perception among many in the world – including many long-time allies – that it was becoming a greater threat to global security'. When the United States, the most powerful country in the world in terms of political and military capability, willingly and with malice of forethought disregards the principles and laws of the international system which it helped to create then it is time to redesign the global order. Such behaviour exposes the design flaw in the current UN Security Council which has empowered and emboldened a P5 to act with impunity. Cynically, each P5 member utilizes the UNSC to advance its own self-interests. Linda Polman (2003, 1) endorses this view when she laments that 'the world's most powerful countries manipulate the United Nations to fulfill their own national interests'. In effect, the UNSC is in some instances functioning as an interested spoiler in peacemaking efforts. The UNSC is clearly no longer serving the interests of humanity in terms of a genuine commitment to prevent conflicts prior to their overt and damaging escalation.

As a consequence, the UNSC cannot inspire any confidence that it can, or will, create the necessary framework conditions for international mediation to flourish. Indeed, the opposite is more likely, that the self-interest and predatory behaviour of its P5 has rendered the UN Security Council a clear and present danger to international peace and security. It should more aptly be re-branded as the UN 'insecurity council'.

The Fallacy of UN Reform

A number of member states have openly voiced their concerns about the continuing relevance of an institutional architecture that was established in 1945 to in effect constrain the excesses of global powers. As of 1992 and the end of the Cold War, these criticisms have precipitated the numerous UN reform initiatives that have plagued the organization for almost a quarter of a century.

On 14 July 2010, Inga-Britt Ahlenius, the outgoing United Nations (UN) Under-Secretary-General for Office of Internal Oversight Services (OIOS) issued a scathing End-of-Assignment-Report in which she stated that the UN was "in a process of decline and reduced relevance". Ahlenius was even more damning when she concluded that the UN seems "to be seen less and less as a relevant partner in the resolution of world problems … this is as sad as it is serious" (Ahlenius, 2010, 3).

The UN system still grants governments a monopoly on the representation of their societies, and so it should this is precisely what its Charter was designed to do when it was adopted over 70 years ago, despite the document's preamble which waxes lyrical about 'we the peoples'. In this regard, so long as efforts to bring about change continue to be pursued within the pre-established discourse of UN reform then governments will remain the gatekeepers of any proposed institutional models. Similarly, when it comes to the specific

issue of UN Security Council reform the P5 members of the body will continue to assert and exert a gatekeeper role through their vetoes, in terms of the degree and extent of change that will be permitted. In this regard, the notion of UN reform is a self-evident fallacy, which will be detrimental and inimical to the future well-being and security of middle-level and smaller countries. As discussed above this was manifest in the dramatic tragedies experience in genocides in Rwanda in 1994 and in Screbenica in 1995 as well as the Iraq invasion of 2003.

States do not have a legitimate claim to be the sole representatives of their societies apart from the legitimacy which they have imbibed themselves with. Similarly, the Permanent Five members of the UN Security Council do not have any legitimate claim to retaining their status apart from a twist of historical fate which saw themselves effectively 'muscle' their way into membership of this grouping by virtue of their historically perceived military might. The suggestion that tinkering with the number of members of the UN Security Council and extending the veto provision to emerging regional economic power-houses, such as Germany, Japan, India and Brasil (G4), will increase the legitimacy of the body and allegedly "democratize" the institution through regional representativity is another illusion. A key region such as Africa completely external to this discourse of UN "democratization". Critiques of the Uniting for Consensus group (which question the basis upon which the G4 have been selected) are therefore valid and illustrate the self-evident fallacy of UN reform on this premise.

The discourse of UN reform also ignores the issue of whether the wider UN system needs to be transformed. The issue increasing the funding of the UN to adequately address the range of challenges facing societies around the world has also not been sufficiently addressed in the so-called reform processes.This masks the interest of the powerful members of the UN Security Council to maintain the *status-quo*.

Ahlenius (2010, 2) commenting on UN reform, observed that "disintegrated and ill-thought through "reforms" are launched without adequate analysis and with a lack of understanding". She added that this "translates into a weakening of the overall position of the United Nations, and a reduced relevance of the organization". Amongst some of the negative consequences of this drift by the organization is its reduced "capacity to protect the civilians in conflict and distress" (Ahlenius, 2010, 2).

The net result of the proposed convoluted system of compromises as far as UN reform is concerned has not, and probably will not, address the deep and structural crisis of international legitimacy that the decision-making structures of the universal body. Ahlenius (2010: 1) also concluded that as far as UN reform is concerned "there is no transparency, there is a lack of accountability" and she was emphatic that she did "not see any signs of reform in the organization". What this suggests is that notions of participatory democracy need to be relocated at a global level (Archibugi, 2000).

In an editorial, the *Washington Post* (18 January 1995) observed that 'the United States is deeply ambivalent over whether it wants a strong and effective United Nations. Americans would prefer unilateral solutions, but know that they cannot afford them'. Consequently, the world should not be holding its breath, awaiting a non-existent UN reform process to somehow materialize.

Proposals and Efforts to Reform the UN Security Council

In the early decades of the UN, there was an asymmetrical partnership between the body and parts of the world that were still under the colonial yoke notably Asia and Africa. Newly independent Asian and African states were just beginning to establish their political, social, and economic footing. As a collective, Asian and African countries were not in a position to influence policy at the UN. In most instances, post-colonial Asian and African states were beholden, and still are, at least economically, to their former colonial powers. These colonial powers maintained an attitude of paternalism toward their postcolonies, which was a logical progression from the era of colonialism. It is therefore not surprising that the UN system, particularly in its attitudes, would adopt a similar stance, given the fact that it was, and still is, politically, economically, and financially dominated by former colonial powers and Cold War superpowers. Given the asymmetrical relationship that the UN had with Asia and Africa, particularly in the early years, a culture of paternalism developed between the organization and the continent. Since then, Asia and Africa has been trying to challenge and dispense with paternalistic attitudes from, and within, the UN system.

African Union Proposals to Reform the UN Security Council

According to James Jonah, the former UN under-secretary-general for political affairs "over 60 percent of the Security Council's agenda relates to African problems, and about 80 percent of the 85,000 UN peacekeepers deployed around the globe ... were in Africa, at an annual cost of close to U.S. $5 billion."[9] It is on this basis that the African Union has proposed a number of reforms to the UN Security Council. In February 2005, the AU convened a Committee of 15 foreign ministers, in Mbabane, Swaziland, to craft a common African response to the UN High-Level Panel report of 2004. In March 2005, the AU issued a declaration known as *The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus* (African Union, 2005), which was a statement in response to the Report of the High-Level Panel on Threats, Challenges and Change and was issued in December 2004. In this Common African Position, the AU highlighted issues pertaining to HIV/AIDS, security, poverty, debt, environmental degradation, trade negotiations, the responsibility to protect, peacekeeping, and peacebuilding. In addition, the AU issued a position on UN reform and in particular on the reform of the Security Council by noting that "in 1945, when the UN was formed, most of Africa was not represented and that in 1963, when the first reform took place, Africa was represented but was not in a particularly strong position." The AU goes on to state that "Africa is now in a position to influence the proposed UN reforms by maintaining her unity of purpose," furthermore it notes that "Africa's goal is to be fully represented in all the decision-making organs of the UN, particularly in the Security Council." The Common Position enumerates what "full representation" of Africa in the Security Council means by demanding "not less than two permanent seats with all the prerogatives and privileges of permanent membership including the right to veto" and "five non-permanent seats." This decision subsequently locked the AU into trying to maintain this position in the face of tremendous pressure from other members of the international community, notably by the Group of Four (G4) Brazil, Germany, Japan, and India and the Uniting for Consensus coalition. This was in effect a bold move for the AU to have taken, which was informed more by principle than by *realpolitik,* as indicated in the Ezulwini Consensus document, which states that "even though Africa is opposed in principle to the veto, it is of the view that so long as it exists, and as a matter of common justice, it should be made available to all permanent members of the Security Council." At least on paper, the AU was endeavoring to establish and maintain a common position. However, due to internal dissension some African countries, particularly Egypt and South Africa, effectively broke

rank with the Ezulwini Consensus and sought ways to individually ascend to become permanent members of the Security Council. This in effect undermined efforts to demonstrate African "unity of purpose." This is further reinforced by the fact that time and again, African countries have shown that they are unlikely to vote as a collective on matters before, or pertaining to, the Security Council. Governments generally tend to adopt positions that best serve their interests or positions that enable them to receive certain benefits from more powerful countries that pick and choose which African countries they want to work with. Therefore, as discussed earlier in the paper the logic of "national self-interest" and political realism still prevails among African countries, and other member states, at the UN.

Following the meeting, the AU issued a report that advanced the "Ezulwini Consensus," which called for "an expansion of the Security Council from fifteen to twenty-six members, with two permanent seats holding veto power from Africa, as well as two additional rotating seats to add to Africa's existing three rotating seats." However, subsequently disputes "emerged in Africa as to which countries would fill the permanent African seats. Egypt, Nigeria, and South Africa all declared their candidacies. Kenya, Libya, and Senegal also expressed interest." Ultimately, this disunited approach weakened Africa's hand in advocating for Security Council reform. Therefore, it is evident that the problems and competing state interests within the Africa Group pose a fundamental challenge as far as efforts to forge a common identity are concerned. As the competition relating to Security Council reform demonstrates the Africa Group is yet to function with a continental identity, when the national interests triumph over maintaining a principled and unified stance at the UN, If the UNSC is no longer fit for purpose it is necessary to dismantle it with a view to transforming the international system.

Towards an Alternative Mediation Framework: Insights from Global Finance

Kofi Annan (2013, 366) argues that if the UN 'does not stand up for the principles of its Charter, it not only places itself outside the law but also loses its legitimacy around the world'. Indeed, the UN's has lost credibility and its legitimacy is routine being questioned. This has created a dangerous vacuum in terms of the prevention of violent conflict and it has delegitimized the existing infrastructure for mediation and preventive diplomacy which it had assiduously built over seven decades. The only appropriate course of action for the UN Security Council is a dignified burial in a metaphorical graveyard of noble but out-of-date institutions.

The world is transforming and a new balance of economic power is emerging. China is now the second largest economy in the world with the largest foreign currency reserves. In a bold move to remake the global financial order, the establishment of the China-led Asian Infrastructure Investment Bank (AIIB) will now rival the International Monetary Fund (IMF), which the US Congress has stubbornly refused to allow to be reformed. China has seen this prevarication of the US government as a statement of intent to continue to shut it out of the global economic order, despite the fact that China has the largest foreign currency reserves on the planet. Interestingly, the UK, a staunch US ally, has agreed to sign up as a founding member of the AIIB, suggesting that it is adopting a future-oriented strategy which recognizes that current structures such as the IMF and World Bank will continue to decline in prominence.

In terms of geopolitics the US government, it counterparts and rivals in the P5 have no intention of remaking the UNSC to reflect the global shift in terms of the emergence if new powers - notably the BRICS countries (Brazil, Russia, India, China and South Africa). Successive US administrations, and other P5 members, have paid lip-service to the arguments put forward by countries such as India, which is the largest democracy in the world with over one billion citizens. Asia, Latin America and Africa are also demanding that their influence on the global stage be respected.

If the geopolitical order has corroded the only option is to dismantle it and reconstruct it anew. The platitudes about UNSC reform, which have been dangled like juicy slices of raw beef at the salivating canine middle power countries, have been exposed for what they are: empty promises. Like an excited teenager all doled up to go out on a date, the middle power countries have realized that the P5 will not turn up to the party, or take part in the much anticipated jovial celebration that was to be the 'reform' of the UN Security Council. Still reeling from the rejection, middle power countries have not been able to gather their collective wits and strategize for an alternative way forward. Consequently, an imaginative turn is required in order to transform and create a new reality in the geopolitical landscape.

Towards a New Global Democratic Architecture

Annan (2012, 369) suggests that 'we as a global community should learn the hard-won lessons of the past, and seek to prevent injustices and inequities from taking root before they lead to crisis and conflict'. As discussed above, the UN system and its Security Council have abdicated from undertaking this fundamental task which is key to human survival. Consequently, in terms of advancing the interests of humanity in effective international mediation, the UNSC has become a mangled relic of a by-gone era. The Charter of San Francisco has in fact run its course, even ardent supporters of the UN recognize that the institution can no longer serve a 21st century global body politic.

We are in an era that is reminiscent of the twilight years prior to the demise of the League of Nations, when the body was over-run by the excesses of the emergent totalitarian regimes in Germany and Japan (Walters, 1952). The excesses of the Permanent Five members of the UN Security Council have pushed the world over the precipice and the world is in an extended descent into the abyss of cyclical and never-ending violence. While there are those who might relish and benefit from this state of affairs, the prognosis suggests that humanity will not survive if the endemic crises it faces around the world cannot be addressed by a paralytic and decrepit UN system.

The primary challenge of deepening global democracy is how to combine structures of international authority with mechanisms of citizen representation and participation. This paper has sought to establish the principle that radical transformation is required to achieve global democracy. UN reform will not significantly alter the power imbalances neither will it empower the citizens of the world to assert their right to hold global institutions accountable for their actions. Furthermore, radical transformation is also necessary to empower world citizens, through their own agency, to be in a position to actively define what a future organisation that will address their interests as in terms of reducinig the socio-economic inqualities that plaugue the majority of humanity. The UN has become the anachronistic caterpillar which has ossified and is now ready to shed its depleted edifice through a process of metamorphosis which will allow a new global body politic to emerge.

World Federation of Nations

Based on ideas that have been promoted by the World Federalist Movement for close to half a century, perhaps the time has come to think about creating a new structure for global governance. This would require reactivating humanity's political imagination. It is evident that a new Global Democratic Architecture (GDA) is required. The GDA would be premised on a fundamental shift away from privileging the nation-state in global affairs. *World Federation of Nations would feasibly include the following organs World Parliament, Council of Supra-nations, Assembly of Nation-states, Committee of Sub-national Groups, Global Forum of NGO's, Global Committee of Unions and Transnational Corporations.* Any progress towards practical implementation will of course require much more deliberation about the purpose and functions of the various organs. The objective of setting out these organs here in this fashion is to provide food for thought and stimulate deeper reflection.

WFN Council of Supra-nations

The grouping of existing and emerging supra-national entities like the European Union and the African Union. This Council would have a deliberative and decision-making capacity as well as the ability to sanction other actors for failing to uphold the implementation of international law developed by the Assembly of Nation-States, the Committee of Sub-national Groups, and the WFN Parliament.

A New Global Infrastructure for Mediation

The WFN Council of Supra-nations would include a new Global Infrastructure for Mediation, which would build upon the embryonic structures of the currently existing good offices of the UN Secretary-General, notably the Special Representatives and regional offices. A key difference would be in the scaling up of the mediation infrastructure through its direct linkage to regional organisations and sub-regional organisations. This would ensure the increased prominence of the mediation-oriented institutions around the world. A global fund generated through international taxation would be established to ensure that there is a substantial budget to conduct world-wide third party interventions to prevent the emergence and escalation of crisis.

WFN Assembly of Nation-states

The grouping of nation-states would have the ability to continue to develop international law on a broad range of issues.

WFN Committee of Sub-national Groups

The grouping of sub-national groups would be representative and involved in having democratic oversight on international legislation being developed by the Assembly of Nation-States. This Committee of Sub-national Groups would also be empowered to petition either the WFN Parliament; the WFN Assembly of Nation-States or the WFN Council of Supra-nations. The criteria for being considered a sub-national group would have to be determined through a global consultation process. The modalities for representation would need to be determined through global consultation.

WFN World Parliament

As a practical objective the idea of a world parliament or some other democratically constituted global assembly is slowly gaining currency (Monbiot, 2003). A WFN World

Parliament would be able to formulate international law on a par with the Assembly of Nation-States. In addition, it would have an oversight function of the implementation or non-implementation of international law and the ability to sanction the non-compliant actors. The role of the World Parliament would be to make global decision-making and the implementation of laws a more inclusive process. Members of the World Parliament would be elected through universal suffrage conducted within nation-states and sub-national groups. The World Parliament would therefore require states to be more accountable to a global polity with regard to their actions and allocation of resources. This is one basis upon which humanity as a whole can begin to prevent unilateralism undermining collective and collaborative problem-solving. In terms of the potential routes to a global assembly Andrew Strauss (2005, 1) suggests "a popularly elected representative body that will begin very modestly with largely advisory powers, and that following the trajectory of the European Parliament, would only gain powers slowly over time".

The normative proposal for a new Global Democratic Architecture (GDA) would have to be elaborated through a comprehensive and wide-spread process of global consultation.

Transformation of UN ECOSOC

WFN Global Forum of NGO's and Civil Society Groups

An institutional framework for the representation for non-governmental organizations, civil society groups, ecumenical groups and other associations. This group would have a largely consultative function with regards to the other branches of the Global Democratic Architecture. The standards and criteria for membership, codes of conduct and ethics would be established through a global consultation process.

WFN Global Committee of Unions and Transnational Corporations

An institutional framework for the incorporation of unions and transnational corporations as the inauguration of formal global union citizenship and global corporate citizenship. This group would have a largely consultative function with regards to the other branches of the Global Democratic Architecture. The standards and criteria for membership, codes of conduct and ethics would be established through a global consultation process.

All these institutions would fall under the umbrella of a World Federation of Nations (WFN). Other programmes and specialized agencies, autonomous organizations, committees, ad hoc and related bodies within the current United Nations system would also need to adjust their statues and mandates in order to correspond to the transformed WFN system.

The danger is to internalize the impossibility of the emergence of this new architecture, due to the challenge of operationalizing the political processes required. This would be a betrayal of human imagination, particularly since the United Nations itself begun as an imagined organisation with only 51 members, and currently has 193 members, but it excludes a number of territories. A new international organisation can also be launched with a small group of willing members. The same pathway can be followed to advance the emergence of the WFN.

Practical Steps to the WFN through a UN Charter Review Conference

The founders of the UN recognized that the moment would arrive when it became imperative to transform the organization and included a practical mechanism to review the body's

Charter. Specifically, Article 109 of the UN Charter provides for a "General Conference of the Members for the purpose of reviewing the present Charter". This Charter Review Conference could be convened at a specific date and place if it is approved by "a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council" (United Nations Charter, Article 109, 1). Therefore in practice there are no major obstacles to convening a Charter Review Conference apart from securing the necessary percentages described above. In addition, the decision making process at such a Charter Review Conference would be relatively democratic in the sense that "each member of the United Nations shall have one vote in the conference". This Charter Review Conference could be initiated through a process of mobilizing the will of two-thirds of the General Assembly and nine members of the Security Council. The latter provision means that the P5 cannot veto any proposed UN Charter Review Conference. Such a Charter Review Conference could adopt a recommendation to substantially alter the UN Charter and introduce completely new provisions including a change in the name of the institution to, for example, the World Federation of Nations. The adoption of these new recommendations could be on the basis of a two-thirds vote of the conference and each member of the UN General Assembly would have one vote.

The major challenge will arise when it comes to ratifying any revised or new charter. Article 109 further stipulates that any alteration of the UN Charter can only take effect "when ratified in accordance with their respective constitutional processes by two thirds of the members of the United Nations including all the permanent members of the Security Council". In essence, if a UN Charter Review Conference makes recommendations then these have to be further ratified by the governments of member states and including all P5 members. Therefore, the final ratification of a new Charter could potentially be held hostage by a veto from any of the P5, in what is in effect an undemocratic provision inserted by the founders of the UN undoubtedly to serve their own interests of ensuring that any provisions meet with their approval.

There are precedents for Charter Review processes leading to the establishment of new international organizations, notably the Organization of African Unity's transformation into the African Union, initiated by a meeting of Heads of State and Government in 1999. Therefore, there a UN Charter Review Conference could lead to the formation of the WFN through broad-based and inclusive consultations that include governments, civil society, business, trade unions, and academics. Despite the potential veto of P5 members at the ratification stage, the General Assembly can nevertheless take the initiative and convene a UN Charter Review Conference. The recommendations adopted at a UN Charter Review Conference would be imbued by a degree of moral legitimacy and therefore any efforts to sabotage the full adoption of such recommendations by the P5 would further expose the injustice entrenched in the international system.

In the absence of the political will within the UN to convene a Charter Review Conference an alternate strategy would be to establish the WFN through the convening of a new and separate treaty which could be approved and adopted by "which ever internationally progressive countries were willing to be pioneers" (Strauss, 2005, 9). With reference to a global parliamentary assembly, or as this proposal suggests the WFN Parliament, "even twenty to thirty economically and geographically diverse countries would be enough to found the parliament" and "the treaty agreed to by these countries would establish the legal structure for elections to be held within their territories including a voting system and electoral districts" (Strauss, 2005, 9). There is no reason why these pioneering countries

would have to give up their membership of the UN whilst forming the World Federation of Nations, since almost all countries belong to more than one international organization simultaneously. In fact, there could be an advantage of the pioneer members of the WFN to retain their membership of the UN and actively use their positions to advocate for the new Global Democratic Architecture and convince an ever-increasing number of countries to join them in the new formation. The constitution of the WFN could be framed in such a way that any country could join the formation so long as it is willing to meet its obligations under the WFN treaty. If the WFN treaty begins to gain momentum then "other less proactive countries would have an incentive to take part rather than be sidelined in the creation of an important new international organization" (Strauss, 2005, 10). When membership of the WFN reaches an optimal number of countries then one could begin to see the gradual withering away of the relevance of the UN until it undergoes the same demise as the League of Nations. In fact, the UN itself was established by a pioneering group of countries so it has already provided an example of how to successfully achieve the establishment of the WFN. In terms of the way forward what is required is for a group of progressive states to begin drafting a General Assembly resolution to put the UN Charter Review Conference on the agenda and to also in parallel begin to finance the drafting the treaty and constitutional framework of the WFN.

Conclusion

This paper advanced the argument is that the UNSC has an institutional responsibility to promote the framework conditions that will enhance mediation interventions. The core business of mediation is the search for peaceful and sustainable solutions to address inter-state and group concerns and grievances. Mediation is also about building positive relationships with other human beings through constructive dialogue, tolerance, respect and understanding. The UN Security Council is endowed by the founding Charter, as the institution responsible for establishing the framework conditions for international peace and security. As such the UNSC is humanity best expression of our aspiration and desire for a framework for promoting our collective security. A historical retrospective reveals that the UNSC prevaricated during the genocide in Rwanda. The UNSC created the not-so-safe havens in Srebrenica that enabled pogroms against Bosnian muslims. Today, juvenile brinksmanship within the UNSC has allowed the Syrian crisis to deprive innocent children, women and men of their human dignity due to the war crimes that they have had to endure.

The current global system is defined by the selective respect for international law and a self-evident global democratic deficit. If the status-quo is permitted to persist this model of elite global governance, for example manifest through the P5 of the UN Security Council, will not reform itself but merely replicate and reproduce existing forms of exclusivity by co-opting a few more members. Consequently, this paper has argued for the radical transformation of the international system and the creation of a new global democratic architecture, within which a new global infrastructure for mediation can be established. The UN begun with only 51 members and now includes 193 countries. In a similar fashion a new global democratic system can begin with a small coalition of like-minded states, and as the UN system withers away, an institution fit for purpose will emerge to address the challenges that humanity faces in the twenty-first century. Among these challenges, international mediation persists as a debilitating handicap and the persistence of cyclical and endemic violence remains a threat to the survival of humanity.

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