

A stylized world map composed of a grid of grey dots, with several dots highlighted in red to represent specific countries.

China as a Permanent Member of the United Nations Security Council

XUE LEI
April 2014

- The UN Security Council (UNSC) remains the primary organ for addressing matters concerning international peace and security. Its current priority is to adapt to the reality of the global power shift and the increasingly complicated global challenges and threats.
- China is known for its principled pragmatism in the deliberation process of the Security Council. China has demonstrated a certain level of policy consistency in its adherence to the guiding principles in the Council, in particular respect for national sovereignty and the non-interference principle. On the other hand, China has shown full flexibility and pragmatism in dealing with issues concerning international peace and security.
- In recent years, China has taken an active role in UN peacekeeping operations based on its evaluation of its national interest and its role as a responsible global power. Yet a major Chinese concern is the erosion of basic peacekeeping principles in practice.
- China favors a modest reform of the Security Council. While recognizing the need for reform, it firmly advocates a thoroughgoing consultation and consensus-building process. China regards the concert of permanent members in the Council based on veto rights as a stabilizing mechanism for the international system.



Table of Contents

1. Introduction and Historic Trajectories	3
2. The UNSC in the Larger Context of Chinese Foreign Policy	3
2.1 Multipolarity and Major Power Relations	3
2.2 China a »Partial Power«? From Low Profile to Creative Involvement	5
2.3 The UNSC as a Critical Organ for Implementing China’s Global Strategy	5
3. China’s View of Sovereignty, Non-interference, and Role of the UNSC	6
3.1 Reinterpretation of Sovereignty and Non-intervention?	6
3.2 State Responsibility and International Intervention	7
3.3 Preventive Diplomacy at Both UN and Regional Levels	8
4. China’s Evolving Role in UN Peacekeeping	9
4.1 Historical Trajectory of China’s Position on UN Peacekeeping Operations	9
4.2 China’s Interest in Participation in Peacekeeping Operations	10
4.3 Chinese Skepticism Concerning Widening Peacekeeping Mandates	10
5. Further Instruments and Roles of the UNSC	12
5.1 Sanctions as a Measure Short of Military Peace Enforcement	12
5.2 Referral and Deferral of Country Cases to the International Criminal Court	12
5.3 The UNSC as a Global Legislature in Peace and Security Issues?	13
6. Chinese Perspectives on UNSC Reform	14
6.1 Reform of UNSC Implies Reform of the Collective Security System	14
6.2 Veto Power and the Concert of Permanent Members Remain Relevant for the Time Being	15
6.3 Limiting the UNSC’s Thematic Creep in Times of Increasing Securitization	16
6.4 China’s Stance on Initiatives to Reform UNSC Working Methods	17
7. Conclusion	18
References	19

1. Introduction and Historic Trajectories

As a country that endured great hardship and fought fearlessly for its survival against Japanese invasion during World War II, China was naturally charged with the historic responsibility of forging a new post-war international order together with other major powers. In the 1944 Dumbarton Oaks Conference, the Four Powers comprising China, the United States, the UK, and Russia worked out the draft Charter of the United Nations, which was finalized in the San Francisco Conference in 1945. As the first country to go to war against the aggression of an Axis power, China had the honor of being the first signatory of the Charter.¹ In spite of having such a close historical connection to the United Nations, the People's Republic of China (PRC) was not granted its lawful representative seat at the UN as the legitimate government of China until 1971. The absence of the PRC had further aggravated the dysfunction of the Security Council. On 25.10.1971, the UN General Assembly passed Resolution 2758 which restored the lawful rights of the government of the PRC in the United Nations by »recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council«. Its late coming to the UNSC has not reduced China's support for the Council's work as a permanent member. In fact, the Council had been one of few multilateral forums in which China could play a relatively influential role over the past two or three decades. The central role of the Council in international peace and security has greatly enhanced China's global image. In parallel with the recent rapid growth of the Chinese economy, China has adopted a more active and supportive stance on the work of the UN. Moreover, its assessed contributions to the UN have been rising in recent years. In 2012, China's assessment accounted for 3.1 per cent of the UN regular budget and 3.9 per cent of the UN peacekeeping budget (CIC 2013: 181). According to the triennial budget for 2013-2015 approved by the 67th General Assembly, China's contribution has risen to 5.148 per cent of the regular budget and 6.64 per cent of the peacekeeping budget, with both rankings rising to sixth among the

top ten contributing countries.² With the extension of its global influence, China has also played a more active role in regional and international security affairs. China's involvement and constructive work has been manifested in such cases as North Korea, Myanmar, Sudan, etc. With international threats to security becoming more diverse and complex, China expects to play a more prominent role in the Council in coordinating and mobilizing global support for maintaining peace and security.

2. The UNSC in the Larger Context of Chinese Foreign Policy

2.1 Multipolarity and Major Power Relations

As an ancient saying goes, China is an old civilized nation endowed with a new mission. This mission vividly reflects the subtle nature of China's pursuit of its goal to reemerge as a global power. On one hand, as the second-largest country in terms of aggregate economic output and the top exporter in the world, China has acquired considerable influence over international affairs. On the other hand, however, China is still in search of its own identity within the international community as well as a clear global strategy and foreign policy goal. The first step in China's attempt to forge a global strategy was shown by its clarification of core national interests in recent years. As then President Hu Jintao announced in July 2009, China's diplomacy must »safeguard the interests of sovereignty, security, and development«. Subsequently former State Councilor Dai Bingguo specified three aspects of the core national interest, namely, first, China's political stability, second, sovereign security, territorial integrity, and national unification, and, third, China's sustainable economic and social development (Wang 2011: 71).

Such an explicit specification is conducive to forming a national interest-based global strategy. China's global strategy includes two basic elements: a worldview that reflects an evolving trend toward a multipolar world; and the prudential management of major power relations with a view to correcting misperceptions and addressing common challenges. China's worldview is essentially based on the observations that, first, global

1. History of the United Nations: San Francisco Conference, UN official website, http://www.un.org/en/aboutun/history/sanfrancisco_conference.shtml, accessed on 21.1.2014.

2. UNGA, A/RES/67/238, adopted on 24.12.2012; and A/67/224/Add.1, adopted on 27.12.2012.

power is shifting from west to east and from established to emerging powers and, second, that global issues and challenges are interconnected and interdependent. The eleventh part of the Report of the 18th National Congress of the Chinese Communist Party contained an assessment of the characteristics of the current international system and the evolving nature of global order. It stated that »peace and development remain the prevailing current trends. The global trends toward multipolarity and economic globalization are deepening«.³ This means that China still sees the current global situation as favorable to both China's development and forging international peace. With the rise of non-Western powers, the balance of power has shifted toward a more even distribution of influence among the major powers. The United States, while still the only superpower in the world, behaves more like a »first among equals« with its power limited by the complexity of various types of threats and crises. The assessment that American power is in decline is certainly exaggerated. Yet, the point is that, under global conditions of interdependence and complexity, no single country, however powerful, could ever have sufficient capacity to handle the various crises and conflicts occurring around the world. The trend toward an increasingly multipolar world calls instead for intensive dialogue and consultation among the major powers in order to effectively address various types of challenges and threats.

Under these circumstances, a wise and effective approach to managing major power relations is critical to the stability of the international system and a smooth transition to multipolarity, which is of particular importance for the relationship between the two major powers, China and the United States. In February 2012, then Vice President Xi Jinping called for »a new type of relationship between major countries in the 21st century«. Out of the subsequent interpretation and elaboration by senior Chinese officials there gradually crystallized a new Chinese idea about how to manage major power relations. The »new type of major power relationship«, as elaborated by Chinese Ambassador to the United States Cui Tiankai, is »based on mutual respect and aims to achieve win-win cooperation. Mutual respect means that both sides are willing to listen to each other's voice, understand each other, put us into each other's shoes and accommodate each other's comfort level. Win-win cooperation means

that both sides should determine to abandon »zero-sum« strategies, welcome each other's success and try to find opportunities from the other's success«.⁴ On another occasion, he observed that this new type of relationship is also the shared responsibility of the two countries to the global community.⁵ In sum, the gist of this new idea is to emphasize mutual respect, mutual understanding, cooperation, and appropriate management of differences and disputes in bilateral relations, as well as the joint responsibility toward the global community to uphold international peace and good order.

Such a new type of bilateral relationship requires efforts from both sides to engage in candid and timely communication and consultation on critical issues. The US and China have endeavored to facilitate bilateral talks and dialogues by building corresponding mechanisms. The Strategic and Economic Dialogue (S&ED) is just one example of an existing high-level dialogue mechanism that addresses not only the differences and problems in bilateral relations, but also critical issues of international peace and security of concern to both countries. The recent tensions in the East China Sea after China declared the new Air Defense Identification Zone (ADIZ) have become a good test of such a new type of bilateral relations. While the US criticized China's action as a »unilateral change of the *status quo*«, it ignored the critical fact that both the American strategy of »rebalancing« in the Asia-Pacific region and Japan's unilateral move in breaking the tacit consensus on »shelving the territorial disputes« between China and Japan have fundamentally changed the situation in East Asia. With its declaration of the ADIZ, China clearly expressed its intention to redefine the new *status quo* in which China's major security concern and interests need to be taken seriously. This also shows that under current conditions the essence of such a new type of bilateral relationship relies precisely in addressing and accommodating differences. With the subsequent visit by American Vice President Biden, China and the US at least reached a certain understanding over the intentions and concerns of both countries, which is conducive to preventing misperceptions by either country.

3. Hu Jintao, Report to the 18th Congress of Chinese Communist Party, 8.11.2012, http://www.chinadaily.com.cn/language_tips/news/2012-11/19/content_15941774_12.htm, accessed on 15.4.2013.

4. Remarks by Ambassador Cui Tiankai at the 2013 China-US Policy Dialogue Luncheon, Washington, DC. Embassy of the People's Republic of China, 14.6.2013. <http://us.china-embassy.org/eng/dszl/dsjh/t1050515.htm>, accessed on 15.8.2013.

5. Remarks by Ambassador Cui Tiankai at CSIS Luncheon on US-China Economic Relations in the Next Decade, 24.5.2013, <http://us.china-embassy.org/eng/dszl/dsjh/t1043591.htm>, accessed on 15.8.2013.

2.2 China a »Partial Power«? From Low Profile to Creative Involvement

Another critical element in China's global strategy relates to China's vision of its own power and global influence. There may be some merit in David Shambaugh's assessment of China as still only a partial power that in many respects lacks the necessary elements for a full global power. »China is present and active in various parts of the globe and in various functional spheres – but is not (yet) influencing or shaping actors or events in various parts of the world« (Shambaugh 2013: 8). This assessment may be somewhat exaggerated in downplaying the major efforts China has invested in »quiet diplomacy«, with China's involvement in facilitating the engagement of Sudan and Myanmar with the international community constituting just two examples. However, one unique Chinese characteristic by comparison with earlier historical rising powers has definitely restrained China's ambition to wield greater international clout. The fact is that China will remain a relatively poor country for a long time to come with *per capita* income far below that of the developed countries, even though its gross economic output could outpace that of the United States. China is becoming a »powerful but poor« major power, a circumstance which will definitely have a long-term impact on China's foreign policy and international behavior. China used to adhere strictly to the principle of »keeping low a profile while playing a role in certain international affairs«, which means that China is comfortable with its reactive and non-leading role in world affairs and always accords priority to domestic economic development. It has been the intention of Chinese leaders, in particular Deng Xiaoping, to prevent the distraction of becoming more involved in global political and security affairs. China's voting record in the UNSC during this period could be interpreted to some extent as a demonstration of its reluctance to become involved in time and resource-consuming efforts to manage international crises. According to statistics acquired from the Security Council voting records during the period from 1991 to 2005, China had abstained in 51 Security Council resolutions in the voting process, which made China the permanent member with the most abstention votes during this period (Dai/Xing 2007: 40). The abstentions provide a vivid illustration of China's »principled pragmatism« in the deliberation process. On the one hand, China always adheres to its basic principles and regards them as providing the fun-

damental guidance for its positions on certain global issues. In the meantime it has always been willing to make compromises and to signal its discontent with certain parts of specific resolutions through abstention votes.

This behavioral model is mainly the result of two considerations, namely, the concern to keep the Security Council free from blockages, and a clear perception of China's relatively limited capacity and influence in global affairs against the backdrop of a unipolar world of *Pax Americana* and the dominance of Western values and ideas. However, with a rapidly rising comprehensive national capacity and the perception that a multipolar world is gradually emerging, there have been heated debates over the appropriateness of continuing to cling to this idea of »keeping a low profile« inside China at both the academic and governmental levels. Recently, one Chinese scholar advocated the idea of »creative involvement« for China's foreign policy. It emphasizes leadership, initiative, and constructiveness in Chinese diplomacy (Wang 2012: 109-110). Yet China's official statements continue to adopt a more prudential stance by making certain modifications to this guiding principle while still fundamentally adhering to it. Now it is elaborated as »keeping a low profile while playing a proactive role in certain international affairs«. This clearly shows China's efforts to strike a nuanced balance between its focus on domestic priorities and the need to increase its international clout.

2.3 The UNSC as a Critical Organ for Implementing China's Global Strategy

The UN Security Council has become the critical organ for promoting China's developing global strategy. When participating in various multilateral forums, China mainly pursues three policy goals: first, to defend China's national interests through multilateral forums; second, to engage major world powers, in particular the United States; and, third, to address international or transnational threats to peace and security. In pursuing these goals, China's hope is that the Council can become better prepared to adapt to the new realities and address new challenges. In our increasingly globalized world, the challenges to humankind are marked by multiplicity and complexity. As a result, the Council faces the tougher task of coping with the interconnectedness and interde-

pendence of these challenges and threats. On the other hand, the rise of emerging powers and the relative weakening of the established Western powers have in effect made this world more fragmented, crowded, and more heterogeneous. This heterogeneity is reflected in the weakened global consensus concerning the role and power of the UN, especially in the domain of security. In the past, the United States was able to transform its own hegemonic interest into the collective will of the UNSC by dominating the agenda-setting and the decision-making process within the Council (Alvarez 2003: 873). However, in the course of the ongoing shift in global power, the attempts of the Western powers to infiltrate the UN with Western concepts and ideas have met with great resistance from the emerging powers, a case in point being the major debates arising out of the NATO military intervention in Libya. This also means that a range of countries need to engage in more open and candid dialogue and consultation with the aim of forging a new global consensus based on equity, fairness, and inclusiveness. During this process, the interaction between China and the US, as well as the other permanent members of the Council, with a view to building the new type of major power relation will be critical for the Council's ability to continue to play a crucial role in promoting global peace and security. The working relationships based on common permanent membership may lead to a deeper understanding on respective bilateral issues. Yet the Council also depends on a relationship of mutual trust and mutual accommodation among the major powers in order to be able to function more efficiently and effectively.

3. China's View of Sovereignty, Non-interference, and Role of the UNSC

3.1 Reinterpretation of Sovereignty and Non-intervention?

In the wake of the Cold War, the concept of sovereignty has become a persistent target of suspicion and criticism. The rediscovery of international human rights and the rapid emergence of international criminal law have even aggravated the decline of sovereignty. The successful integration of the European Union also inspired unrealistic expectations throughout the world concerning the power and momentum of supranational organizations and the possibility of a *civitas maxima* that might even-

tually overcome the boundaries and conflicts between sovereign states. In China's view, however, the contemporary world is still mainly dominated by sovereign states, with sovereignty being the essential element in statehood. Yet China's conception of state sovereignty has undergone significant change in recent years, which has led it to embrace a notion of moderate rather than absolutist sovereignty. The discourse on sovereignty in international politics has been dominated by the doctrine of absolute sovereignty. This doctrine originated with Jean Bodin's *Les Six livres de la République* (1576), which argues for indivisible sovereignty as the embodiment of unrestrained sovereign will. Sovereign states can be bound by rules only on the basis of voluntary self-restraint. Today, however, sovereignty is considered to be constrained by the principles and rules of international law. Within international law, the principal of noninterference has developed in tandem with the concept of sovereignty. Thus, China's changing view on the nature of sovereignty is also leading it to reinterpret the non-interference principle as defined by Article 2(7) of the United Nations Charter concerning intervention »in matters which are essentially within the domestic jurisdiction of any state«. The key issue is what is meant by »essentially within domestic jurisdiction« as well as the source of the authority to interpret and implement the principle, where the concept of sovereignty is the critical defining term.

Traditionally, state sovereignty has been explicated in terms of the basic rights of states. Recently, with the emergence of the concept of »responsibility to protect« (RtoP) and its subsequent adoption by the 2005 *World Summit Outcome*, a new interpretation of sovereignty from the perspective of responsibility has developed. Interpreting sovereignty in terms of responsibility leads to a better understanding of the inherent nature and scope of sovereignty. China is not opposed to the new interpretation as a general rule, since it concurs to a certain extent with China's gradual recognition that sovereignty is not an absolute concept. In his 2009 report on the responsibility to protect, UN Secretary-General Ban Ki-moon enunciated the three pillars of this concept, namely: the protection responsibilities of the state; international assistance and capacity-building; and timely and decisive response. The first two pillars bode well for China's ideas and perception since they remain largely within the sphere of the international legal framework based on national



sovereignty. The core spirit of strengthening state institutions and focusing on crisis prevention inherent in these two pillars reflects the resilience of sovereignty as a basic political and legal governance institution. For the governments and populations of most developing countries, sovereignty provides basic guarantees of their rights to an independent choice of a path of political, economic, and social development that fits well with their local political traditions and social norms and provides a shield against unwarranted external interference.

China also regards the strengthening of national sovereignty and authority, in particular of national governance institutions, as necessary for effective global governance. However, major disagreement exists over the possibility of international intervention implied by the third pillar, which calls on the international community to take timely and decisive action to address failures of national governments to fulfill their responsibility to protect. China has been a major critic of this third pillar, since it inevitably may lead to coercive interventions by powerful countries in weak countries. This pillar also goes beyond the established understanding and interpretation of legal rules concerning state responsibility, international human rights, and international humanitarian law. Although contemporary international law has indeed made gross violations of human rights and international humanitarian law a grave concern of the international community, it does not go so far as to imply the necessity of »timely« and »decisive« intervention. In the wake of the 2011 intervention in Libya, Brazil put forward the concept of »responsibility while protecting« (RWP), which clearly reflects the concern of emerging powers over the danger of over-reliance on and abuse of the third pillar of RtoP. A central focus of this new concept is the Security Council's ongoing monitoring and assessment of possible interventions. In this context, China supports the Russian proposal to transform the Military Staff Committee into a kind of command and control organ in relation to peace operations mandated by the Security Council. However, because of the deep distrust when it comes to military affairs, it has proven to be extremely difficult to advance such a reform proposal.

3.2 State Responsibility and International Intervention

The practices of the Security Council in the post-Cold War era show that it has greatly expanded the scope of Chapter VII of the UN Charter through a broader interpretation of the concepts of a »threat to the peace« and a »breach of the peace«, which have been applied to the situation of civil wars and gross humanitarian crises. In recent years, China has gradually adapted to the new reality and moved away from a rigid position on intervention measures to a qualified consent to certain well-articulated cases. The primary considerations adduced in assessing cases include the protection of civilians in armed conflicts, the seriousness of humanitarian crises, the spillover effects of civil conflicts, and the treaty or other legal obligations of the countries involved. The Council has always been in a good position to assume the role of a legitimate international intervener based on the authority conferred by the UN Charter. It is also worth noting that the relevant regional organizations have been playing an increasingly important role. With the enhanced institution and capacity-building within regional organizations throughout the world, these organizations have become critical actors in deliberations over and the implementation of interventions. In many cases, regional organizations take a proactive pioneering role in addressing related crises. The involvement and stance of regional organizations in conflict resolution have greatly influenced China's voting behavior in the UNSC. In fact, the African Union's position on the establishment of a »no-fly zone« in Libya became the decisive factor in China's abstention vote on Resolution 1973. China has established connections with the African Union at the institutional level and has sided with it in many cases regarding the situation in African countries.

As a precondition for resolutions and actions of the Council and various regional organizations, a central role should always be assigned to the process of consensus-building before any decisions are taken. In 2003, the unilateral American military actions against Iraq without explicit authorization by the Security Council already did great damage to the authority and legitimacy of the UN collective security system. The developments in Libya following Resolution 1973 provided another direct lesson for many UN members, including China and Russia. The resolution authorized the establishment of a »no-fly zone« in certain areas of Libya for the purposes of pro-

protecting civilians and securing humanitarian access. However, even though the intervention derived its legitimacy from the resolution, the military forces of the countries intervening in Libya recklessly ignored the primary purpose of the resolution when launching the military campaign, ultimately replacing the mandate to »protect civilians« with »regime change«. The unpleasant memory of the Libya case has led to deep distrust among the permanent members of the Security Council, with the Syrian crisis coming at the most inconvenient and unfortunate moment possible. Because of the concern over possible misinterpretations and abuse of Council resolutions, China maintains that the Council should not make hasty decisions under Chapter VII before it is in a position to judge the actual situation and direction of events in Syria, while taking their impact on regional peace and stability fully into account. The task of the Council should be to seek a political and diplomatic solution that enjoys wide support, not to arbitrarily change the national government or the domestic political process. »Operations involving the protection of civilians must be authorized by the Council and carried out in an orderly manner under the auspices of the United Nations. No party should arbitrarily interpret Security Council resolutions; no actions overstepping Council mandates should be allowed«. ⁶

Based on these considerations, China vetoed three draft resolutions on Syria (S/2011/612, S/2012/77, and S/2012/538). By contrast, China actively supported the passage of Resolutions 2043 and 2059, which authorized and then renewed the mandate for the United Nations Supervision Mission in Syria (UNSMIS).⁷ This was a clear rebuttal of the allegations that the Council was paralyzed on the Syrian issue by the vetoes of China and Russia. On the contrary, there has been no interruption in the mediation efforts by the UN and the Arab League, as shown by the activities of the UN/Arab League Joint Envoy and International Action Group on Syria. The final withdrawal of UNSMIS was simply a reflection of China's worries over the complicatedness and sensitivity of the civil conflicts within Syria. China always welcomes

and supports the efforts at different levels to find a political solution to Syrian crisis. China has also made repeated efforts to facilitate the resolution of differences and to alleviate the suffering of the Syrian population. On the one hand, China remains in close dialogue with the relevant countries in the region and in contact with both the Syrian government and the opposition parties by sending a Special Envoy on the Middle East and receiving delegations from Syrian opposition parties. In the meantime, China has donated over 11 million dollars of humanitarian aid to Syrian refugees and is planning to provide additional assistance. After the Syrian government proposed to join the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and to hand over Syrian chemical weapons under the supervision and control of the Organization for the Prohibition of Chemical Weapons (OPCW), China promptly proposed that all of the parties involved should seize the »window of opportunity« and made every effort to facilitate the adoption of Security Council Resolution 2118. With the ongoing conflicts and continued human suffering, at least a certain consensus seems to have developed with most countries seeing a political and diplomatic solution as the only possible way forward. China continues to advocate a two-track approach to the Syrian crisis, with political talks on a cease-fire and national reconciliation combined with the technical process of Syrian chemical weapon disposal. The Geneva II process on Syria needs to bring most of the stakeholders together to try to forge a robust compromise.

3.3 Preventive Diplomacy at Both the UN and Regional Levels

The revamped role of preventive diplomacy in international affairs coincided with the stress on preventive measures in the first and second pillars of R2P, which is also reflected in China's embrace of a more flexible and updated approach to the non-interference principle. In the past, Chinese officials and academics took a negative view of the concepts of conflict prevention and preventive diplomacy, since this could translate into the Western countries using their economic, political, and military advantages to interfere arbitrarily in the domestic affairs of developing countries. Moreover, preventive diplomacy calls for anticipatory interventions to prevent potential conflicts, which means assessing the political,

6. Remarks by Ambassador Li Baodong at the Security Council Open Debate on Protection of Civilians in Armed Conflict, Permanent Representative of China to the United Nations, 25.6.2012, http://www.china-un.org/eng/chinaandun/securitycouncil/thematicissues/civilians_ac/t966334.htm.

7. United Nations Security Council, S/RES/2043 (2012), adopted at the 6,756th meeting, 21.4.2012; S/RES/2059 (2012), adopted at the 6,812th meeting, 20.7.2012.

economic, and social risks and threats in the countries concerned in advance. However, contemporary conflicts and crises tend to exert more complex and long-term effects. With its focus on political and diplomatic measures, preventive diplomacy fits well with China's advocacy of peaceful and non-coercive means for dealing with international crises. China acknowledges and welcomes the increasingly prominent role being played by the UN in preventive diplomacy, including the Security Council's informal interaction with involved parties, the good offices or mediation efforts made by the UN Secretary-General or his special envoys, as well as the work of UN regional offices such as the UN Regional Centre for Preventive Diplomacy for Central Asia which in a certain way serve as sort of a bridge between the UN and countries in the respective regions. At the same time, China attaches major importance to the role of the UN in strengthening various regional organizations by means of capacity building, on the grounds that preventive measures should first be adopted at the regional or sub-regional level.

In practice, China has shown itself to be more of an active player in Asia at the regional or sub-regional level. China has participated in various Asian regional mechanisms, such as the East Asia Summit, the ASEAN Regional Forum (ARF), and the Conference on Interaction and Confidence Building Measures in Asia (CICA). One of the major developments has been the building of institutions within the Shanghai Cooperation Organization (SCO). In the 2012 SCO Beijing Summit, the member countries made some revisions and supplements to the Regulations on Political and Diplomatic Measures and the Mechanism of Response to Events Jeopardizing Regional Peace, Security and Stability first adopted in 2009, in order to better reflect and address the changing threats and challenges to the internal stability of the member countries. The Joint Declaration of the Beijing Summit stressed that »if there exists a situation that poses threats to the peace, stability, and security of a certain member country or the whole region, SCO member countries will take the political and diplomatic measures stipulated by relevant regulations with a view to dealing with crises promptly and appropriately.«⁸ Taking account of new developments toward regional integration in Asia and Africa in particular, China favors a certain division of

labor and close cooperation and coordination between the Security Council and regional organizations. Based on this consideration, China blocked deliberations on certain country-specific cases on the Council's agenda. In cases such as Myanmar, North Korea, and Zimbabwe, China took the view that the situations could be better dealt with through mediation within the relevant regional organizations instead of at the Council level. China has been very supportive of the periodic communication and interaction mechanism between the Security Council and the African Union. The annual joint meetings between the Security Council and the Peace and Security Council of the African Union have served to strengthen cooperation with regional organizations in Africa. In China's view, a well-developed global security governance system with efficient and effective coordination and cooperation between the Council and various regional security arrangements will definitely be conducive to building a more secure world.

4. China's Evolving Role in UN Peacekeeping

4.1 Historical Trajectory of China's Position on UN Peacekeeping Operations

China's attitude towards UN peacekeeping operations (UNPKOs) have undergone considerable change in recent decades. In the early decades of the UN, China regarded peacekeeping as another instrument of hegemonic powers to legitimize and support the expansion of their spheres of influence and to interfere in the domestic affairs of small and medium-sized countries. This view was to some extent an accurate reflection of the fierce competition for dominance and control between the two superpowers. In the wake of the Cold War, China gradually recognized the contribution of peacekeeping to maintaining peace and stability under the new circumstances. The Hammarskjold principles that peacekeeping should be based on the consent of the parties involved, impartiality and that it should not involve the use of force except for self-defense also fitted well with China's adherence to the non-interference principle.

Since then China has become a firm advocate of adherence to these principles in peacekeeping operations. In the Security Council's resolutions concerning peace-

8. Declaration on Building a Region with Lasting Peace and Common Prosperity, adopted at the Shanghai Cooperation Organization Beijing Summit, 7.6.2012, Beijing, China.

keeping operations during the 1990s, China made a general distinction between different types of peacekeeping operations and lent its support only to operations that upheld the traditional peacekeeping principles (Fravel 1996: 1109). In 1990, China sent military observers to UN peacekeeping operations in the Middle East for the first time, which symbolized China's willingness to become gradually more deeply involved. Yet until the end of the 1990s China was reluctant to send troops on a larger scale to participate directly in peacekeeping operations. A complete change in attitude put an end to this hesitancy. As one Chinese scholar observes, »the year 1999 marked the beginning of a new era in China's participation in UNPKO. Beijing's increasing commitment to UNPKO can be witnessed through its deliberate efforts in improving its training capabilities, increased participation in international cooperation and exchange activities, and ever-increasing contribution of both military and police units« (He 2007: 10). China has now become the largest troop-contributing country (TCC) among the five permanent members (P5) of the Council, the largest contributing country of engineering corps, transportation, and medical units among all of the TCCs, and the largest financial contributor to UN peacekeeping operations among developing countries. These increased contributions proved to be a major factor in enhancing the effectiveness of peacekeeping operations. As Bates Gill and Chin-Hao Huang observed, »Chinese peacekeepers are consistently rated among the most professional, well-trained, effective and disciplined contingents in UN peacekeeping operations. Assessments of Chinese peacekeepers' performance are generally positive« (Gill/Chin-Hao 2009: 25).

4.2 China's Interest in Participation in Peacekeeping Operations

China's changing attitudes were closely bound up with its perception of its national interests and foreign policy goals. Its overseas interests have now become an integrated part of China's overall security and development interests. Chinese overseas interests include various policy concerns, such as protecting overseas Chinese, securing stable energy supplies, ensuring the safety of maritime transportation routes, and the like. Even more importantly, UN-sponsored peacekeeping operations provide China with the means and channels to exert global influence. As an emerging power in an

interdependent world, the rise of China is following a completely different path from those taken by earlier powers. China needs to manage its increasing influence in a more peaceful and orderly way. When it comes to managing and resolving international conflicts, China's approach is marked more by the use of multilateral platforms, a focus on political and diplomatic measures, and its stress on the involvement and consent of all relevant parties. The UN-sponsored peacekeeping operations provide the most appropriate tools for realizing China's foreign policy objectives. In practice, China always argues that peacekeeping operations should be implemented in ways conducive to dealing with the root causes of conflicts and forging a solid basis for subsequent large-scale rebuilding work. Up to now, China has mainly deployed supporting troops in peacekeeping operations, with engineering corps and medical teams constituting the bulk of Chinese peacekeepers. This is a reflection of China's concern about the risk of peacekeepers exercising excessive force. This feature of Chinese contributions to peacekeeping has become a specific advantage and hallmark. It demonstrates China's longstanding position that a comprehensive approach must be taken to crises in conflict-ridden societies. The main issue is to promote sustainable development in order to overcome the vicious cycle of conflict. In practice, Chinese peacekeepers have made important contributions to fostering the belief that peacekeepers are early peace-builders, with their practical work laying a solid foundation for the early recovery of conflict-ridden societies.

4.3 Chinese Skepticism Concerning Widening Peacekeeping Mandates

As the complexity of both the international and domestic environments for peacekeeping operations increases, differences over the guiding principles of peacekeeping are also coming to the fore. These guiding principles remain the cornerstone of UNPKOs. Nevertheless, some countries have sought to expand the scope of the conflict situations that qualify for peacekeeping operations to include confrontational settings in which there is no agreed peace process in place and correspondingly a high risk for the need to apply force. As a result, the operations in question sometimes rather amount to robust peace enforcement action instead of a peacekeeping operation.

China is extremely wary of this worrying trend. Like other emerging powers, it insists that peacekeeping operations should remain neutral in order to prevent the escalation of inter-state or intra-state conflicts. Peacekeeping forces should have a restricted scope for using force and interfering in the domestic affairs of host states. In agreement with other emerging powers, China has argued for a principle-driven approach to peacekeeping. The current expansive mandates for peacekeepers can greatly impair the impartiality of peacekeeping missions, thereby compromising what has long been their unique advantage. By remaining impartial, peacekeeping missions can play a more flexible role in the consultations and mediation between the parties to civil conflicts. In this way, they can create the pre-conditions for further political and diplomatic measures to consolidate peace. A related Chinese concern is the potential casualties that might result if peacekeeping troops become a party to the conflicts. Many TCCs have expressed worries over the safety and security of peacekeepers and the potential legal implications of robust peacekeeping operations. Unexpected casualties among Chinese peacekeepers could lead to a reversal of China's attitudes toward peacekeeping, since ensuring the safety of Chinese troops is a major concern of the Chinese government and population. In this vein, China also urges the Security Council to further clarify the mandates of peacekeeping missions. This can both ensure that the room for maneuver of peacekeeping missions is clearly defined and help the Council to provide a clear timetable for the exit of peacekeeping missions and the transition to peacebuilding. In order to formulate a better peacekeeping strategy, the Security Council should make full use of mechanisms such as the Working Group on Peacekeeping Operations and meetings with TCCs, with more attention being paid to communication between TCCs and the Secretariat.⁹

While bearing in mind the basic principles of peacekeeping operations, China is also aware of the complex and fragile situations that many peacekeeping missions encounter in the field. Current situations in many fragile post-conflict societies have been aggravated by the involvement of terrorist organizations and organized crime groups. Many insurgent groups exhibit characteristics of

both warring parties and criminal gangs. Such obscure conditions on the ground call for greater flexibility in designing the mandates of peacekeeping missions. In fact, a uniform approach is never taken to tackling situations in local communities. With all these complexities and difficulties in mind, China is now experimenting with a more pragmatic approach to accommodating the positions and concerns of the various stakeholders. The Security Council's decisions to send an »intervention brigade« to the Democratic Republic of Congo (DRC)¹⁰ and to establish a UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA)¹¹ both reflected such a cautious and pragmatic approach on China's part. In addition, China's decisions were based on a thorough consideration of the political processes and the specific situations in the two countries. In DRC, China's decision was made against the backdrop of the *Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the region*, which had the approval of 11 stakeholder countries working together to break the recurring cycle of violence. Another common element underlying the two decisions is the consent of the legitimate governments in DRC and Mali, with the use of force falling well within the scope of interventions by invitation from legitimate governments in host countries as defined by international law. In fact, it has been standard Chinese practice to align itself with the stances of the incumbent governments in various conflict-ridden countries. This demonstrates China's acceptance of the legal implications of recognizing legitimate governments under international law. It also shows China's preference for a policy of maintaining stability and continuity in the countries or regions affected. In the meantime, the Chinese peacekeepers to Mali included troops responsible for ensuring the security of the MINUSMA headquarters and camps, which was the first time that China deployed »combat« troops in a peacekeeping operation. The spokesperson of the Ministry of Defense made it clear that China does not actually recognize the existence of »combat« troops in UNPKOs, since these missions, whose purpose is to maintain peace, are not a party to the civil conflicts.¹² This clarification in fact signals that

9. Statement by Ambassador Li Baodong at the Security Council Open Debate on the Working Methods of the Security Council, 26.11.2012, <http://www.china-un.org/eng/chinaandun/securitycouncil/t993924.htm>, accessed on 20.3.2013.

10. UN Security Council, S/RES/2098 (2013), adopted at 6,943rd meeting, 28.3.2013.

11. UN Security Council, S/RES/2100 (2013), adopted at 6,952nd meeting, 25.3.2013.

12. Chinese Peacekeeping Troops Will Assume the Security and Guarding Task in Mali, 27.6.2013, http://www.mod.gov.cn/affair/2013-06/27/content_4458431.htm, accessed on 5.10.2013.

China has overcome the conceptual difficulty involved in deploying troops to perform any function in peace-keeping missions, which may further enhance China's participation in UNPKOs.

5. Further Instruments and Roles of the UNSC

5.1 Sanctions as a Measure Short of Military Peace Enforcement

As one kind of coercive measure falling under Chapter VII of the UN charter, UN-mandated sanctions have been broadly used to address issues related to international peace. However, because of suspicions concerning the selectivity and biased nature of sanctions, China had taken a negative view on the effectiveness of such measures. In practice, the measures always tended to be ill-targeted and excessively comprehensive, with the suffering inflicted by sanctions being mostly felt by ordinary people in the targeted country. UN sanctions against Iraq during the 1990s led to widespread reflection on how to make sanctions more targeted and reduce the collateral damage to innocent people. In response to Iraq's invasion of Kuwait, China supported sanctions against Iraq as a punitive measure against an act of aggression. However, as the sanctions continued, the Iraqi population increasingly became victimized by these measures. Therefore, China, together with Russia and France, presented a draft resolution aimed at partially lifting the sanctions on Iraq in 1995. The three countries argued that an all-or-nothing approach to sanctions relief gave Iraq no incentive to improve its behavior (Bosco 2009: 199). This could be seen as an initial diplomatic effort to make the UN sanctions system more well-defined and properly-targeted. The subsequent reflection on post-Iraq approaches and the gradual development of »smart« or »targeted« sanctions have in fact led to major changes in this system. China has also noticed that the Council has been making great efforts to alleviate the negative impacts of sanctions on the general population.

Generally speaking, there are two aspects of the UN sanctions system, the political and technical. In China's view, sanctions should always be based on the on-going political process, in particular that they should be used as a means to facilitate political talks. China has consist-

ently taken the view that sanctions alone can never really solve political problems. In this respect, China's position is close to that of the Africa Union, which demands that »sanctions should be considered only after all means of peaceful settlement of disputes under Chapter VI of the United Nations Charter have been exhausted«. ¹³ The Council's deliberation process must take into account the sensitivity of relevant political talks, with the objective of providing the parties with an incentive to move forward to a political agreement. As a result, China has rejected certain proposals for sanctions presented to the Council. When it comes to technical aspects, the sanctions authorized by the United Nations should be more carefully designed in order to alleviate their side effects on the welfare of the populations of the target country and of other closely connected countries. Even the most sophisticated design process cannot ensure that third countries will not be affected by sanctions due to their uncertain scope or due to implementation deliberately biased by political considerations. Therefore, assessment mechanisms or other effective ways to assist third countries must be established as a matter of necessity. A complete and well-defined sanctions regime based on firm political and legal principles must be established that will be conducive to better implementation and to winning the sincere support of member states for sanctions. Moreover, sanctions should cease immediately once their objectives have been achieved.

5.2 Referral and Deferral of Country Cases to the International Criminal Court

The International Criminal Court (ICC) was established in 2002 after the Rome Statute came into effect. The purpose of the Court is to prosecute the most serious international crimes, including genocide, war crimes, crimes against humanity, and crimes of aggression. In accordance with the Rome Statute, the ICC has actually relied in several respects on the decisions and actions of the Security Council. Article 13 stipulates that a situation could be put under the jurisdiction of the ICC if it is referred to the prosecutor by the Council acting under Chapter VII. And Article 16 lays down the conditions for a »deferral of investigation or prosecution«.

13. African Union, *The Common Position on the Proposed Reform of the United Nations (Ezulwini Consensus)*, 8.3.2005, Addis Ababa, Ethiopia, <http://www.cfr.org/world/common-african-position-proposed-reform-united-nations-ezulwini-consensus/p25444>, accessed on 8.8.2013.

It states that »no investigation or prosecution may be commenced or proceeded with under this Statute for a period of 12 months after the Security Council, in a resolution adopted under Chapter VII of the Charter of the United Nations, has requested the Court to that effect; that request may be renewed by the Council under the same conditions«. ¹⁴ Due to objections to the legal defects in the stipulations of the Rome Statute, such as potential binding effects on non-contracting parties and too much discretionary power of the prosecutor to initiate investigations *proprio motu*, China has not acceded to the treaty. Until now, the Council has made only two resolutions on referral of country-specific situations to the ICC, ¹⁵ with China abstaining on Resolution 1593 on the situation in the Darfur region but approving Resolution 1970 on Libya.

In recent years, China has paid great heed to the importance of overcoming impunity and promoting accountability in the case of crimes of international concern. China supports the efforts of countries to build national capacities and to exercise jurisdiction in the case of grave international crimes. ¹⁶ However, China takes a more cautious or even suspicious view of the jurisdiction of the ICC, since an independent international judicial body may override state sovereignty and ignore national administrative and judicial processes. China has consistently taken the view that the ICC should strictly observe the principle of complementarity as stipulated by the Rome Statute. But the clauses and relevant interpretations have provided the ICC the leeway to overstep its complementary role. China believes that international criminal justice cannot be pursued at the expense of the peace process, nor should it impede processes of national reconciliation. In this connection, China has paid close attention to recent developments in African countries. Due to concerns over the ICC's hearings on cases involving Kenyan leaders, the Extraordinary Session of the Assembly of the African Union adopted a resolution on relations between African countries and the ICC on 12.10.2013. The decision requires that »no charges shall be commenced or continued before any

international court or tribunal against any serving AU Head of State or Government or anybody acting or entitled to act in such capacity during their term of office«. ¹⁷ Based on this decision, the AU presented a draft resolution to the Council for a deferral of the ICC cases against the Kenyan President and the Vice President. China shared this concern and supported the motion of the African countries, recognizing that Kenya has been in a critical situation in the fight against terrorist threats in Eastern Africa and that due respect needs to be paid to the dignity of democratically elected Kenyan leaders. The subsequent failure of the Council to pass a deferral resolution has compromised its power to oversee peace and security issues and has reinforced the African countries' view that the differences in how requests from the United States and the African Union have been treated amount to discrimination.

Despite the concern of some countries over potential political interference by the ICC, China believes that the intention of state parties to the treaty was that the work of the ICC should be subject to certain checks and balances, since Article 16 of the Rome Statute stipulates the terms for deferrals of cases through resolutions of the Security Council. Given that it has no authority to suspend pending cases, the ICC also actually depends on deferral decisions by the Council in cases where critical interests of international peace and security are at stake. In other words, the essence of the principle of the complementarity of the ICC in relation to national processes resides precisely in the idea that, in a society haunted by the memories of civil conflicts and mass atrocities, judicial processes should always be accompanied by processes of national reconciliation, where the latter can only be achieved locally, not internationally.

5.3 The UNSC as a Global Legislature in Peace and Security Issues?

As mandated by the Charter, one function of the United Nations is to promote the codification and progressive development of international law. The initial, preparatory work on legal programs is usually performed by the International Law Committee. The Security Council, as the executive organ of the UN, is generally regarded as

14. Article 13 and 16 of the Rome Statute of International Criminal Court, adopted on 17.7.1998.

15. S/RES/1593 (adopted on 31.3.2005) on the situation in Darfur, Sudan; and S/RES/1970 (adopted on 26.2.2011) on the situation in Libya.

16. Speech by Chinese Permanent Representative to the United Nations Li Baodong at the Security Council Open Debate on the promotion and strengthening of the rule of law in the maintenance of international peace and security, 7.10.2012, S/PV.6849, p.12.

17. Extraordinary Session of the Assembly of the African Union, Ext/Assembly/AU/Dec.1(Oct.2013), 12.10.2013.

lacking the capacity to legislate even for the UN, not to mention to enact new rules of international law. China's consent to resolutions of the Council is generally informed by the belief that these resolutions do not have the status of legal precedents and that the Council mainly works on a case-by-case basis.

That said, under certain circumstances a resolution of the Council may signify progress in relevant rules of international law. This mainly works in two ways. First, like some widely accepted General Assembly resolutions,¹⁸ certain resolutions of the Council have become a kind of evidence of widespread legal beliefs around the world. One often-cited example is Council Resolution 1373 (2001) on the threats of terrorist attacks as a threat to international peace and security in the wake of the »9/11« incident. Another case is Resolution 1540 (2004) on the non-proliferation of weapons of mass destruction (WMDs), which was based on existing international legal documents concerning various kinds of WMDs but added greater enforcement power by establishing the Non-Proliferation Committee (1540 Committee) as a subsidiary organ of the Council. In these cases, the Council's resolutions have generally been an expression of the *opinio juris sive necessitatis* of countries around the world. Second, due to the Council's unique power and role, it can bring about changes in the interpretation and application of provisions of the Charter, which has always been regarded as the cornerstone of the post-World War II international legal order. Such cases include the Council's role in maintaining international peace and security in the case of civil wars or of conflicts under its authority. Some recent Council resolutions also have the terms being regarded as progressive development of international law, such as the mandate of peacekeeping operations to protect civilians and the establishment of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). However, a cautious attitude should be taken to developments in this direction. As the executive organ of the United Nations, the Council only has 15 members, which is too few for forging widely-recognized developments in international law. Here we must also bear in mind that the international legal subjects capable of international law-making are still overwhelmingly the national states. By contrast, the legislative role

18. For instance, GA Resolution 1514, Declaration on the granting of independence to colonial countries and peoples, 14.12.1960.

of international organizations is very limited. Therefore, the Council should continue to be regarded more as an executive and less as a legislative body.

6. Chinese perspectives on UNSC reform

6.1 Reform of UNSC Implies Reform of the Collective Security System

The United Nations has long been plagued by concerns about efficiency and effectiveness. Further reform of the institutional framework and working approaches of the UN agencies is needed with the aim of adapting the UN to a more pluralized and rapidly changing world. Therefore, China supports necessary and reasonable reform of the Council to enhance its authority and efficiency and enable it to better fulfill the responsibilities of maintaining international peace and security conferred on it by the UN Charter.¹⁹ Reform of the Security Council must address certain issues posed by its current work, such as its capacity to respond in a timely manner to crisis and conflicts, the involvement of non-Council members in its work, clarifying the extent of the Council's competence, and the like.

China's position on reform exhibits two main features. First, priority should be given to increasing the representation of developing countries and according small and medium-sized countries greater opportunities to become involved in the Council's deliberations. The goal of equitable geographical distribution should be pursued with special reference to the representation of different civilizations and cultures. In particular, the voices and representation of African countries must be increased. China will never lend its support to a reform proposal that fails to win widespread support across the African continent, which harbors most of the world's developing countries. The African stance on reform of the Council as reflected in the 2005 Ezulwini Consensus may not fully live up to China's expectations.²⁰ But this has not affected China's support for an enhanced role of African countries in the Council.

19. *Position Paper of the People's Republic of China at the 67th Session of the United Nations General Assembly*, 19.9.2012, Ministry of Foreign Affairs of the PRC.

20. According to the *Ezulwini Consensus*, African countries hope to have at least two permanent members with veto rights and five non-permanent members. China has major reservations concerning the implications of these reforms for equal representation and the effective functioning of the Council.

Second, reform of the Council is closely bound up with the future role of the UN and the shared interests of all of its members. A wide-ranging consultation process that includes all of the member countries is needed to achieve as broad a consensus as possible. Given the broad agenda of Security Council reform, it is important to persist with patient consultations to accommodate the interests and concerns of all parties. In China's view, the existing major split among different groups over the Council reform agenda clearly demonstrates that, instead of rushing to a vote that is sure to exacerbate divisions among countries throughout the world, an inclusive consultation process is urgently needed. Security Council reform is closely connected with the transformation of the collective security regime established under the UN Charter, in which the Council is the critical organ. This reform is not only concerned with changes in the composition of membership and working methods, but even more so with a range of contentious issues that touch on basic principles and ideas of international relations and law. A global consensus that includes both major powers and a range of medium-sized and smaller countries around the world is urgently needed to ensure that such a reform can advance smoothly.

6.2 Veto Power and the Concert of Permanent Members Remain Relevant for the Time Being

One critical issue is the role of the veto powers of the permanent members and its future. The way vetoes have been used in Council deliberations has undergone at least two positive changes during the post-Cold War period. In the first place, they have been used exclusively in non-procedural matters. Whether a particular issue is a procedural matter is generally decided by the President of the Council with the consensus of all members, which means that the concerns over »double veto« power are greatly exaggerated. This way of dealing with procedural matters has gradually become the established practice of the Council.²¹ The recent practices of permanent members also show that they have become more prudent in exercising their veto powers. This power now

actually functions as a kind of deterrent in the hands of permanent members. It is not formally used so often, but functions instead as a potential restraint over the actions of other members. This way of signaling an intention to wield a veto without ultimately having to do so is often referred to as the »pocket veto«. In this way, it can prompt the members of the Council to make greater efforts to reach compromises and build consensus through informal consultation. This actually reflects the intention of the drafters of the UN Charter in establishing the veto power. The intention was to maintain appropriate balances and mutual restraint among the major powers in order to promote dialogue, consultation, and consensus-building.

A brief survey of the history of the UN and post-World War II international relations shows that the ability of the Council to play its crucial role in promoting international security actually depends on the smooth operation of consensus-building among the concert of the permanent members. In the early 1990s, the post-Cold War international system was undergoing restructuring and the consultation among the permanent members had greatly advanced the unity within the Council. It had finally overcome its »dysfunctional« status and played a leading role in addressing various regional crises and conflicts. However, while the United States and some Western countries began to embrace a more unilateral use of force in addressing regional conflicts, as shown by the NATO air campaign in Kosovo, the »War on Terror«, and the invasion of Iraq, the concert of major powers in the Council again fell into an impasse. Currently the Security Council is faced with a new dilemma in addressing turmoil and conflicts within many Middle Eastern and North African (MENA) countries. Past practice has demonstrated that only when the permanent members of the Security Council respect each other's substantial interests and concerns can the Council and the whole UN system function properly.

That said we must also bear in mind the increasing contribution of small and medium-sized countries when it comes to initiatives and conceptual innovation. The threat to exercise veto power by permanent members of the Security Council has often been the subject of complaints by non-permanent members. However, the frequency of veto votes shows that the threat of veto may not work under all the circumstances. Members of the Council are often willing to put a resolution to a vote

21. »Procedural motions such as adoption of agenda, extension of invitation to participants and the suspension or adjournment of a meeting were regularly approved by the Council without a vote and when such motions were voted upon, they were treated as voting on procedural matters«. *Repertoire of the Practice of the Security Council, 16th Supplement, 2008-2009, Part II: Provisional Rules of Procedure, p.100.*

even though they know beforehand that there is a high probability of it being blocked by a veto. The minimum votes required to pass a resolution as stipulated by Article 27 of the Charter also provides the non-permanent members with certain influence in blocking a draft resolution, if there are enough like-minded members to form a coalition of the willing.

In sum, the Council now faces a major problem of representation and effectiveness. Emerging powers and developing countries should have greater voice and influence in the Council's work. Yet the concert of permanent members is still critical to the Council's smooth operation, with the veto right constituting a kind of bedrock that ensures that the Council stays on course. This imbalance in voting rights can be eliminated only when the international community really has evolved to a much more sophisticated and well-governed level. We are still living in a Grotian world,²² which means that a balance needs to be struck between the »power of rules« and »the rule of powers«. The international institutions in the Grotian world continue to reflect the will of their member states, with the powerful states making great efforts to institutionalize their dominance in international affairs. The weighted voting and shareholding structure in the Bretton Woods International Financial Institutions vividly reflected such a reality. That said, the current Grotian world is far removed from a »law of the jungle«. The institutionalization and legalization of international affairs have endowed small and medium-sized countries, as well as international civil society, with a greater say. Although the major powers still enjoy major advantages when it comes to enforcing a unilateral or collective will through coalitions of the willing and the able, the weaker countries can exercise certain checks and balances by invoking rules of international law or through the institutionalized structure of international system. Only when the diversified and pluralist world becomes comfortable with the governance of a supra-national organization and with an international constitutional order can the current situation in which some countries are »more equal than others« change into one in which »all countries are equal«.

22. On the contrast between three worldviews of the Hobbesian, Grotian, and Kantian schools, see Hedley Bull, *Anarchical Society: A Study of Order in World Politics*, Columbia University Press, 1995.

6.3 Limiting the UNSC's Thematic Creep in Times of Increasing Securitization

Generally speaking, China takes a balanced view of the role of the UN Security Council in maintaining international peace and security. On one hand, China steadfastly supports the authority of Security Council resolutions and maintains that any unilateral action on critical peace and security issues without the authorization of Council should be regarded as illegitimate and unlawful. On the other hand, China also recognizes the limitations and constraints to which the Council is subject due to both the complexity of specific situations and the scarcity of time and resources. As a result, China often states that the Council should not be stretched too far. It needs to focus on issues and situations that constitute manifest threats to or breaches of international peace and security. According to Chapter VII of the UN Charter, the Council is vested with the power to judge which situations call for coercive actions. Article 39 stipulates that »The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security«.

However, post-Cold War practices show that the Council has gradually expanded its powers under Chapter VII through a broader interpretation of the relevant provisions. Besides that, in recent years there has been a general trend toward increased securitization, which means that issues that previously did not fall within the scope of security have found their way onto the agenda of the Council, such as climate change, organized crime, and human trafficking, among other things. Some thematic topics go beyond the scope of the mandate of the Council. China and some member states have expressed their concern over this thematic creep. In April 2007, the United Kingdom, which held the presidency of the Council at the time, organized an open debate on the relation between climate change and the Council's competence. The representative of Pakistan, speaking on behalf of the »Group of 77« developing countries and China, stated that the ever-increasing encroachment of the Security Council on the areas of responsibility of the other major UN organs represented a »distortion« of the principles and purposes of the Charter, infringed on the authority of the other bodies, and compromised the rights of

the Organization's wider membership.²³ The Council, as the executive organ of the UN, is already overburdened by the deliberative and decision-making work relating to international security. A number of international organizations are also becoming better equipped to deal with problem areas not directly related to traditional security issues. Based on considerations of effectiveness, the primary focus of the Council should be on crises and conflicts that impact directly on international peace and security, with other matters being left for the relevant specialized agencies or mechanisms. There is also great concern that the Council's involvement could disrupt ongoing multilateral consultation, negotiation, or deliberation processes. So members of the Council should not deliberately overstretch the securitization process.

6.4 China's Stance on Initiatives to Reform UNSC Working Methods

In recent years, the discussion of Security Council reform has shifted toward redesigning its working methods. Many member states came to the realization that this may be the only feasible way to promote the reform agenda in the near future. China believes that improvements in the working methods of the Council should be made in a balanced way that heeds both the need for transparency, inclusiveness, and representativeness and the effectiveness of the Council. The Council has made significant progress in terms of improving its working methods. The monthly briefing to non-Council members by the Council's rotating presidency on its program of work has become a well-established practice, with more open meetings being convened. The Council has effectively utilized a variety of formats, such as informal interactive dialogues and Arria-formula meetings, to strengthen its exchange and interaction with relevant member states, country configurations of the Peace Building Commission, civil society, and academic institutions.²⁴ China supports further discussion and actions under the guidance of Presidential Note 507 (S/2010/507), and the subsequent work of the Informal Working Group on Documentation and Other Procedural Questions (IWGD).

The Group of Small Five (S5) used to play a leading role in the area of Security Council reform. Last year it was ready to present a draft resolution to the General Assembly for a vote. However, after the UN legal advisor proposed that a vote on this draft could be regarded as an important question that demands the approval of two-thirds of the UN member states, the S5 ultimately withdrew the draft in the face of a major division among the member states over whether to present the package of recommendations in a General Assembly resolution (see Lehmann 2013: 3-4). The P5 made coordinated efforts to prevent the draft resolution from being put to a vote out of their common concern that a General Assembly resolution could negate a right endowed on the Council by the UN Charter, since Article 30 provides that the Security Council shall adopt its own rules of procedure. Considering this, the newly established Accountability, Coherence, and Transparency Group (ACT) has changed tactic by recognizing the Council as »master of its own procedures«. ²⁵ As for the specific contents of reform proposals, the major concern was the proposed restraints on veto power, which required the P5 not to exercise the veto in cases of genocide, war crimes, and crimes against humanity and also to provide an explanation for every veto. ²⁶ France recently came out explicitly in support of the idea of a »code of conduct« for veto rights. It proposed that the permanent members themselves could voluntarily regulate their right to exercise their veto (Fabius 2013). On the face of it, this proposal has great moral attractiveness and persuasive power. However, in substance it went far beyond the discussion of the working methods of the Council. Considering that the purpose of the work of the Council has always been to maintain international peace and order even in the face of serious international crimes, this proposal potentially constitutes a substantive restraint on the veto rights of the permanent members. In fact, all Security Council resolutions have to be based on a solid consensus-building process. So the critical point is not the veto, but the cohesiveness among the Council members.

23. United Nations Security Council 5663rd Meeting, 17.4.2007, SC/9000.

24. Statement by Ambassador Li Baodong at the Security Council Open Debate on the Working Methods of the Security Council, 26.11.2012, <http://www.china-un.org/eng/chinaandun/securitycouncil/t993924.htm>, accessed on 20.3.2013.

25. Accountability, Coherence, and Transparency Group (ACT), Better Working Methods for today's UN Security Council, August 2013, <http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intorg/un/missny/other.Par.0170.File.tmp/ACT%20Fact%20Sheet.pdf>, accessed on 10.10.2013.

26. UN General Assembly, A/66/L.42, draft resolution for sixty-sixth session, 28.3.2012.

7. Conclusions

Almost three years after the upheavals in the MENA countries, the Council has experienced both good and bad times. Its authority has been greatly enhanced since the major powers, in particular the P5, became more inclined to rely on its legitimating role in addressing issues of international peace and security. The recent experiences of the American and British governments in relation to the Syrian chemical weapons attack have demonstrated the reluctance of politicians and peoples to take unilateral actions without the authorization provided by a resolution of the Council. However, the Syrian crisis also laid bare the limits of the Council as long as there are major splits among the major powers. The divisions in question were not only a reflection of considerations of national interest, but also hinged on perceptions or misperceptions concerning fundamental principles and ideas.

China has concentrated on the Council's role in authorizing intervention measures and dealing with the consequences of intervention. China, Russia, and some emerging powers share concerns over the possible

collateral damage to the international order by advocating and enforcing certain concepts and ideas propounded by the Western powers. Their indulgence in interventions under the third pillar of the RtoP has made China more vigilant concerning the intentions of Western powers in pushing through Council resolutions. Such distrust makes it even more difficult for the Council to reach a consensus on contentious issues. That said, China continues to strive to maintain good working relations and cooperation with the other permanent members in a spirit of principled pragmatism. In the meantime, China is also becoming more involved in international affairs based on its own approach, such as its persuasive diplomacy and participation in UNPKOs. The Chinese approach has been characterized by incrementalism and gradualism, with a marked preference for stability and gradual change in the status quo. At times it has provided a much-needed counterbalance to the radicalism of the Western approach. There is also the expectation that, in addition to greater material support for the Council's work, in the future China may play a more active role in formulating, interpreting, and implementing ideas and concepts for the Council.²⁷

27. The recent efforts by a Chinese think tank affiliated to the Foreign Ministry to develop the concept of «responsible protection» presented by a Chinese scholar may reflect an intention to shape relevant international discourses. However, because of a lack of expertise in forging concepts and agendas in the political and security fields, it is very hard for China to live up to such an expectation. That said, if more coherent and systematic work is done by academics or the government in the future, China may play a more prominent role in redefining, clarifying, or materializing some ideas and principles of the UN.



References

- Alvarez, Jose E.** (2003): Editorial Comment: Hegemonic International Law Revisited, *American Journal of International Law*, Vol. 97, No. 4, pp.873-887.
- Bosco, David L.** (2009): *Five to Rule Them All: The UN Security Council and the Making of the Modern World*, Oxford University Press.
- Center on International Cooperation (CIC)** (2013): *Annual Review of Global Peace Operations 2013*, Lynne Rienner Publishers, Inc.
- Dai, Ying and Xing, Yue** (2007): China Has Not Attempted to Softly Balance the US in the UN, *Quarterly Journal of International Politics*, Vol. 3, pp.19-51. (in Chinese)
- Fabius, Laurent** (2013): A Call for Self-Restraint at the UN, *New York Times*, 4 October 2013, <http://www.nytimes.com/2013/10/04/opinion/a-call-for-self-restraint-at-the-un.html?ref=contributors>.
- Fravel, M. Taylor** (1996): China's Attitude Toward UN Peacekeeping Operations Since 1989, *Asian Survey*, Vol. 36, No. 11, pp.1102-1121.
- Gill, Bates and Chin-Hao, Huang** (2009): China's Expanding Role in Peacekeeping: Prospects and Policy Implications, SIPRI Policy Paper No. 25.
- He, Yin** (2007): China's Changing Policy on UN Peacekeeping Operations. Asia Paper, Institute for Security and Development Policy.
- Lehmann, Volker** (2013): Reforming the Working Methods of the UN Security Council: The Next ACT. Perspective, Friedrich-Ebert-Stiftung New York.
- Shambaugh, David** (2013): *China Goes Global: The Partial Power*, Oxford University Press.
- Wang, Jisi** (2011): China's Search for a Grand Strategy: A Rising Great Power Finds Its Way, *Foreign Affairs*, Vol. 90, No. 2, pp.68-79.
- Wang, Yizhou** (2012): Creative involvement: a new direction in Chinese diplomacy, in *China 3.0*, edited by Mark Leonard, European Council on Foreign Relations, pp.106-111.



About the author

Xue Lei is Research Fellow at the Center of Maritime and Polar Studies, Shanghai Institutes for International Studies.

Imprint

Friedrich-Ebert-Stiftung | Global Policy and Development
Hiroshimastr. 28 | 10785 Berlin | Germany

Responsible:
Marius Müller-Hennig, Global Peace and Security Policy
Catrina Schläger, Resident Director FES Shanghai

Phone: +49-30-269-35-7476 | Fax: +49-30-269-35-9246
<http://www.fes.de/GPol/en>

To order publications:
Sandra.Richter@fes.de

Commercial use of all media published by the Friedrich-Ebert-Stiftung (FES) is not permitted without the written consent of the FES.

Global Policy and Development

The department Global Policy and Development of the Friedrich-Ebert-Stiftung fosters dialogue between North and South and promotes public and political debate on international issues in Germany and Europe. In providing a platform for discussions and consultation we aim at raising awareness of global interdependencies, developing scenarios for future trends and formulating policy recommendations. This publication is part of the working line »Global Peace and Security Policy«, in charge: Marius Müller-Hennig, Marius.Mueller-Hennig@fes.de.

UN Security Council in Focus

This publication is part of the series »UN Security Council in Focus«, which analyses issues on the agenda of the Security Council as well as its reform and position in the system of the United Nations.



The views expressed in this publication are not necessarily those of the Friedrich-Ebert-Stiftung or of the organization for which the author works.

This publication is printed on paper from sustainable forestry.



ISBN 978-3-86498-850-9