# AN ANALYSIS OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS: ARE ALL COUNTRIES TREATED EQUALLY?

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*This Note argues that the Security Council fails to treat all Members of the United Nations equally, specifically singling out Israel, and to a lesser extent South Africa, for disparate treatment during the Cold War period. After introducing the Security Council, the Note creates a hierarchical classification system of wording in Security Council resolutions, specifically of emotive and instructive wording. Once the system is explained, the Note analyzes the words used in each Security Council resolution and cross-references those words with the Entity being discussed. To do this, the Note focuses on nine specific areas in which the disparate treatment among Members is evident, particularly with regards to Israel. The Note concludes by stressing the importance of correcting the underlying endemic flaws in the United Nations system rather than trying to patch problems with artificial devices, such as the Negroponte Doctrine. Only by ridding the Security Council of its biases can it serve the purpose it was created to fulfill.*

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## INTRODUCTION

The United Nations Security Council, created as a bastion of hope and international cooperation to contain and resolve threats to international peace and security around the world, has evolved into a political body whose resolutions are used to threaten and inequitably treat its Member countries. The unequal treatment strikes at the very core of the United Nations' purpose and trivializes the value of international cooperation. Specifically, Israel—and to a lesser extent South Africa—has been uniquely and excessively singled out for admonishment by the Security Council, especially when comparing incidents with those committed by other countries.

To understand the importance of the Security Council and the role it plays in the United Nations, it is necessary to examine the purpose the United Nations was created to serve and how the Security Council fails to uphold the ideals and objectives of its founders and Member countries. On June 26, 1945, fifty-one countries met in San Francisco, California and signed the United Nations Charter.[1] Following the victory over the Axis Powers in World War II, the victorious alliance of countries sought to

**Figure 1.**



General Assembly – 2006 Country Specific Resolutions

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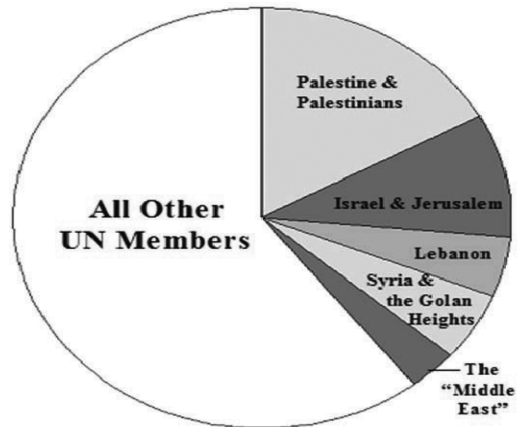
[1]  LAWRENCE ZIRING ET AL., THE UNITED NATIONS: INTERNATIONAL ORGANIZATION AND WORLD POLITICS 22–23 (3d ed. 2000).

maintain the cooperation that had proven so valuable in World War II.[2] The victors resolved to maintain the alliance and create the United Nations organization.[3] Collectively they declared, "[w]e the peoples of the United Nations [are] determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, [and] in the *equal rights* of men and women and of nations large and small . . . ."[4] To emphasize its purpose, the Charter continues, "[t]he Organization is based on the principle of the sovereign *equality of all its Members*."[5] In layman's terms, the United Nations aspired to treat every country and its people equally.

The founding countries were filled with excitement at the thought of an international organization that would support their interests.[6] The United Nations was created as "humankind's best hope for an enduring peace" and "promised a cooperative grouping of nations."[7] In the absence of a worldwide government,[8] treaties provide the best method for diminishing conflicts between countries.[9] Its founders believed the United Nations Charter was such a treaty.[10]

Unfortunately, since its creation, the United Nations has not lived up to the lofty visions of its founders nor to the expectations of those that joined after its creation. The practices of the organization are often contradictory to the principles espoused by the Charter. The founding states of the United Nations called for "the principle of equal rights" for all its Members,[11] but that principle has been ignored. Instead, Members of the United Nations generally place politics above their goal of preventing conflicts. Each body of the United Nations has flaws that are consistently exploited by powerful Members or blocs in order to discriminate against other countries. In the Security Council, the manipulated flaw is manifest in the ability of each of the five Permanent Members to veto any resolution it does not agree

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  [2]   *Id.* at 19.

  [3]   *Id.*

  [4]   U.N. Charter pmbl. (emphasis added).

  [5]   *Id.* art. 2, para. 1 (emphasis added).

  [6]   ZIRING ET AL., *supra* note 1, at 1–2.

  [7]   *Id.* at 2.

  [8]   This impractical option would necessarily impinge on the sovereignty of each state, which goes against the principles of the United Nations. U.N. Charter art. 2, para. 1 ("The Organization is based on the principle of the *sovereign* equality of all its Members.") (emphasis added).

  [9]   *See* ZIRING ET AL., *supra* note 1, at 7.

  [10]  *See id.*

  [11]  U.N. Charter art. 1, para. 2.

with.[12] This provides blanket immunity in the Security Council to each of these countries and any close ally that country wishes to protect.

Conversely, in the General Assembly where every country has an equal vote and no country is capable of vetoing any proposal, groups of countries often band together as "blocs" to vote in predetermined ways so as to strongly influence each vote.[13] It is mathematically possible for a resolution in the General Assembly to be passed with a two-thirds vote by countries that make up less that 15 percent of the world's population.[14] Due to the heavy influences imposed by large blocs, General Assembly resolutions can single out specific countries excessively.[15] Figure 1 shows the General Assembly's fixation on resolutions regarding countries in the Middle East.[16] The General Assembly's fixation on Israel and the Middle East conflict has many possible explanations, including the United States' consistent protection of Israel in the Security Council,[17] an automatic majority in the General Assembly composed of Israel's enemies,[18] or just a general bias against Israel.[19]

Regrettably, this anti-Israel bias is not confined to the General Assembly; it is endemic throughout the United Nations. This disheartening

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[12]   Thomas Bruha, *Security Council, in* 2 UNITED NATIONS: LAW, POLICIES & PRACTICE 1147, 1152 (Rudiger Wolfrum ed., 1995).

[13]   *See* THOMAS HOVET, JR., BLOC POLITICS IN THE UNITED NATIONS 8 (1960). Although countries informally joined together to support common policies, before 1960, the only true bloc in its technical sense was "the Soviet bloc, which to all intents and purposes operates as a single unit with nine votes, the number of its members." *Id.* at 30–31.

[14]   ZIRING ET AL., *supra* note 1, at 85. *See also id.* at 94 (explaining the voting power of the Group of 77, which possesses the strength to defeat all opposition in the General Assembly); Christoph Schreuer, *Regionalization, in* 2 UNITED NATIONS: LAW, POLICIES AND PRACTICE 1059, 1060 (Rudiger Wolfrum ed., 1995) (declaring the Group of 77 to be among the most influential of the regional groups).

[15]   For example, the General Assembly annually adopts resolutions stating that Israel "is not a peace-loving Member State" and calling on "all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields." HARRIS OKUN SCHOENBERG, A MANDATE FOR TERROR: THE UNITED NATIONS & THE PLO 270–71 (1988).

[16]   It is important to note that "[n]o [General] Assembly resolution has ever singled out the Palestinians for criticism." Michael J. Jordan, *Symbolic Fight for Israel at UN*, CHRISTIAN SCI. MONITOR, Dec. 8, 2003, at 6.

[17]   *See* David A. Bosworth, *American Crusade: The Religious Roots of the War on Terror*, 7 BARRY L. REV. 65, 86 n.151 (2006).

[18]   David L. Breau, *The World Court's Advisory Function: "Not Legally Well-Founded,"* 14 U. MIAMI INT'L & COMP. L. REV. 185, 201–02 (2006).

[19]   Michael Curtis, *International Law and the Territories*, 32 HARV. INT'L L. J. 457, 473 (1991). The flaws of the General Assembly require a deep investigation of their own. This idea is briefly introduced here only as another example of the fallibility of the United Nations organization so as not to imply that the Security Council is the only body that is hijacked by Members for political purposes.

conclusion was volunteered by the United Nations Secretary General, Kofi Annan, in his opening address to the sixty-first session of the General Assembly. Annan admitted, "supporters of Israel feel that it is harshly judged, by standards that are not applied to its enemies—and too often *this is true, particularly in some UN bodies*."[20] The United Nations' failure to treat all of its Members equally, the very precept the international organization was founded upon, is consistently demonstrated by its treatment of Israel.[21] This Note explores the depths of that disparate treatment.

Section II of this Note describes the methodology used to compile the data presented here. This section explains which types of statistics were recorded and how the data were chosen.

Section III introduces the Security Council. This section begins by describing the structure, methods, and purposes of the Council. It continues by introducing the role regional groups play in the Security Council and how Israel's exclusion from the regional group structure violates the United Nations Charter. The section concludes with an explanation of Security Council resolutions.

Section IV presents a hierarchical classification system of the words used in Security Council resolutions. This section explains the ranking of emotive words, instructive words, and modifying words through examples, definitions, and their placement in resolutions.

Finally, section V analyzes Security Council resolution wording based on the classification system created in Section IV. This section begins by distinguishing between resolutions of the Cold War era, in which the Security Council excessively focused on Israel and South Africa, and the resolutions of the post-Cold War era. It continues by comparing the words used in Israel-centric resolutions with resolutions about other Middle Eastern Entities when both countries engaged in similar behaviors. This section then explores the Security Council's focus on South Africa's apartheid regime. It concludes with a brief discussion of the Negroponte Doctrine, how it has affected the balance of the wording used in Security Council resolutions, and future implications.

## II. METHODOLOGY OF THIS STUDY

Since its inception, the Security Council has debated thousands of issues—referred to here as "Subjects"—and has published almost eighteen

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[20]   The Secretary-General, *Struggle to Confront Three Global Challenges - Development, Security, Human Rights, delivered to the General Assembly*, U.N. Doc. SG/SM/10643 (Sep. 19, 2006) (emphasis added).

[21]   H.R. Res. 624, 110th Cong. (2007) (enacted). The United Nations' unequal treatment of Members is most clearly and repeatedly evidenced in the treatment of Israel, discussed *infra*, Section V.B.

hundred resolutions.[22] Certain Subjects have inspired hundreds of resolutions,[23] while other comparably important Subjects have inspired very few or no resolutions.[24] This Note focuses on the words used by the United Nations Security Council in resolutions that pertain to each Subject it has addressed. I compared the wording used by the Security Council in resolutions that were directed toward different Entities when the Subjects were similar. Since the Subject of a resolution does not always relate to the actions of a country—sometimes, instead of a country, the Council addresses a non-state actor—this Note refers to the target of the each Security Council resolution as an "Entity." I also compared factually similar Subjects regarding different Entities when only one of the Subjects produced a Security Council resolution.[25]

I analyzed every Security Council resolution and recorded statistics in three areas: (1) the wording used; (2) the details employed; and (3) the frequency of the resolutions. Since the Security Council has considered hundreds of Subjects over the last sixty-three years, I focused on the Subjects discussed in this Note for one or more of the following reasons: (A) the Security Council spent a large amount of its time considering the Subject; (B) the Security Council spent very little of its time considering the Subject, but it resulted in numerous fatalities; (C) the Security Council used poignant word choices in describing the Subject; or (D) the Security Council used contrasting wording in describing analogous Subjects.

After cross-referencing the Subject of each resolution with both the Entity and the wording, details and frequency data described above, I performed a content analysis on the statistics collected.[26] Content analysis is "a research technique for making inferences by systematically and objectively identifying specified characteristics within a text."[27] To perform this type of

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[22]     S.C. Res. 1794, U.N. Doc. S/RES/1794 (Dec. 21, 2007).

[23]     For example, Iraq's annexation of Kuwait was the Subject of twenty-five Security Council resolutions between August 2, 1990 and October 11, 1991. *See, e.g.*, S.C. Res. 715, U.N. Doc. S/RES/715 (Oct. 11, 1991); S.C. Res. 660, U.N. Doc. S/RES/660 (Aug. 2, 1990).

[24]     For example, due to the Permanent Members' involvement in the Vietnamese Civil War, the Security Council did not produce a single resolution on the conflict. ROBERT F. GORMAN, GREAT DEBATES AT THE UNITED NATIONS: AN ENCYCLOPEDIA OF FIFTY KEY ISSUES, 1945–2000, at 174 (2001).

[25]     *See, e.g.*, S.C. Res. 681, U.N. Doc. S/RES/681 (Dec. 20, 1990) (describing Israel's deportation of Palestinians); DAVID W. LESCH, THE ARAB-ISRAELI CONFLICT: A HISTORY 236 (2008) (discussing the "Black September" civil war in Jordan in which Palestinians were killed and exiled). For additional examples, *see infra*, Section V.B.3.

[26]     As of the date of this Note, no one has ever attempted to analyze the wording of Security Council resolutions by means of a content analysis or in any other manner.

[27]     PHILIP J. STONE ET AL., THE GENERAL INQUIRER: A COMPUTER APPROACH TO CONTENT ANALYSIS 5 (1966). For a thorough explanation of content analysis and its history, *see* Klaus

analysis, the researcher must create a classification structure by which to compare the data.[28] The classification system used here is intricately described in Section IV.

### III.  THE SECURITY COUNCIL

*A.  Background*

Before hierarchically classifying and explaining the wording used in Security Council resolutions, it is important to understand how the Security Council works. The Security Council is one of six principal organs created by the United Nations Charter.[29] The other enumerated bodies include the General Assembly, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, and the Secretariat.[30] The principal responsibility of the Security Council is to maintain international peace and security.[31] Fifteen Members sit on the Security Council; five are Permanent Members and the other ten are elected by the General Assembly every two years.[32] The five Permanent Members are the People's Republic of China, France, the Union of Soviet Socialist Republics (Soviet Union), the United Kingdom of Great Britain and Northern Ireland, and the United States of America.[33] When the two year term of a non-Permanent Member concludes, it is not eligible to be immediately re-elected.[34] This gives a variety of countries the opportunity to participate in Security Council decisions, which is a very prestigious honor.[35]

Although meetings of the Security Council are not fixed, the Charter requires that the Security Council meet at least every fourteen days.[36] A meeting may be called for a variety of reasons other than the mandatory

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Krippendorff, *Content Analysis: An Introduction to its Methodology, in* 5 SAGE COMMTEXT SERIES 13–20 (F. Gerald Kline ed., 1980).

[28]   *Id.* at 27. Each system of content analysis, while performed objectively, is created by the individual analyst and, thus, subject to the perspective of the analyst. *Id.* at 26. However, by clearly enumerating the method used to compile and analyze the data, the data is replicable and valid inferences can be made from their context. *Id.* at 21.

[29]   U.N. Charter art. 7, para. 1.

[30]   *Id.*

[31]   *Id.* art. 24, para. 1–2.

[32]   *Rules of Procedure of the General Assembly*, at 142, U.N. Doc. A/520/Rev.15 (1985).

[33]   U.N. Charter art. 23, para. 1. Following its collapse, the Soviet Union was replaced on the Security Council by Russia. The original Republic of China, a founding Member of the United Nations, was officially replaced in 1971 by the People's Republic of China under the United Nations' One China policy.

[34]   Rules of Procedure of the General Assembly, *supra* note 32, at 144.

[35]   ZIRING ET AL., *supra* note 1, at 50.

[36]   *Provisional Rules of Procedure of the Security Council*, at 1, U.N. Doc. S/96/Rev.7 (1983).

time period: a request by a Member of the Security Council, a request from the General Assembly or the Secretary General, a circumstance dictated by the United Nations Charter, or an initiative by the President of the Security Council.[37] At these meetings, any Member whose interests are affected by the topic being discussed in the Security Council has the right to participate in the discussion.[38] Furthermore, any state or group—regardless of whether it is a Member of the United Nations—must be invited to any discussion of a dispute to which it is a party.[39] However, neither of these rights provides the invited guest a vote in the Security Council's final decision on the dispute.[40]

Although maintaining international peace and security is now considered to be solely within the dominion of the Security Council, this structure was not the only proposal.[41] During the formation of the United Nations Charter at the United Nations Conference on International Organization in June of 1945, several proposals were presented that would have allowed the General Assembly to play an integral role in preserving international peace and security.[42] One possibility would have mandated that all decisions of the Security Council be submitted to the General Assembly for ratification; however, that suggestion was judged to be too cumbersome and likely to inhibit decisive actions by the Security Council.[43] The idea of giving the General Assembly a strong hand in Security Council proceedings was eventually rejected because the General Assembly already affects the Security Council by electing the majority of its Members.[44]

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[37]   *Id.* at 1–3; ZIRING ET AL., *supra* note 1, at 51.

[38]   Provisional Rules of Procedure of the Security Council, *supra* note 36, at 37; U.N. Charter art. 31; ZIRING ET AL., *supra* note 1, at 51.

[39]   U.N. Charter art. 32; ZIRING ET AL., *supra* note 1, at 51.

[40]   U.N. Charter art. 31–32; ZIRING ET AL., *supra* note 1, at 51. Giving parties to the dispute a vote would provide a vote to an unelected or non-Permanent Member of the United Nations, in contravention to the Charter. *See* U.N. Charter art. 23. Additionally, even if it was not in breach of the Charter, it would presumably add one vote to each side and make it more difficult to reach a supermajority of 60 percent of the Security Council required to approve a resolution. A supermajority requiring nine of fifteen is 60 percent approval. If a supermajority of 60 percent is needed from seventeen votes, eleven votes would be required for approval, since ten votes would only be 58 percent.

[41]   David Schweigman, *The Authority of the Security Council Under Chapter VII of the UN Charter: Legal Limits and the Role of the International Court of Justice, in* 8 STUDIES AND MATERIALS ON THE SETTLEMENT OF INTERNATIONAL DISPUTES 27 (Peter Malanczuk ed., 2001).

[42]   *Id.* at 26–27.

[43]   *Id.* at 27 (citing Report of Paul-Boncour, 11 UNCIO DOCS., at 14). Adding another step to the process of decision-making in order to protect international peace and security would inhibit the ability to react quickly to any challenges that arise.

[44]   *Id.*

The General Assembly elects a majority of the Members to the Security Council, but the Permanent Members have a crucial advantage over the elected Members: a veto.[45] Any Permanent Member can veto any resolution proposed in the Security Council without explanation.[46] Often, a Permanent Member uses the veto to protect an ally; thus, the veto is an "instrument of political protectionism."[47] The ability to veto, or even just the threat of a veto, has had a large impact on the productivity of the Security Council.[48]

While there are only five individual vetoes on the Security Council—one available for each Permanent Member—no Permanent Member is capable of compelling a non-Permanent Member into agreeing to a resolution or declaration.[49] Technically, any seven non-Permanent Members banding together have a cumulative veto because a super-majority of nine out of fifteen votes must approve every resolution.[50] This theoretical non-Permanent Member veto is not often discussed because it has never occurred and many consider it implausible that seven divergent states with different interests would join together to block a resolution; however, it remains a possibility that the Permanent Members cannot ignore.[51]

## B.        *Regional Groups*

Regional groups play a very important role in the United Nations, especially in the Security Council.[52] A regional group is a collection of

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[45]    Bruha, *supra* note 12, at 1152.

[46]    *Id.* For the history of the negotiations over the Permanent Member veto, *see* STANLEY MEISLER, UNITED NATIONS: THE FIRST FIFTY YEARS 9–19 (1995).

[47]    Bruha, *supra* note 12, at 1156–57.

[48]    David M. Malone, *Security Council in* THE OXFORD HANDBOOK ON THE UNITED NATIONS 117, 120 (Thomas G. Weiss & Sam Daws eds., 2007) (explaining that during the Cold War, due to the veto, many "key challenges to international peace and security" were ignored, some of which included the Berlin Blockade, the Cuban Missile Crisis, the Prague Spring, and the Vietnam War). For a discussion of the Permanent Member veto, *see infra* notes 164–174 and accompanying text.

[49]    *See* Bruha, *supra* note 12, at 1153.

[50]    *Id.* To demonstrate, if the five Permanent Members agree that any country with more than 60,000,000 citizens should never be asked to supply any of its own citizens for United Nations peace-keeping operations, then seven non-Permanent Members can prevent the resolution from being approved. Panama, Vietnam, Belgium, Burkina Faso, Costa Rica, Libya and Croatia—each with less than 15,000,000 citizens and a seat on the Security Council in 2008—would likely be strongly opposed to this resolution and, thus, capable of banding together to veto that resolution.

[51]    *Id.*

[52]    Robert Jennings, *Opinion Regarding The Exclusion of Israel from the United Nations Regional Group System,* ¶ 3 (Nov. 4 1999) *available at* http://www.ajcarchives.org/AJC_DATA/Files/222.pdf ("[R]egional groups . . . [are] an essential part of the whole working structure of the Organisation.").

countries that "control elections to UN-related positions, dividing up the pie on the basis of geographic representation, as well as coordinate substantive policy, and form common fronts for negotiations."[53] Each non-Permanent Member of the Security Council is elected within its own regional group.[54] Five non-Permanent Members are selected by the Asia and Africa groups, one by Eastern Europe, two by Latin America, and two by Western European and Others (WEOG).[55] This distribution, which is "proportional to the geographical and political situation of the members, is intended to assure the widest possible participation in the power concentration of the Security Council, as well as the representation of the most particular interests of all [M]ember states."[56] These non-Permanent Members fill the majority of seats on the Security Council, thereby substantially affecting the agenda and resolutions.

The United Nations Charter explicitly states that non-Permanent Members of the Security Council are selected with regard to their contributions toward the maintenance of international peace and security, as well as an equitable geographical distribution.[57] The use of regional groups for appointing non-Permanent Members prevents countries from banding together to fill each position. For example, in the General Assembly, the Group of 77 has the strength to defeat all opposition.[58] If the General Assembly at large was tasked with electing all ten non-Permanent Members of the Security Council without the restrictions of regional groups, the Group of 77 could always control which ten countries would serve on the Security Council.[59]

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[53] EYE ON THE UN, POLITICAL ALLIANCES WITHIN THE UN, http://www.eyeontheun.com/view.asp?l=11&p=55 (last visited Aug. 2, 2008).

[54] ZIRING ET AL., *supra* note 1, at 50.

[55] G.A. Res. 1991 (XVIII), ¶ 3, U.N. Doc. A/5515 (Dec. 17, 1963).

[56] Bruha, *supra* note 12, at 1151.

[57] ZIRING ET AL., *supra* note 1, at 49.

[58] *Id.* at 94. The Group of 77 was created "to articulate and promote [the groups'] collective economic interests and enhance their joint negotiating capacity on all major international economic issues within the United Nations system . . . ." THE GROUP OF 77, ABOUT THE GROUP OF 77, http://www.g77.org/doc. As of 2008, 130 countries comprised the Group of 77. THE GROUP OF 77, MEMBER STATES, http://www.g77.org/doc/members.html. Originally founded in 1964 at the first United Nations Conference on Trade and Development, the group has almost doubled in size since its creation. Mir A. Ferdowsi, *Group of 77 and the UN in* A CONCISE ENCYCLOPEDIA OF THE UNITED NATIONS 154, 154 (Helmut Volger ed., 2002). Since it is single-handedly able to control the majority of the General Assembly, the Group of 77 is among the most influential of the regional groups. Schreuer, *supra* note 14, at 1060.

[59] This example is set forth as a demonstration of what could theoretically occur if regional groups were not involved in the process of appointing non-Permanent Members of the Security Council. This example does not evaluate the probability of whether an issue specific group—such as the Group of 77 and its focus on economic issues—could come to a consensus on such a far reaching and broad decision.

Chapter VIII of the Charter discusses the role regional groups play in the United Nations and how they relate to the Security Council.[60] In determining what countries comprise a regional group, geography, political affiliation, economic development, and other considerations must each be taken into account.[61] The United Nations' use of regional groups is based upon

[a] recognition by participating governments that not all problems are either national or global in scope. Some international problems may be confined to a geographic region; their solutions may require action by only a limited number of states, or psychological, technical, or administrative difficulties may limit the ability of international agencies to function beyond the region. International regionalism exists, therefore, because groups of states have found it to be the most appropriate means of solving some common problems.[62]

In practice, the function of a regional group in the General Assembly is comparable to that of a political party in a parliamentary democracy, making the United Nations' body more efficient.[63] Like political parties, the groups often develop "common positions on important agenda items" so as to agree on how a unified vote should be carried out.[64]

Although regional group participation is not mandatory, only two countries—Israel and the United States—are not a part of the regional group structure.[65] The United States voluntarily chooses not to partake in WEOG, except for electoral matters.[66] Due to its immense political influence, America is able to refuse any responsibilities that may be required of other members in a regional group and use the group only for electing United Nations representatives. In contrast, for over forty years, Israel has been consistently denied membership in the Asian group due to refusal by the Arab League.[67] Finally, in 2000, Israel was invited into the WEOG, but only on a temporary basis.[68] As a result of its restricted status, Israel is not permitted to partake

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[60]    U.N. Charter art. 52–54.

[61]    Schreuer, *supra* note 14, at 1059.

[62]    ZIRING ET AL., *supra* note 1, at 31.

[63]    Schreuer, *supra* note 14, at 1060.

[64]    *Id.*

[65]    ZIRING ET AL., *supra* note 1, at 91.

[66]    *Id.* Despite its name, the WEOG is the only regional group that is not based on geographical location of a group; instead it serves as a group for politically aligned countries.

[67]    *See* Barbara Crossette, *Israel's Bittersweet Moment: One Step Out of Isolation at U.N.*, N.Y. TIMES, Jan. 9, 1992, at A6. Israel was the only country denied from joining its geographical regional group. EYE ON THE UN, *supra* note 53.

[68]    Crossette, *supra* note 67; EYE ON THE UN, *supra* note 53. In 2004, Israel's participation in the WEOG was approved for indefinite extension, but it has yet to be permanently admitted. H.R. Res. 624, *supra* note 21.

in any group activities or deliberations outside of the United States.[69] While the headquarters of the United Nations is located in New York, the three other important WEOG offices—the European headquarters in Geneva, and offices in Vienna and Nairobi—are not open to Israeli representatives.[70] These limitations, which are not placed upon any other Members of the United Nations, are far more than just symbolic restrictions on Israel.

For example, Israel is prevented from caucusing in Geneva, where the United Nations Commission on Human Rights is headquartered,[71] a committee renowned for its extensive focus on the Arab-Israeli conflict.[72] The Commission, long criticized as an ineffective body that ignored the human rights violations of its members, was, in effect, replaced by the United Nations Human Rights Council in 2006.[73] Despite the change in name and structure, the successor Council continues to inordinately focus on the Arab-Israeli conflict. Even the President of the new Human Rights Council has explicitly stated that the Council has failed with respect to the Arab-Israeli conflict.[74] This is just one example of a United Nations organ that Israel is denied access to participate in as a restricted member of the WEOG.

In 1999, Israel's exclusion from the regional group structure of the United Nations was comprehensively condemned by Sir Robert Jennings, former President of the International Court of Justice and noted judge. He declared that Israel's "rights as a Member of the United Nations to participate in the work of the United Nations are largely nullified by its exclusion from membership [in] a regional group."[75] This exclusion was "manifestly unlawful and constitutes a breach of both the letter and the spirit of the Charter of the United Nations."[76] Although he wrote this position paper before Israel was temporarily admitted to the WEOG, Jennings would likely agree that Israel's current limitations—its non-permanent admission to WEOG and inability to participate outside of America—still prevent it from

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[69]   Crossette, *supra* note 67.

[70]   Ruth Wedgwood, *Recent Books on International Law: Book Review*, 99 A.J.I.L 284, 285 n.6 (2005); H.R. Res. 624, *supra* note 21.

[71]   Crossette, *supra* note 67.

[72]   *Id.*

[73]   Morton H. Halperin & Diane F. Orentlicher, *The New UN Human Rights Council*, 13 No. 3 HUM. RTS. BRIEF. 1, 1 (2006). The Council is elected by the General Assembly, thereby making the Council members accountable to the entire United Nations for their own countries protection of human rights. *Id.* at 4. This is a drastic change from the previous body.

[74]   Stéphane Bussard, *International: Au sujet de la Palestine, le Conseil a échoué* [About Palestine, the Council Failed], LE TEMPS (France), Sep. 29, 2007, *available at* http://www.letemps.ch/template/print.asp?article=215936.

[75]   Jennings, *supra* note 52, ¶ 4.

[76]   *Id.*

being treated as equal to other Members of the United Nations. Giving Israel anything less than "full and equal participation in the work of the United Nations  . . . is a breach by Members of their obligations under the Charter."[77]

*C.        Resolutions*

The Security Council publishes its determinations through resolutions, presidential statements, or informal press briefings by the President.[78] The Charter does not direct any United Nations body to use a particular form for publication of its decisions, nor does it discuss the legal effect of these pronouncements. Presidential statements are decisions to which every Member of the Security Council agrees.[79] This form has recently become more popular and is typically used to express the opinion of the Security Council where the formality of a resolution is not necessary.[80]

The most common action of the Security Council is to issue a resolution on the Subject it is currently discussing.[81] Although the Charter does not use the term "resolution,"[82] its use stems from the legal history of the United States and "describes an official expression of opinion of a parliamentary assembly."[83] Since the Charter does not dictate the method by which the Security Council must publish its determinations, the Members of the Council decided  that resolutions were the optimal mode to announce its conclusions.  Resolutions are "the common legal instrument for an organ or body to make a recommendation or statement, recall a fact, express an opinion, or undertake any other matter of substance."[84] The importance of Security Council resolutions, combined with their infrequent invocation and

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[77]   *Id.* ¶ 12.

[78]   *See* Ingo Winkelmann, *Security Council, in* A CONCISE ENCYCLOPEDIA OF THE UNITED NATIONS, *supra* note 58, at 497, 501.

[79]   Stefan Talmon, *The Statements by the President of the Security Council*, 2 CHINESE J. INT'L L. 419, 419 (2003). Presidential statements are introduced here only so far as to present the options of the Security Council for publishing its determinations.

[80]   Anthony Aust, *The Procedure and Practice of the Security Council Today, in* THE DEVELOPMENT OF THE ROLE OF THE SECURITY COUNCIL 365, 370 (Rene-Jean Dupy ed., 1993). This Note focuses on resolutions rather than other publications due to the importance and formality associated with them. For an in-depth analysis of Presidential Statements, *see* Talmon, *supra* note 79.

[81]   Rainer Lagoni, *Resolution, Declaration, Decision in* 2 UNITED NATIONS: LAW, POLICIES AND PRACTICE 1081, 1081 (Rudiger Wolfrum & Christine Philipp eds., 1995).

[82]   *See* Bardo Fassbender, *Resolution, Declaration, Decision in* A CONCISE ENCYCLOPEDIA OF THE UNITED NATIONS, *supra* note 58, at 473, 475.

[83]   *Id.* at 473.

[84]   Lagoni, *supra* note 81, at 1081.

extensive vocabulary,[85] demonstrates a necessity for creating a hierarchical classification system from which the Security Council's choice of words in resolutions can be given meaning and properly analyzed.

### IV.  SECURITY COUNCIL RESOLUTION WORDING

When drafting resolutions, the Security Council uses a cornucopia of words and phrases to attach particular meanings to its statements. As of this printing, no other researcher has published a study of the wording used in Security Council resolutions. The only data compilation in a remotely related area is a survey of wording in General Assembly resolutions in 1988 by former Director of the General Legal Division of the United Nations Legal Office Blaine Sloan.[86] However, Sloan merely counted the incidence of specific words; he did not classify the words in a hierarchical system, nor did he consider the variation of words depending on the Subject or Entity at issue.[87] Perhaps the most marked distinction is that Sloan only examined General Assembly resolutions, which are significantly different from Security Council resolutions.[88]

In constructing a classification system for content analysis, I focused on three different types of words the Security Council uses, which are referred to here as emotive words, instructive words, and modifiers. First, emotive words connote feelings on behalf of the Security Council regarding the Subject of the resolution. For example, the Security Council has expressed its "concern" 2,793 times in its first 1,794 resolutions. Second, instructive words state the amount of urgency the Security Council attaches to the action stated in the resolution. These words usually illustrate the influence the Security Council intends to apply to the Entity of the resolution. For example, the Security Council has "requested" an action 2,793 times.[89] Finally, modifiers increase the strength of a word by using an adverb to amplify the meaning of the word it modifies. For example, "strongly condemns" is an incremental escalation in force from merely "condemns."[90]

Neither the United Nations nor the Security Council has created any definitions or hierarchical classification systems from which targeted Enti-

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[85]   The United Nations Security Council only published 1794 resolutions in its first sixty-two years, compared with 11,960 resolutions by the General Assembly during the same period.

[86]   BLAINE SLOAN, UNITED NATIONS GENERAL ASSEMBLY RESOLUTIONS IN OUR CHANGING WORLD 9 (1991).

[87]   *Id.*

[88]   *Id.* For examples of the difference between the General Assembly and the Security Council, *see supra* notes 12–20 and accompanying text.

[89]   "Requested" is less commanding than "demanded." For the hierarchical classification of all instructive words, *see* Section IV.B and Table B.

[90]   *See* William Safire, *Strongly Condemn*, N.Y. TIMES, Jan. 9, 1992, at A23.

ties or researchers can analyze the Security Council's word selection. Furthermore, many of the divergent words used are considered synonyms of each other according to the dictionary, yet appear to convey messages of different intensities. Consequently, I have scrutinized both the dictionary definitions of the terms and their context and usage in resolutions. While this may seem circular in logic, only by determining the context in which words are used can I analyze their placement in other resolutions. To create a proper classification system free of preconceived notions, I recorded the frequency of word choices prior to constructing a hierarchy of the words.

To further clarify this classification system, the words included in this analysis encompass most of the word choices employed by the Security Council.[91] When reading Security Council resolutions, I searched for the context the words were used in, and recorded the use of a word only if it was in accordance with the expression of a feeling. For example, where the Security Council "[f]urther requests the Secretary-General to submit to the Council, in consultation with all parties *concerned*, detailed proposals . . . ," I did not include that as an example of when the Security Council was "concerned."[92] Additionally, I searched for the root of each word rather than the exact form located in Tables A and B. For example, where the Security Council declared it is "[e]xpressing *concern* at the increase in crime across the ceasefire line . . . ,"[93] I considered that an occurrence of when the Security Council used the term "concerned."

*A.       Emotive Wording*

**Table A.**

The Security Council uses a wide vocabulary to describe its institutional feelings towards particular actions. Table A shows the range of emotive words from weakest to strongest. The most common word used in resolutions, which connotes the feelings of the Security Council, is "concerned." For example, the Security Council stated it was "[c]oncerned about the

| Emotive Words From Weakest to Strongest |
|---|
| Concerned |
| Grieved |
| Deplored |
| Condemned |
| Alarmed |
| Shocked |
| Indignant |
| Censured |

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[91]   The Security Council uses such a wide vocabulary that the words used here had to be limited in order to properly analyze them. To do this, I considered words that the Security Council used more than once and were found in similar Subjects so as to properly rank them in the classification system. Although this may not be the optimal system, it is the only way to be able to perform a meaningful analysis of the data.

[92]   S.C. Res. 1332, U.N. Doc. S/RES/1332 (Dec. 14, 2000) (emphasis added).

[93]   S.C. Res. 1604, U.N. Doc. S/RES/1604 (June 15, 2005) (emphasis added).

escalation of politically motivated violence in Haiti at this time of critical political transition."[94] Webster's Dictionary defines "concerned" as being "interested or affected; troubled or anxious."[95] "Concerned" is used 2,793 times in 1,794 resolutions and is the least urgent sentiment; it often indicates a brewing problem that the Security Council may examine.[96]

The next strongest word in the spectrum is "grieved." For example, the Security Council has asserted that it was "[g]rieved at the tragic loss of human life, mainly that of civilians."[97] "Grieved" is defined as "to feel or cause to feel grief."[98] This term has been used twenty-three times by the Security Council only, but not always, when it states its feelings about the loss of life or damage to property.[99] Typically, use of the word "grieved" is merely a reflection on past events rather than a word that connotes a continuation of disappointment into the future such as the word "deplore."[100]

The word "deplore[d]" has been used by the Security Council 216 times. For example, with respect to the Iran-Iraq War, the Council "[d]eplor[ed] . . . the bombing of purely civilian population centres, attacks on neutral shipping or civilian aircraft, the violation of international humanitarian law and other laws of armed conflict, and, in particular, the use of chemical weapons contrary to obligations under the 1925 Geneva Protocol."[101] "Deplored" means "to regret deeply; to disapprove of; censure."[102] To reach the level of "deplore," the Entity of the resolution must be perceived as violating customary international law in some form. All Security Council resolutions using the term "deplore" describe Subjects similar to

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[94]    S.C. Res. 867, U.N. Doc. S/RES/867 (Sep. 23, 1993).

[95]    WEBSTER'S DICTIONARY, CLASSIC EDITION 135 (1st ed. 1999) [hereinafter WEBSTER'S DICTIONARY].

[96]    *See, e.g.*, S.C. Res. 259, U.N. Doc. S/RES/259 (Sep. 27, 1968).

[97]    S.C. Res. 571, U.N. Doc. S/RES/571 (Sep. 20, 1985).

[98]    WEBSTER'S DICTIONARY, *supra* note 95, at 290. Grief is defined as a cause of keen distress or sorrow. *Id.*

[99]    *See, e.g.*, S.C. Res. 271, U.N. Doc. S/RES/271 (Sep. 15, 1969). (The Security Council is "[g]rieved at the extensive damage caused by arson to the Holy Al Aqsa Mosque in Jerusalem on 21 August 1969 under the military occupation of Israel.").

[100]   *Compare id. with* S.C. Res. 259, *supra* note 96 ("Deploring the delay in the implementation of resolution 237 (1967) because of the conditions still being set by Israel for receiving a Special Representative of the Secretary-General").

[101]   S.C. Res. 598, U.N. Doc. S/RES/598 (July 20, 1987).

[102]   WEBSTER'S DICTIONARY, *supra* note 95, at 176. This definition exemplifies that although the strongest emotive word used by the Security Council, "censure," is a synonym, the context and Subjects using the word "deplor[ed]" dictate that "deplor[ed]" falls far lower on the hierarchical scale.

the Iran-Iraq War example.[103] The Security Council also uses "deplore" when criticizing the destruction of property or loss of lives, although breaches of international law are often the causes of those results.[104] Pulitzer Prize winner and noted etymologist, William Safire, agrees that "deplored" is a step below "condemned," ignoring any modifiers, on the scale of harsh language employed by the Security Council in its resolutions.[105]

Of all the emotive words used in Security Council resolutions, the term "condemn" is probably the most familiar to the public at large.[106] It is the strongest emotive word that is used *commonly* in Security Council resolutions.[107] For example, the Security Council has "[c]ondemn[ed] the apartheid policies of the Government of the Republic of South Africa . . . ."[108] "Condemn" means "to express strong disapproval of; to sentence to severe punishment; to pronounce guilty."[109] It is used quite often—623 times—for a large variety of Subjects that are serious enough to warrant a harsh rebuke by the Security Council, mostly violations of human rights.[110]

Next on the hierarchical list are the terms "alarmed" and "shocked." Neither of these terms is used very often. For instance, the Security Council has "[e]xpresse[d] alarm at the violence which took place on 8 October at the Haram al-Sharif and other Holy Places of Jerusalem resulting in over twenty Palestinian deaths and the injury of more than one hundred and fifty people."[111] "Alarmed" means "sudden fear caused by danger; to make fearful."[112] In addition to expressing its outrage over certain Subjects, the Security Council uses "alarmed" to describe the failure of Members to comply with previous resolutions.[113] Once the human rights violations increase in

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[103]   *See, e.g.*, S.C. Res. 108, U.N. Doc. S/RES/108 (Sep. 8, 1955) ("Deploring the recent outbreak of violence in the area along the armistice demarcation line established between Egypt and Israel").

[104]   *See, e.g.*, S.C. Res. 256, U.N. Doc. S/RES/256 (Aug. 16, 1968) ("Deplores the loss of life and heavy damage to property").

[105]   Safire, *supra* note 90, at A23.

[106]   *See id.*

[107]   No instructive word that is stronger than "condemn" is used more than ten times by the Security Council.

[108]   S.C. Res. 191, ¶ 1, U.N. Doc. S/RES/191 (June 18, 1964).

[109]   WEBSTER'S DICTIONARY, *supra* note 95, at 136.

[110]   *See, e.g.*, S.C. Res. 945, U.N. Doc. S/RES/945 (Sep. 29, 1994) ("Condemns any action, including laying of landmines, which threatens the unimpeded delivery of humanitarian assistance to all in need in Angola and puts the lives of the humanitarian relief workers at risk").

[111]   S.C. Res. 672, ¶ 1, U.N. Doc. S/RES/672 (Oct. 12, 1990).

[112]   WEBSTER'S DICTIONARY, *supra* note 95, at 16.

[113]   *See, e.g.*, S.C. Res. 665, U.N. Doc. S/RES/665 (Aug. 25, 1990) ("Gravely alarmed that Iraq continues to refuse to comply with resolutions 660 (1990), 661 (1990), 662 (1990) and 664 (1990) . . . .").

intensity, the Security Council raises the harshness of the wording to "shocked." For example, the Security Council was "[s]hocked at the tragic incident that resulted in the deaths of the Presidents of Rwanda and Burundi on 6 April 1994."[114] "Shocked" means "a sudden or violent disturbance of the emotions or sensibilities."[115] It has been used only eight times in Security Council resolutions, seven of which refer to loss of life.[116] The combination of both shocked and alarmed has been used only once, to describe an invasion of a Member by another Member.[117]

Another seldom used, but powerful word is the term "indignation." For example, the Security Council expressed its "[i]ndigna[tion] at the continued executions of freedom fighters by the illegal regime [of Southern Rhodesia]."[118] "Indignation" means "strong displeasure at something considered unjust, offensive, insulting, or base."[119] It has only been used in ten resolutions, each time referring to a violation of territorial integrity or killings.[120]

Finally, the word the Security Council uses to indicate its strongest displeasure is the world "censure." In 1966, the Security Council "[c]ensure[d] Israel for [a] large-scale military action in violation of the United Nations Charter."[121] "Censure" is defined as a "strong disapproval; to criticize harshly."[122] This word has been used only seven times with regards to an Entity, none since 1982.[123] William Safire considers censure to be very serious chastisement of an action, more serious than a "condemnation."[124] "Censure" is usually used after previous resolutions have been ig-

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[114] S.C. Res. 912, U.N. Doc. S/RES/912 (Apr. 21, 1994).

[115] WEBSTER'S DICTIONARY, *supra* note 95, at 610.

[116] *See, e.g.*, S.C. Res. 392, U.N. Doc. S/RES/392 (June 19, 1976) ("Deeply shocked over large-scale killings and wounding of Africans in South Africa, following the callous shooting of African people including schoolchildren and students demonstrating against racial discrimination on 16 June 1976"). The only instance the Security Council used "shocked" without a death involved was in describing an assassination attempt. S.C. Res. 471, U.N. Doc. S/RES/471 (June 5, 1980) ("Shocked by the assassination attempts against the Mayors of Nablus, Ramallah and Al Bireh").

[117] S.C. Res. 517, U.N. Doc. S/RES/517 (Aug. 4, 1982) ("Deeply shocked and alarmed by the deplorable consequences of the Israeli invasion of Beirut on 3 August 1982.").

[118] S.C. Res. 423, U.N. Doc. S/RES/423 (Mar. 14, 1978).

[119] WEBSTER'S DICTIONARY, *supra* note 95, at 337.

[120] *See, e.g.*, S.C. Res. 568, U.N. Doc. S/RES/568 (June 21, 1985).

[121] S.C. Res. 228, ¶ 2, U.N. Doc. S/RES/228 (Nov. 25, 1966).

[122] WEBSTER'S DICTIONARY, *supra* note 95, at 105.

[123] S.C. Res. 517, *supra* note 117.

[124] *See* William Safire, *On Language; Empowerment and Denouncement*, N.Y. TIMES, July 15, 1990, at 12.

nored in combination with another action that violates the Charter.[125] Security Council Resolutions 245 and 246 demonstrate the increase of strength from "condemn" to "censure." In Resolution 245, the Security Council "[c]ondemn[ed] the refusal of the Government of South Africa to comply" with its order to release and repatriate South West Africans.[126] The following resolution then "[c]ensur[ed] the Government of South Africa for its flagrant defiance of Security Council resolution 245."[127] The escalation in wording of resolutions on this Subject demonstrates that in Security Council resolutions, "censure" is a stronger emotive word than "condemn."

## B.      Instructive Wording

**Table B.**

The words that matter most to the target of a Security Council resolution are typically the instructive words. These words indicate the amount of authority the Security Council intends to convey to the Entity of each resolution in order to make the Entity recognize the severity of the Subject. The stronger the instructive word, the greater risk an Entity takes by ignoring it. If disregarded long enough, the Security

| Instructive Words From Weakest to Strongest |
|---|
| Decide |
| Call upon |
| Recommend |
| Request |
| Urge |
| Warn |
| Demand |

Council may impose sanctions or authorize military engagement.

The gentlest instructive word the Security Council uses is "decides." For example, the Security Council "[d]ecide[d] to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 January 1999."[128] "Decides" means "to solve or conclude (a dispute) by awarding victory to one side; to make up one's mind about; resolve; to come to a decision."[129] "Decides" is different from other instructive words because it is the only one that does not use a direct object. Generally, it is used to make a statement on behalf of the Security Council and it often precedes other instructive words.[130] It is the most commonly used word in Security Council resolutions, more than three thousand

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[125]    *See, e.g.*, S.C. Res. 478, U.N. Doc. S/RES/478 (Aug. 20, 1980) ("Censures in the strongest terms the enactment by Israel of the 'basic law' on Jerusalem and the refusal to comply with relevant Security Council resolutions.").

[126]    S.C. Res. 245, ¶ 8, U.N. Doc. S/RES/245 (Jan. 25, 1968).

[127]    S.C. Res. 246, ¶ 9, U.N. Doc. S/RES/246 (Mar. 14, 1968).

[128]    S.C. Res. 1215, ¶ 1, U.N. Doc. S/RES/1215 (Dec. 17, 1998).

[129]    WEBSTER'S DICTIONARY, supra note 95, at 169.

[130]    *See, e.g.*, S.C. Res. 1215, *supra* note 128.

times. Moreover, 960 resolutions conclude with the clause "decides to remain [actively] seized of the matter."[131] That phrase indicates that the Security Council may return to the Subject of that resolution at a future time if proper actions are not taken by the appropriate Entity.

The weakest instructive phrase that actually instructs a Entity to perform an action is "calls upon." The Security Council has "[c]all[ed] upon all Somali parties, movements and factions to cooperate fully with the Secretary-General in the implementation of [a] resolution."[132] As a phrase, "calls upon" is not in the dictionary, but the word "call" is defined as "to summon."[133] This phrase has been used 1357 times.[134] In practice, when the Security Council "calls upon" an Entity to do something, it is asking the Entity to comply with that clause of the resolution simply as a matter of principle. Typically, the Subject of that clause of the resolution is not a major human rights violation.[135]

Another gentle instructive word used by the Security Council is "recommends." For example, the Security Council has "[r]ecommend[ed] that the United Kingdom and Albanian Governments should immediately refer the dispute to the International Court of Justice in accordance with the provisions of the Statute of the Court."[136] "Recommends" is defined as "to urge or suggest as appropriate or beneficial."[137] This word is used almost exclusively to make suggestions to the United Nations General Assembly,[138] or to other bodies.[139] The Security Council also "recommends [countries] be admitted to membership in the United Nations."[140]

"Requests" is also a fairly mild instruction. "The Security Council [has] request[ed] the permanent members of the Security Council to direct their Chiefs of Staff to meet, or to appoint representatives who shall meet, at

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[131]   *See, e.g.*, S.C. Res. 1495, ¶ 8, U.N. Doc. S/RES/1495 (July 31, 2003).

[132]   S.C. Res. 746, ¶ 10, U.N. Doc. S/RES/746 (Mar. 17, 1992).

[133]   WEBSTER'S DICTIONARY, *supra* note 95, at 93.

[134]   *See, e.g.*, S.C. Res. 746, *supra* note 132.

[135]   *See, e.g.*, S.C. Res. 965, ¶ 8, U.N. Doc. S/RES/965 (Nov. 30, 1994) ("Calls upon the international community to provide resources needed to meet the immediate needs of the Government of Rwanda directly or through the Trust Fund established pursuant to resolution 925 . . . .").

[136]   S.C. Res. 22, U.N. Doc. S/RES/22 (Apr. 9, 1947).

[137]   WEBSTER'S DICTIONARY, *supra* note 95, at 553.

[138]   138 of the 180 times the word is used in a Security Council resolution. *See, e.g.*, S.C. Res. 1426, U.N. Doc. S/RES/1426 (July 24, 2002) ("Recommends to the General Assembly that the Swiss Confederation be admitted to membership in the United Nations.").

[139]   *See, e.g.*, S.C. Res. 1012, ¶ 2, U.N. Doc. S/RES/1012 (Aug. 28, 1995) ("Recommends that the international commission o inquiry be composed of five impartial and internationally respected, experienced jurists who shall be selected by the Secretary-General and shall be furnished with adequate expert staff, and the Government of Burundi be duly informed.").

[140]   S.C. Res. 374, U.N. Doc. S/RES/374 (Aug. 18, 1975).

London on 1 February 1946."[141] "Requests" means "to ask for; to ask (someone) to do something."[142] It is one of the most common instructions in Security Council resolutions, used 2,968 times. The actions "request[ed]" have varied considerably in substance, but the Security Council "requests" certain actions more commonly than others.[143] For instance, anytime something is asked of the Secretary General, the Security Council "requests" the action.[144]

Correspondingly, when asking for something of multiple parties, the Security Council usually "urges" them to follow the appeal it has made. The Security Council has "[u]rge[d] the international community to lend its support to the restructuring of the security forces of the Central African Republic."[145] "Urges" is defined as "to push along; impel; to try to induce or persuade."[146] Typically, "urges" is the most definitive word the Security Council uses to induce an Entity's compliance with a resolution without indicating excessive pressure.[147]

The next most strenuous instruction used by the Security Council is "warns." For example, the Security Council has "[w]arn[ed] that the Council will respond appropriately should any [Cambodian party] fail to honor its obligations" under prior agreements.[148] "Warns" is defined as "to give advance notice to; to advise to be careful; admonish."[149] This is an apt definition in that it gives notice to a party not to engage in similar actions in the future while chastising that party for its current act. When the Security Council wants to indicate it will not tolerate future transgressions similar to the current Subject of its resolutions, it "warns" the Entity that repeated actions will be treated more harshly. The Security Council has only

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[141]   S.C. Res. 1, U.N. Doc. S/RES/1 (Jan. 25, 1946)

[142]   WEBSTER'S DICTIONARY, supra note 95, at 565.

[143]   *See, e.g.*, S.C. Res. 1173, ¶ 21, U.N. Doc. S/RES/1173 (June 12, 1998) ("Requests Member States to provide to the Committee created pursuant to resolution 864 (1993), no later than 15 July 1998, information on the measures they have adopted to implement the provisions of paragraphs 11 and 12 above.").

[144]   The Security Council has "requested" an action by the Secretary-General 1564 times. *See, e.g.,* S.C. Res. 1167, U.N. Doc. S/RES/1167 (May 14, 1998) ("Requests the Secretary-General to keep the Council informed of all significant developments, in particular regarding the security situation, and also requests him to report within three months of the adoption of this resolution on its implementation").

[145]   S.C. Res. 1230, ¶ 5, U.N. Doc. S/RES/1230 (Feb. 26, 1999).

[146]   WEBSTER'S DICTIONARY, *supra* note 95, at 724.

[147]   *See, e.g.*, S.C. Res. 727, U.N. Doc. S/RES/727 (Jan. 8, 1992) ("Urges all parties to honor the commitments made at Geneva and Sarajevo with a view to effecting a complete cessation of hostilities.").

[148]   S.C. Res. 826, ¶ 13, U.N. Doc. S/RES/826 (May 20, 1993).

[149]   WEBSTER'S DICTIONARY, *supra* note 95, at 743.

"warned" a party seventeen times and usually only after using a strong emotive word earlier in the resolution. For instance, the Security Council

> [c]ondemn[ed] the recent premeditated air attacks launched by Israel on Jordanian villages and populated areas in flagrant violation of the United Nations Charter and the cease-fire resolutions, and *warn*[ed] once again that if such attacks were to be repeated the Security Council would have to meet to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such attacks.[150]

The strongest instructive word commonly used by the Security Council is "demands." For example, the Security Council "[d]emand[ed] the immediate and total cessation of all hostile acts committed against Botswana by the illegal regime in Southern Rhodesia."[151] "Demands" is defined as "to ask for with authority; to ask for peremptorily or urgently; to call for or require; an urgent or pressing requirement."[152] The Security Council is not shy about "demanding" action; it has "demanded" an action 805 times. Most commonly, "demands" is used to instruct the Entity or Entities of a resolution to cease hostilities or fighting.[153]

## C.    Modifiers

The Security Council often uses modifying adverbs to increase the intensity of an emotive word.[154] Examples include "deeply,"[155] "gravely,"[156] "solemnly,"[157] "strongly,"[158] "urgently,"[159] and "vigorously."[160] The most common modifier, other than no modifier, is the term "strongly," used 371 times. The least common modifier is "vigorously," which is used only three times, each in conjunction with the term "condemn."[161] Although modifiers

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[150]    S.C. Res. 265, ¶ 3, U.N. Doc. S/RES/265 (Apr. 1, 1969) (emphasis added).

[151]    S.C. Res. 403, ¶ 4, U.N. Doc. S/RES/403 (Jan. 14, 1977).

[152]    WEBSTER'S DICTIONARY, *supra* note 95, at 173.

[153]    *See, e.g.*, S.C. Res. 1304, U.N. Doc. S/RES/1304 (June 16, 2000) ("Demands that Ugandan and Rwandan forces as well as forces of the Congolese armed opposition and other armed groups immediately and completely withdraw from Kisangani.").

[154]    *See* Safire, *supra* note 90.

[155]    "[I]ntense; profound." WEBSTER'S DICTIONARY, *supra* note 95, at 170.

[156]    "[S]edate or solemn; weighty; momentous; serious; critical." *Id.* at 288.

[157]    "[G]rave; mirthless; serious; earnest." *Id.* at 630.

[158]    "[P]owerful in influence; of great force, effectiveness, or potency." *Id.* at 655.

[159]    "[R]equiring immediate action or attention." *Id.* at 724.

[160]    "[A]ctive strength or force; intensity." *Id.* at 734.

[161]    S.C. Res. 612, ¶ 2, U.N. Doc. S/RES/612 (May 9, 1988) ("Condemns vigorously the continued use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq contrary to the obligations under the Geneva Protocol."); S.C. Res. 611, ¶ 1, U.N. Doc.

play a small role in this content analysis, they serve an important role by incrementally increasing the intensity of a word without requiring the Security Council to use the next strongest emotive word in the hierarchical system.[162]

## V. THE SECURITY COUNCIL'S DISPARATE TREATMENT OF ENTITIES

### A.      Two Distinct Time Periods

Since the Security Council began considering threats to international peace and security in 1946, the Council has not consistently performed its task, nor has it used wording in resolutions evenly. The history of the Security Council can easily be split into two distinct periods: Cold War and post-Cold War.[163] During the Cold War period, due to the veto possessed by both the United States and the Soviet Union, many "challenges to international peace and security" were not addressed by the Security Council, including the Berlin Blockade, the Cuban Missile Crisis, the Prague Spring, and the Vietnam War.[164] Each of these Subjects involved either the United States or the Soviet Union. Since neither country would allow itself to be criticized by the Security Council, each one vetoed resolutions regarding any of these Subjects, despite the threat to international peace and security each presented.[165] Since each Permanent Member had veto power, the Security Council was usually confined to "operating on the margins of the major conflicts of its time, often intervening to encourage negotiation, to strengthen cease-fires and to deploy monitors and impartial peacekeeping forces."[166] From 1946 to 1989, only 646 Security Council resolutions were issued.[167] The Security Council never issued more than thirty resolutions in a single year before 1990.[168]

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S/RES/611 (Apr. 25, 1988) ("Condemns vigorously the aggression, perpetrated on 16 April 1988 against the sovereignty and territorial integrity of Tunisia in flagrant violation of the Charter of the United Nations, international law and norms of conduct."); S.C. Res. 573, ¶ 1, U.N. Doc. S/RES/573 (Oct. 4, 1985) ("Condemns vigorously the act of armed aggression perpetrated by Israel against Tunisian territory in flagrant violation of the Charter of the United Nations, international law and norms of conduct.").

[162]    For an illustration of the increase in strength associated with adding the word "strongly" to an emotive word, *see* Safire, *supra* note 90.

[163]    Malone, *supra* note 48, at 117.

[164]    *Id.* at 120.

[165]    *See* PETER MALANCZUK, AKEHURST'S MODERN INTRODUCTION TO INTERNATIONAL LAW 374–75 (7th ed., Routledge 1997) (1970).

[166]    Malone, *supra* note 48, at 117.

[167]    *See* S.C. Res. 646, U.N. Doc. S/RES/646 (Dec. 14, 1989).

[168]    Peter Wallensteen & Patrik Johansson, Security *Council Decisions in Perspective in* THE UN SECURITY COUNCIL: FROM THE COLD WAR TO THE 21ST CENTURY 17, 18 (David M. Malone ed., 2004).

**Figure 2.**



Security Council Resolutions by Decade
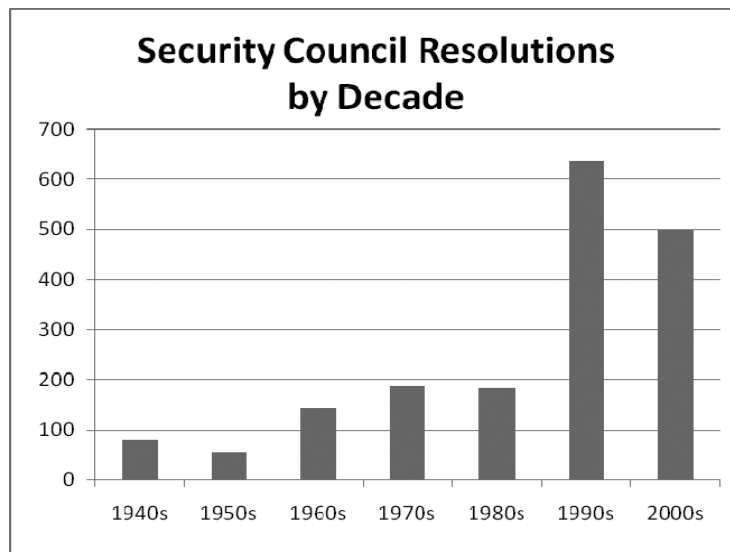
Following the breakup of the Soviet Union and the end of the Cold War, the Security Council was freed from its shackles and able to consider more issues while using different word choices.[169] Since 1990, the Security Council has issued more than 1,100 resolutions.[170] The vocabulary of the Security Council has changed in the post-Cold War period. Some words have not been used by the Security Council in resolutions in the post-Cold War period, such as "grieved" or "censure," which have not been used since 1986. Other words, such as "alarmed" or "concerned," are used more frequently in the current time period. Additionally, the breakup of the Soviet Union had a ripple effect on many other countries in Eastern Europe.[171] For example, the fragmentation of Yugoslavia led to conflicts between warring factions that has killed hundreds of thousands and displaced millions from their homes.[172] The Security Council, free from the constant threat or use of a veto by a Permanent Member, "displayed an unprecedented activism" in trying to facilitate peace and security.[173] Table C shows the dramatically different usage of the Permanent Member veto in the two distinct eras.[174]

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[169]   *See* Ken Roberts, *Second-Guessing the Security Council: The International Court of Justice and its Powers of Judicial Review*, 7 PACE INT'L L. REV. 281, 282 (1995).

[170]   *See* S.C. Res. 1784, U.N. Doc. S/RES/1784 (Oct. 31, 2007).

[171]   *See* Roger Cohen, *End of Cold War Offers Chilling New Dangers,* PLAIN DEALER (Cleveland), Nov. 26, 1994, at A15.

[172]   *Id.*

[173]   Roberts, *supra* note 169, at 283.

[174]   Malone, *supra* note 48, at 121.

| **Table C.** | 1946-1986 | 1987-2005[175] |
|---|---|---|
| Resolutions | 593 | 1010 |
|    Percentage of total | 37 | 63 |
| Vetoes | 212 | 38 |
|    Percentage of total | 85 | 15 |
| Vetoes by country | | |
|    USSR/Russia | 114 | 3 |
|    USA | 54 | 26 |
|    UK | 25 | 5 |
|    France | 16 | 2 |
|    China | 3 | 2 |

This Note uses the start of 1990 as the split between the two eras due to the drastic change in productivity evidenced by the increased number of Security Council resolutions.[176] The majority of statistics invoked in this analysis pertains to the Cold War era, when the polarized Security Council focused extensively on Israel—and to a lesser extent South Africa—while failing to address most other conflicts.

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[175]   Malone, *supra* note 48, at 121.

[176]   Prior to 1990, the Security Council never published more than twenty-nine resolutions in any year. From 1990 to 2007, the Security Council *averaged* more than sixty-three resolutions each year, with a range between thirty-seven and ninety-three resolutions per year. For graphical depiction of the increase in Security Council resolutions, *see* Figure 2.

Since the creation of the United Nations, Israel's actions have been the Subject of far more resolutions than any other Subject. Prior to 1990, 147 Security Council resolutions dealt with Israel and its actions, which was more than twenty-three percent of the 646 resolutions issued during that time frame.[177] South Africa was the second most popular Entity referred to in resolutions during the Cold War era, considered in seventy-six resolu-

Figure 3.     **Cold War Era Resolutions**
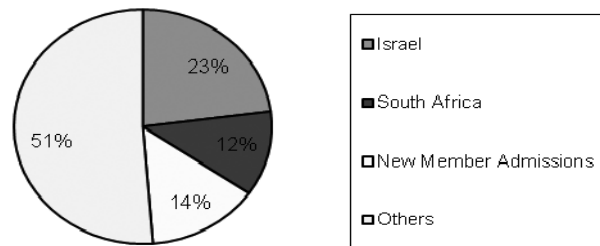


tions. Of the 646 resolutions of the period, ninety-two merely discussed the admission of new Members to the United Nations.[178] Numerous others served merely house-keeping purposes.[179] These proportions are graphically displayed in Figure 3. In the post-Cold War era, resolutions concerning Israel have dropped to less than seven percent of the resolutions issued. Similarly, South Africa was rarely addressed by the Security Council after the Cold War era because apartheid was already in decline by the end of the 1980s.[180] The drastic difference between the two time periods indicates that, in addition to the Security Council failing to treat its Members equally, it does not even treat specific Members the same over time.

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[177]  For graphical breakdown of Security Council resolutions in the Cold War era, *see* Figure 3.

[178]  Ninety-two resolutions considered admitting new Members, but Security Council Resolution 69 discussed the admission of Israel S.C. Res. 69, U.N. Doc. S/RES/69 (Mar. 4, 1949). In order to use conservative calculations, which further emphasizes the disparity, Security Council Resolution 69 was not counted among the 147 Israel-centric resolutions of the Cold War era, despite the fact that it related to the State of Israel.

[179]  *See, e.g.*, S.C. Res. 110, U.N. Doc S/RES/110 (Dec. 16., 1955) (stating that, according to the Charter, the United Nations must hold a conference to review the United Nations Charter).

[180]  South Africa's election of F.W. de Klerk as President and his negotiation with Nelson Mandela began the process of "dismantl[ing] the legislative basis for apartheid." GORMAN, *supra* note 24, at 130.

*B.*          *Entity-Specific Word Choices*

1.          The Hebron massacre v. the Park Hotel bombing

The Security Council does not have a uniform vocabulary; it has used distinct words in resolutions regarding specific Entities. Comparing the distinct word choices in Security Council Resolution 904 with Security Council Resolution 1,402 is the most telling demonstration of the Council's proclivity for treating Israel differently than other Entities.[181] In 1994, Baruch Goldstein, a Jewish settler living in the Occupied Territories of the West Bank, entered the Mosque of Ibrahim in the city of Hebron and killed twenty-nine Muslims while they were praying.[182] Another 125 Muslims were wounded in the gruesome attack.[183] The mayor of Hebron, Mustafa Natshe, acknowledged that Goldstein had acted alone.[184] Furthermore, the Israeli government explicitly denounced his actions and declared his political party,[185] Kach, to be an illegal, racist party in Israel.[186] The Security Council "strongly condemn[ed]" the "massacre" in Hebron and "call[ed] upon" Israel to prevent these types of illegal acts.[187] The Security Council used the term "massacre" five times to describe the tragic incident.[188]

By contrast, in 2002, a Palestinian from the West Bank entered an Israeli hotel during a Passover religious ceremony and set off a bomb.[189] The explosion killed at least twenty-nine Jewish worshippers and injured an additional 140 patrons in the Park Hotel.[190] Hamas, a Palestinian political party, explicitly claimed credit for the attack.[191] The Security Council re-

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[181]     *See* S.C. Res. 904, U.N. Doc. S/RES/904 (Mar. 18, 1994); S.C. Res. 1402, U.N. Doc. S/RES/1402 (Mar. 30, 2002).

[182]     LESCH, *supra* note 25, at 331.

[183]     David Weisburd & Hagit Lernau, *What Prevented Violence in Jewish Settlements in the Withdrawal from the Gaza Strip: Toward a Perspective of Normative Balance,* 22 OHIO ST. J. ON DISP. RESOL. 37, 48 (2006). *See also* Clyde Haberman, *Israel Panel Says Killer at Hebron was Acting Alone,* N.Y. TIMES, June 27, 1994, at A1. However, the Israeli army contends only ninety were wounded. *Id.*

[184]     *Id.*

[185]     LESCH, *supra* note 25, at 331.

[186]     *See* Weisburd & Lemau, *supra* note 182, at 48–49.

[187]     S.C. Res. 904, *supra* note 180.

[188]     *Id.*

[189]     Tracy Wilkinson, *Attack in Israel Kills 19, Hurts 100; Violence: Palestinian Suicide Bombing, the Deadliest in 10 Months, Could End Efforts for a Cease-fire and Unleash a New Phase in the Conflict,* L.A. TIMES, Mar. 28, 2002, at A1.

[190]     John Ward Anderson & Molly Moore, *38 Hurt as Suicide Bomb Rocks Netanya Again*, WASH. POST, Mar. 31, 2003, at A25. *See also* Greg Myre, *A Passover Anniversary, Observed by the Maimed*, N.Y. TIMES, Apr. 17, 2003, at A3.

[191]     Wilkinson, *supra* note 188, at A1; HUMAN RIGHTS WATCH, ERASED IN A MOMENT: SUICIDE BOMBING ATTACKS AGAINST ISRAELI CIVILIANS 146 (2002).

sponded with a resolution that "express[ed] its grave concern" about both the suicide bombing and Israel's attacks against the Palestinian Authority.[192] It "call[ed] upon" Israel and the Palestinians to uphold a ceasefire and specifically "call[ed] for the withdrawal of Israel troops from Palestinian cities."[193]

The differences in wording used by the Security Council in the two resolutions are striking. Similar numbers of casualties and wounded worshippers were found in each incident, yet only Resolution 904 explicitly "condemn[ed]" an attack and repeatedly used the term "massacre."[194] If twenty-nine casualties and more than 125 wounded are defined as a "massacre" of Palestinian worshippers, should not the same hold true of Israeli worshipers? Apparently it does not in the Security Council. The Council "strongly condemn[ed]" the massacre in Hebron,[195] yet it merely "call[ed] upon" the parties to uphold a ceasefire and did not explicitly mention the Park Hotel bombing or casualties incurred.[196] Resolution 904 specifically refers to the Palestinian civilian casualties four times in the resolution,[197] but Resolution 1402 does not mention Israeli civilians or casualties even once.[198] Additionally, Resolution 904 unambiguously characterizes the victims as "worshippers" killed "during the holy month of Ramadan,"[199] which clearly aligns the victims with the entire Islamic world. Resolution 1402 fails to mention who was killed by the "recent suicide bombings in Israel" and completely omits that the Park Hotel bombing was perpetrated on unsuspecting worshippers celebrating Passover.[200] A comparison of the explicit details and descriptions in Resolution 904 with the vague generalities in Resolution 1402 clearly demonstrates the Security Council's discrepant treatment of the two similar Subjects.

Second, Resolution 904 declares the "massacre" resulted in "*more than 50* Palestinian civilians [deaths] and injured *several hundred* others."[201] These statistics are notably inaccurate. Numerous reports of the massacre have capped the casualties at twenty-nine, with another 125 wounded.[202]

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192    S.C. Res. 1402, *supra* note 180.

193    *Id.*

194    S.C. Res. 904, *supra* note 180.

195    *Id.*

196    S.C. Res. 1402, *supra* note 180.

197    S.C. Res. 904, *supra* note 180.

198    S.C. Res. 1402, *supra* note 180.

199    S.C. Res. 904, *supra* note 180.

200    S.C. Res. 1402, *supra* note 180.

201    S.C. Res. 904, *supra* note 180 (emphasis added).

202    Haberman, *supra* note 182, at A1. *See also* Weisburd & Lemau, *supra* note 182, at 48; Scott Wilson, *In Divided Hebron, a Shared Despair: Palestinians and Jewish Settlers in West Bank City Struggle for Existence*, WASH. POST, July 26, 2007, at A18.

Nevertheless, when the Security Council addressed the Park Hotel bombing in Resolution 1402, it neglected to include a single statistic or approximation of the Israeli victims. The extreme inflation of numbers in Resolution 904 compared to the complete absence of details in Resolution 1402 only serves to emphasize the disparate word choices by the Security Council when addressing Israel versus other Entities.

Finally, the Security Council fails to take into account the aftermath of these tragic incidents. Following the "massacre" in Hebron, the Israeli government immediately denounced the rogue citizen. Furthermore it took measures to outlaw his fringe political party due to its radical ideologies.[203] With respect to the Park Hotel bombing, the suicide bomber's political party, Hamas, not only failed to chastise the brutal attack, but it proudly claimed credit for killing and maiming Israelis. The Security Council ignored these distinctions between the two attacks, further proving that even when Subjects are virtually identical, if Israel is one of the Entities, it will be treated differently.

2.      Precise numbers and civilians

The differences evident in Security Council Resolution 904 and Resolution 1402—one that includes detailed, inaccurate numbers and the other mere vague generalities—is not isolated to these two tragic incidents. The Security Council repeatedly uses remarkable detail in discussing the actions Israel has exacted upon other Entities. In at least eight resolutions, the Security Council has declared the precise number of people killed, deported or injured by Israel.[204] These eight resolutions do not even include the additional resolutions that use detailed, but inexact amounts, such as "hundreds,"[205] "unknown number of deaths and destruction,"[206] or "a high number of deaths and injuries."[207] Moreover, the term "Palestinian civilian" has been used thirty-three times in Security Council resolutions to describe the people being subjected to inappropriate actions.[208] Not a single time in 1794 Security Council resolutions has the Council used the specific term

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[203]    *See* Weisburd & Lemau, *supra* note 182, at 49 n.42 (quoting Samuel C. Heilman, *Guides of the Faithful: Contemporary Religious Zionist Rabbis, in* SPOKESMEN FOR THE DESPISED: FUNDAMENTALIST LEADERS OF THE MIDDLE EAST 328, 355–356 (R. Scott Appleby ed., 1997)).

[204]    S.C. Res. 1322, U.N. Doc. S/RES/1322 (Oct. 7, 2000); S.C. Res. 904, *supra* note 180; S.C. Res. 726, U.N. Doc. S/RES/726 (Jan. 6, 1992); S.C. Res. 694, U.N. Doc. S/RES/694 (May 24, 1991); S.C. Res. 681, *supra* note 25; S.C. Res. 672, *supra* note 111; S.C. Res. 641, U.N. Doc. S/RES/641 (Aug. 30, 1989); S.C. Res. 636, U.N. Doc. S/RES/636 (July 6, 1989).

[205]    S.C. Res. 799, U.N. Doc. S/RES/799 (Dec. 18, 1992).

[206]    S.C. Res. 1405, U.N. Doc. S/RES/1405 (Apr. 19, 2002).

[207]    S.C. Res. 1073, U.N. Doc. S/RES/1073 (Sep. 28, 1996).

[208]    *See, e.g.*, *id.*

"Israeli civilian," especially intriguing considering suicide bombers usually target Israeli civilians.[209]

Outside the scope of the Middle East conflict, precise details or numbers are extremely rare. For example, the Security Council first considered South Africa's apartheid practices in 1960 when sixty-nine unarmed African protestors were killed by the government and another two hundred were injured, in what is known as the "Sharpeville incident."[210] The casualties and wounded protestors were well documented and resulted in a complaint to the Security Council by twenty-nine Members.[211] Even with clear documentation and the outrage of so many Members, Security Council Resolution 134 failed to use any specific details in describing the tragic incident.[212] Instead, the Council described the Sharpeville incident as "large-scale killings of unarmed and peaceful demonstrators against racial discrimination."[213] This serves as another example that, even amongst pariah states,[214] the Security Council does not treat all Members equally.

3.      Black September, al-Anfal, and the West Bank

The Security Council's issuance of resolutions against Israel for actions it would ignore if made by another Entity can be verified by examining the treatment of other Middle Eastern countries in the Cold War era, specifically Jordan and Iraq. In September of 1970, King Hussein of Jordan sought to bolster his power over his people by eliminating the influence of the Palestinian Liberation Organization (PLO) and driving the group from his country.[215] Hussein treated "the PLO with extreme harshness, killing thousands in two weeks."[216] Over three thousand were killed in the brutal expulsion of the PLO.[217] As a result of the King's offensive, the PLO was

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[209]    HUMAN RIGHTS WATCH, *supra* note 190, at *passim*. For a brief description of many terrorist attacks since 2001, *see* Anti-Defamation League, *Major Terrorist Attacks in Israel*, http://www.adl.org/Israel/israel_attacks.asp.

[210]    OZDEMIR A. OZGUR, APARTHEID: THE UNITED NATIONS & PEACEFUL CHANGE IN SOUTH AFRICA 99 (1982); GORMAN, *supra* note 24, at 127.

[211]    S.C. Res. 134, U.N. Doc. S/RES/134 (Apr. 1, 1960).

[212]    *Id.*

[213]    *Id.*

[214]    During the Cold War period, Israel and South Africa were often referred to as pariah states in the international community. *See* Frits Kalshoven, *Grotius: His Relevance to Present Day Law of Armed Conflict*, 77 AM. SOC'Y INT'L L. PROC. 212, 234 (1983).

[215]    ALEXANDER BLIGH, THE POLITICAL LEGACY OF KING HUSSEIN 138 (2002).

[216]    YAACOV LOZOWICK, RIGHT TO EXIST: A MORAL DEFENSE OF ISRAEL'S WARS 146 (Anchor Books 2004) (2003); *see also* EFRAIM KARSH, ARAFAT'S WAR 28 (2003) (declaring thousands dead and "horrendous atrocities" carried out).

[217]    LESCH, *supra* note 25, at 235.

"crushed and driven out of Jordan"[218] and the entire PLO infrastructure was evicted by 1971.[219] This tragic event is referred to as Black September.[220] With the PLO no longer a factor, Hussein remained King until his death in 1999.[221]

Despite the well documented maltreatment of Palestinians living in Jordan during Black September, the Security Council failed to issue a single resolution or condemnation of the "horrendous atrocities."[222] Perhaps the Security Council tacitly permitted these vicious actions due to America's Permanent Member veto. The United States invested quite a bit in King Hussein's control of Jordan. In fact, "Hussein's moves during September 1970 were taken in concert with the US." [223] Soon after Black September, America intensified its military cooperation with the King and even stationed a CIA representative in Jordan's capital.[224] The fact that America may have played a role in coordinating the King's crackdown on his own people—or at least giving him its tacit approval—may partially explain the absence of any Security Council resolutions on this matter. Additionally, the fact that the PLO was an organization that both encouraged and sponsored worldwide terrorism surely played a role in the Council's moral justification of the persecution.[225]

In Iraq, the Security Council failed to chastise Saddam Hussein, or even produce a single resolution, for the horrific al-Anfal campaign against his own Iraqi citizens. From 1987 to 1988, Saddam's forces used chemical weapons to kill an estimated 182,000 Kurdish persons living in Iraq.[226] Another 140,000 were forcefully removed from their homes.[227] Although Saddam was charged with genocide by the Iraqi High Tribunal two decades

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[218]   LIBRARY OF CONG. FED. RESEARCH DIV., JORDAN: A COUNTRY STUDY 64 (Helen Chapin Metz ed., 1991).

[219]   LESCH, *supra* note 25, at 236.

[220]   *Id.* at 235. The name of Jordan's civil war should not be confused with the organization "Black September" which was responsible for killing eleven Israeli athletes at the Munich Olympics as well as numerous other plane hijackings. *Id.* at 238.

[221]   BLIGH, *supra* note 214, at 1.

[222]   KARSH, *supra* note 215, at 28.

[223]   BLIGH, *supra* note 214, at 141.

[224]   *Id.* at 142.

[225]   SCHOENBERG, *supra* note 15, at 31–33.

[226]   M. Cherif Bassiouni, *Events Leading to the Creation of the IHT in* SADDAM ON TRIAL 10 (Michael P. Scharf & Gregory S. McNeal eds., 2006) (citing HUMAN RIGHTS WATCH & PHYSICIANS, IRAQI KURDISTAN: THE DESTRUCTION OF KOREME DURING THE ANFAL CAMPAIGN (1993); HUMAN RIGHTS WATCH, GENOCIDE IN IRAQ: THE ANFAL CAMPAIGN AGAINST THE KURDS (1993)).

[227]   *Id.* (citing HUMAN RIGHTS WATCH, THE IRAQI GOVERNMENT ASSAULT ON THE MARSH ARABS (2003)).

after the carnage,[228] the Security Council never addressed Saddam's crimes against humanity in a resolution. The United States never officially vetoed a resolution chastising Saddam's actions against his own people, but America is, most likely, the reason for the absence of a Security Council resolution. During the 1980s, the United States knowingly supplied Iraq with chemicals to use against Iran in the war between those two countries.[229] The United States' covert policy—providing Iraq with chemicals that could be used as weapons in order to maintain the balance of fighting—was grounded in preventing both the destabilization of the entire Middle East and the flow of oil to America.[230] After Saddam used those same chemical weapons against his own people, it is doubtful the United States would permit an international condemnation of war crimes committed with the weapons America had supplied.

Notwithstanding the fact that the Security Council has ignored these horrific massacres, Israel has been repeatedly condemned and criticized for killing and/or deporting Palestinians.[231] Each occurrence for which Israel has been denounced involved far less than the three thousand killed during Black September or the 182,000 slaughtered in Iraq. Israel has been "deplored" for deporting "four Palestinians"[232] and "five Palestinians."[233] It has been "[s]trongly condemn[ed]" for deporting "twelve Palestinian[s]"[234] and "hundreds of Palestinian[s]."[235] Israel was also "condemn[ed]" by the Security Council for violence "resulting in over twenty Palestinian deaths."[236] These statistics are not offered as a defense of Israel's actions, but each of these figures pale in comparison to the numbers attributed to Black September or the al-Anfal Campaign, yet only Israel is chastised in Security Council resolutions.

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[228]    Paul von Zielbauer, *Kurds Tell of Gas Attacks by Hussein's Military*, N.Y. TIMES, Aug. 23, 2006, at A10. Saddam was executed before the trial completed, but five co-defendants were convicted, proving that the al-Anfal campaign was genocide. *See* John F. Burns, *Hussein's Cousin Sentenced to Die for Kurd Attacks*, N.Y. TIMES, June 25, 2007, at A1.

[229]    Russ W. Baker, *Iraqgate: The Big One That (Almost) Got Away, Who Chased It – and Who Didn't*, COLUM. JOURNALISM REV., Mar.–Apr. 1993, at 48, 49–50; Michael Dobbs, *U.S. Had Key Role in Iraq Buildup: Trade in Chemical Arms Allowed Despite Their Use on Iranians, Kurds*, WASH. POST, Dec. 30, 2002, at A1.

[230]    Baker, *supra* note 228, at 48; Dobbs, *supra* note 228, at A1.

[231]    *See, e.g.*, S.C. Res. 450, U.N. Doc. S/RES/450 (June 14, 1979).

[232]    S.C. Res. 681, *supra* note 25.

[233]    S.C. Res. 641, *supra* note 203.

[234]    S.C. Res. 726, *supra* note 203.

[235]    S.C. Res. 799, *supra* note 204.

[236]    S.C. Res. 672, *supra* note 111, ¶¶ 1–2.

4.        South Africa: The other pariah state

While Israel was clearly the most commonly singled out Entity in Security Council resolutions of the Cold War era, it was not the only one. South Africa's actions were the Subject of seventy-six Security Council resolutions in the Cold War era.[237] These resolutions concerned South Africa's apartheid practices,[238] or military attacks on other countries, such as Angola, Botswana, Lesotho, and Zambia.[239] Apartheid was South Africa's "strict policy of racial separation and discrimination" by which the minority white population controlled the government and the non-white majority.[240] Although apartheid is a horrific subjugation of human rights that violates the United Nations Charter,[241] South Africa was excessively chastised compared with atrocities perpetrated by other Entities. Stanley Meisler, two time winner of the Korn-Ferry Award for Excellence in United Nations Reports, asserted that:

> [t]he U.N. blathered on day after day about the terrible injustice of South Africa but closed its eyes to horrors like the enervating civil war and the legions of bloated Biafran babies in Nigeria, the blatant genocide of the Hutus in Burundi, and the unabashed evil of a cunning and cruel Idi Amin in Uganda. These blights were at least as terrible as that of South Africa.[242]

The Security Council's failure to chastise these, as well as many other, atrocities directly conflicts with the principle of equal treatment for all Members, which was expressed in the introduction to the United Nations Charter.

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[237]    *See, e.g.*, S.C. Res. 310, U.N. Doc. S/RES/310 (Feb. 4, 1972).

[238]    *See, e.g.*, S.C. Res. 191, *supra* note 108.

[239]    Peter-Tobias Stoll, *Conflicts, South Africa, in* 1 UNITED NATIONS: LAW, POLICIES AND PRACTICE 317, 325 (Rudiger Wolfrum ed., 1995). *See, e.g.*, S.C. Res. 300, U.N. Doc. S/RES/300 (Oct. 12, 1971).

[240]    Stoll, *supra* note 238, at 317.

[241]    The Charter declares that there must be a "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." U.N. Charter art. 1, para. 3.

[242]    MEISLER, *supra* note 46, at x.

Not only did the Security Council excessively criticize South Africa, but it often used stronger words to criticize South Africa's actions than any other Entity, including Israel. South Africa was more vulnerable to harsh denunciation and extensive focus because it lacked a staunch, Permanent Member ally on the Security Council willing to consistently veto resolutions regarding its transgressions. South Africa was passively supported by WEOG, but "it never had such an indispensable ally as Israel did with the United States."[243] In the Cold War era, South Africa was "condemn[ed]" 107 times.[244] It was "condemn[ed]" more often than every other Entity combined, including Israel.[245]

**Figure 4.**

### Condemned

| | |
|---|---|
| 19% | ■ Israel |
| 55% | ■ South Africa |
| 26% | □ Others |
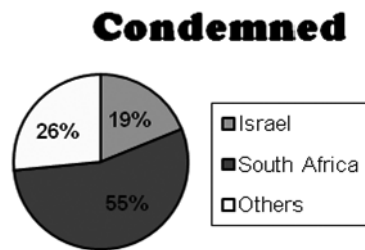
Other than Israel, which was "condemn[ed]" thirty-seven times in the Cold War era, no other Entity was "condemn[ed]" more than ten times. South Africa's apartheid policy and military attacks, as a Member of the United Nations, were an obvious stain on the United Nations as an organization; however, the astronomical discrepancy of "condemn[ations]" by the Security Council shows that the Council did not treat other Entities with equal attention or severity of wording.[246]

The Security Council "condemn[ations]" of South Africa were not the only word choice that was used far more frequently for South Africa than any other Entity. The Security Council "demand[ed]" an action from South Africa seventy-seven times in the Cold War era.[247] Often the "demands" required South Africa to withdraw forces from other territories,[248] respect another country's sovereignty,[249] or make payment for damage to other countries.[250] Once again, many of these actions are indefensible and

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[243]   Konstantinos D. Magliveras, *Exclusion from Participation in International Organisations: The Law and Practice behind Member States' Expulsion and Suspension of Membership in* 5 STUDIES AND MATERIALS ON THE SETTLEMENT OF INTERNATIONAL DISPUTES 224 (Peter Malanczuk ed., 2001) (citing Robert C. Johansen, *The Reagan Administration and the U.N.: The Costs of Unilateralism*, 3 WORLD POLICY JOURNAL 601, 607–608 (1986)).

[244]   *See, e.g.*, S.C. Res. 301, ¶ 3, U.N. Doc. S/RES/301 (Oct. 20, 1971).

[245]   South Africa was "condemn[ed]" 107 times and every other country combined was "condemn[ed]" a total of eighty-nine times.

[246]   *See* MEISLER, *supra* note 46, at x.

[247]   *See, e.g.*, S.C. Res. 277, U.N. Doc. S/RES/277 (Mar. 18, 1970).

[248]   *See, e.g.*, S.C. Res. 567, U.N. Doc. S/RES/567 (June 20, 1985).

[249]   *See, e.g.*, S.C. Res. 387, U.N. Doc. S/RES/387 (Mar. 31, 1976).

[250]   *See, e.g.*, S.C. Res. 527, U.N. Doc. S/RES/527 (Dec. 15, 1982).

should be criticized; however, the unambiguous inequality of usage of the word "demand" in Security Council resolutions concerning South Africa is too great to attribute merely to South Africa's actions rather than unequal treatment of Entities.

5.        Warnings: The domain of Israel and South Africa

During the Cold War era, at the United Nations, Israel and South Africa were often "lumped" together.[251] The Security Council almost exclusively reserved its "warn[ings]" for Israel and South Africa.[252] The Security Council repetitively "warn[ed]" each of the two countries that if military attacks were repeated, the Council would consider further steps to enforce its resolutions.[253] In the Cold War era, Israel and South Africa were each given five "warn[ings]." The only other Entity "warn[ed]" in this manner was Portugal.[254]

Many other military attacks have failed to produce a "warn[ing]" from the Security Council. On October 6, 1973, the holiest day of the year for Israel, "Syria and Egypt launched a surprise attack against Israel."[255] These military attacks never produced a "warn[ing]" from the Security Council. When the Security Council considered Indonesia's intervention in East Timor in the 1970s, a conflict which resulted in more than 60,000 deaths,[256] the Council did not "warn" Indonesia.[257] During the Iran-Iraq War of the 1980s, the Security Council failed to "warn" either country despite repeated military attacks against each other's civilian populations.[258] Even with ample records of numerous military attacks by many Entities other than Israel and South Africa, the Security Council reserves its "warn[ings]" for those two countries.

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[251]   MEISLER, *supra* note 46, at 182.

[252]   *See, e.g.*, S.C. Res. 439, U.N. Doc. S/RES/439 (Nov. 13, 1978).

[253]   *See, e.g.*, S.C. Res. 280, U.N. Doc. S/RES/280 (May 19, 1970). Despite this threat, the Security Council never followed with any form of binding resolution to impose sanctions or worse.

[254]   Portugal was warned twice. S.C. Res. 290, U.N. Doc. S/RES/290 (Dec. 8, 1970); S.C. Res. 275, U.N. Doc. S/RES/275 (Dec. 22, 1969).

[255]   LIBRARY OF CONG. FED. RESEARCH DIV., ISRAEL: A COUNTRY STUDY 64 (Helen Chapin Metz ed., 1990).

[256]   Paul D. Elliott, *The East Timor Dispute*, 27 INT'L & COMP. L.Q. 238, 238 (1978).

[257]   S.C. Res. 389, U.N. Doc. S/RES/389 (Apr. 22, 1976); S.C. Res. 384, U.N. Doc. S/RES/384 (Dec. 22, 1975).

[258]   For a thorough description of many of these military attacks, *see* CAMERON R. HUME, THE UNITED NATIONS, IRAN, AND IRAQ: HOW PEACEMAKING CHANGED 42–52 (1994).

6.      Censure: Reserved for Israel

The Security Council has not used the word "censure" since the Cold War era, and it has "censure[d]" an Entity only seven times in its history, yet Israel's actions have been the Subject of five of those seven resolutions.[259] Resolution 267 refers to Israel's attempts to change the demographics of the population in Jerusalem and incorporate the newly occupied city into Israel proper by administrative measures such as settlements.[260] The Security Council "[c]ensure[d] in the strongest terms all measures taken to change the status of the City of Jerusalem."[261]

However, in 1990, when Iraq destroyed Kuwaiti demographic records and expelled Kuwaiti citizens from the region, the Security Council failed to "censure" Iraq, instead it "[c]ondemn[ed]" the actions.[262] The exile of citizens in conjunction with destroying records of their habitation—along with taking hostages and seizing property—are a far more devious combination of acts than transporting citizens into occupied lands because the former eliminates any prospect of reversal.

After examining the seven Security Council censures, it appears that as a prerequisite, the Entity must have been previously chastised on the same Subject. Since an Entity has already been, in effect, warned to stop its actions, it follows that the Security Council can justify using the harsher language and censure the Entity for repeating its actions. Israel satisfied the precondition as it was previously instructed by the Security Council to cease its efforts to change the legal status of Jerusalem through administrative measures in Resolution 252.[263]

With respect to Iraq's invasion of Kuwait and its appalling actions, Resolution 674 was not the Security Council's only condemnation of Iraq. Only a month later, in Resolution 677, the Security Council reiterated its criticism of Iraq's actions, but it still did not increase the strength of the wording to "censure;" instead, it merely "[c]ondemn[ed]" Iraq again.[264] Iraq's repeated disregard of Security Council resolutions satisfied the cru-

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[259]    S.C. Res. 517, *supra* note 117; S.C. Res. 478, *supra* note 125; S.C. Res. 267, U.N. Doc. S/RES/267 (July 3, 1969); S.C. Res. 228, *supra* note 121; S.C. Res. 101, U.N. Doc. S/RES/101 (Nov. 24, 1953).

[260]    *See* S.C. Res. 267, *supra* note 258.

[261]    *Id.*

[262]    S.C. Res. 674, U.N. Doc. S/RES/674 (Oct. 29, 1990) ("Condemning the actions by the Iraqi authorities and occupying forces to take third-State nationals hostage and to mistreat and oppress Kuwaiti and third-State nationals, and the other action reported to the Council, such as the destruction of Kuwaiti demographic records, the forced departure of Kuwaitis, the relocation of population in Kuwait and the unlawful destruction and seizure of public and private property in Kuwait, including hospital supplies and equipment.").

[263]    S.C. Res. 252, U.N. Doc. S/RES/252 (May 21, 1968).

[264]    S.C. Res. 677, U.N. Doc. S/RES/677 (Nov. 28, 1990).

cial element of previous chastisement on the Subject, yet a "censure" was never invoked. These two situations, one involving Israel and the other Iraq, are factually analogous enough to demonstrate that other Entities are not criticized with the same language as Israel.

7.        Deplored: Israel more than every other country combined

Another word the Security Council used for Israel far more commonly than other Entities during the Cold War era is the word "deplore[d]." Israel was "deplore[d]" forty times by the Security Council before 1990.[265] The Entity "deplore[d]" the second most regularly during this time period was South Africa, with eight occurrences.[266] In fact, Israel alone was "deplore[d]" more often than every other Entity combined.[267] Perhaps the Security Council has "deplore[d]" Israel so frequently because, although it is a charged and scolding word, it is relatively weaker than other emotive words, which may make it easier to get past the United States veto.[268]

Moreover, another reason Israel is "deplored" so often may be that Israel's policies in the West Bank and Gaza have created a bias in the Security Council that encourages the Council to "deplore" virtually any action by Israel, even if that action would not be discussed if perpetrated by another Entity.[269] Israel has been "deplored" for a range of topics including the following: "lack of co-operation" with a United Nations security force,[270] its decision to prohibit the free travel of Mayor Fahd Qawasmeh,[271] holding a military parade in Jerusalem,[272] refusing to receive the mission of the Secretary-General to the region,[273] its military incursions,[274] and failing to comply

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[265]    *See, e.g.*, S.C. Res. 248, U.N. Doc. S/RES/248 (Mar. 24, 1968) ("Deplor[ing] all violent incidents in violation of the cease-fire.").

[266]    *See, e.g.*, S.C. Res. 134, *supra* note 210 ("Deplor[ing] the policies and actions of the Government of the Union of South Africa which have given rise to the present situation.").

[267]    Israel was "deplor[ed]" forty times and every other country combined was "deplor[ed]" a total of thirty-eight times, including South Africa's eight.

[268]    *See* Bernard D. Nossiter, *U.N. Assails Israelis over Bomb Attacks that Maimed Arabs*, N.Y. TIMES, June 6, 1980, at A1 (discussing how certain words must be weakened or eliminated to get past the United State's veto).

[269]    *Cf.* Michla Pomerance, *Agora: ICJ Advisory Opinion on construction of a Wall in the Occupied Palestinian Territory: The ICJ's Advisory Jurisdiction and the Crumbling Wall Between The Political and the Judicial*, 99 AM. J. INT'L L. 26, 34–35 (2005) (discussing the U.N. double standard in Israel-related matters).

[270]    *See, e.g.*, S.C. Res. 444, ¶ 1, U.N. Doc. S/RES/444 (Jan. 19, 1979).

[271]    *See, e.g.*, S.C. Res. 465, U.N. Doc. S/RES/465 (Mar. 1, 1980).

[272]    *See, e.g.*, S.C. Res. 251, U.N. Doc. S/RES/251 (May 2, 1968).

[273]    *See, e.g.*, S.C. Res. 673, ¶ 1, U.N. Doc. S/RES/673 (Oct. 24, 1990).

[274]    *See, e.g.*, S.C. Res. 248, *supra* note 264.

with previous Security Council resolutions.[275] Other Entities are typically "deplored" for casualties caused by military attacks,[276] or rejecting prior Security Council resolutions.[277] While it is not evident that Israel being "deplored" is in itself a more harsh word, it further buttresses the fact that Israel is treated differently.

8.      Shocked: A comparison of assassinations

Another word the Security Council uses frequently in resolutions regarding Israel is "shocked."[278] This word has only been used in eight resolutions in the history of the Security Council, but Israel's actions were the Subject of four of them.[279] Most interesting is Security Council Resolution 471, which states that the Security Council is "[s]hocked by the assassination attempts against the Mayors of Nablus, Ramallah and Al Bireh."[280] On June 5, 1980, three separate bombs injured two Arab mayors and an Israeli soldier protecting another Arab mayor, but no one died in the attacks.[281] Although the Israeli government played no role in the bombings and the army tried to defuse one of the bombs, the Security Council voted fourteen to zero, with an abstention from the United States, to condemn Israel for the attacks.[282]

In responding to a different assassination attempt, this one made by Ethiopians on Egyptian President Hosni Mubarak, the Security Council instead used the word "alarmed" to describe its feelings.[283] Mubarak was driving to the opening of the African summit meeting when the attackers ambushed the motorcade with automatic weapons.[284] Remarkably, Mubarak was not injured in the attack.[285] In Security Council Resolution 1044, Ethiopia was in no way blamed for the attack and Sudan was simply "call[ed] upon" to extradite three suspects that it was harboring.[286] The wording in

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[275]    *See, e.g.*, S.C. Res. 298, ¶ 2, U.N. Doc. S/RES/298 (Sept. 25, 1971).

[276]    *See, e.g.*, S.C. Res. 189, ¶ 1, U.N. Doc. S/RES/189 (June 4, 1964).

[277]    *See, e.g.*, S.C. Res. 218, ¶ 2, U.N. Doc. S/RES/218 (Nov. 23, 1965).

[278]    *See, e.g.*, S.C. Res. 517, *supra* note 117 ("Deeply shocked and alarmed by the deplorable consequences of the Israeli invasion of Beirut.").

[279]    This includes Security Council Resolution 57, which does not mention Israel by name, but the Subject of the resolution is the death of the United Nations Mediator in Palestine, Count Folke Bernadotte, who was killed by a Jewish group called the Stern Gang. MEISLER, *supra* note 46, at 51.

[280]    S.C. Res. 471, *supra* note 116.

[281]    *See* Nossiter, *supra* note 267, at A1.

[282]    *See id.*

[283]    S.C. Res. 1044, U.N. Doc. S/RES/1044 (Jan. 31, 1996).

[284]    Chris Hedges, *Egyptian Leader Survives Attack*, N.Y. TIMES, June 27, 1995, at A1.

[285]    *Id.*

[286]    S.C. Res. 1044, ¶ 4(a), *supra* note 282.

Resolution 1044, although describing an attempt on a President rather than just Mayors, was less severe than Resolution 471 regarding Israel.

Furthermore, when the Security Council addressed the assassinations of the Presidents of both Rwanda and Burundi in Resolution 912, the Council used the same words as the attempted assassinations of the West Bank mayors, "shocked."[287] On April 6, 1994, Rwandan President Juvenal Habyarimana and Burundian President Cyprien Ntaryamira were flying back from a regional summit when their plane was shot down by a rocket while landing in Kigali, Rwanda.[288] The Security Council stated it was "[s]hocked at the tragic incident."[289] The assassins were not ascertained so no specific Entity was the focus of "condemn[ation]" for the attack.[290]

Tying these three resolutions together, the Security Council has used the same words to equate the non-state sponsored *attempted* assassinations of three mayors in lands controlled by Israel with the actual assassinations of two sitting African presidents. Furthermore, the Security Council used harsher words to denounce the attempted mayoral assassination attributed to Israel than those used to denounce the assassination attempt on the President of Egypt. The differences of the wording in Security Council resolutions for these three different Entities continue to prove that actions attributed to Israel, even if not carried out by Israel, are treated comparably more severe.

9.        Confidence Building Measures: Not in the Middle East

The final area in which the Security Council has treated Israel and South Africa differently than other Members or regions in conflict is by use of the phrase "Confidence Building Measures" (CBMs). CBMs are actions undertaken by each party in a conflict to "prevent or reduce the occurrence of ambiguities, doubts and suspicions" that the other party will not abide by agreements or follow through with their assurances.[291] Distrusting adversaries are unlikely to wholly capitulate to the demands of another without guarantees it will be rewarded. CBMs are completed through a step-by-step process which helps each side prove to its opponent that it is committed to

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[287]    S.C. Res. 912, *supra* note 114.

[288]    Andrea Kathryn Talentino, *Rwanda*, *in* THE COSTS OF CONFLICT: PREVENTION AND CURE IN THE GLOBAL ARENA 53 (Michael E. Brown & Richard N. Rosecrance eds., 1999); KINGSLEY CHIEDU MOGHALU, RWANDA'S GENOCIDE: THE POLITICS OF GLOBAL JUSTICE 16 (2005).

[289]    S.C. Res. 912, *supra* note 114.

[290]    For an examination of the possibilities of who killed President Habyarimana, *see* MOGHALU, *supra* note 287, at 50–52.

[291]    Second Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, *Final Declaration*, U.N. Doc. BWC/CONF.II/13/II (1986).

establishing positive relations or repairing past harms. The Security Council has gone so far as to explicitly articulate the individual steps involved in the CBMs between certain parties.[292]

The Security Council has recommended CBMs ninety-four times to a wide range of Entities.[293] The peace reached in the Balkans was directly attributable to CBMs. The Security Council seems to have experienced success with CBMs and continues to suggest them, except in the Middle East. The Security Council has never suggested CBMs as a method to help resolve any Middle East conflict.[294] In fact, CBMs are probably exactly what the parties in the Arab-Israeli conflict need. Several countries or mediators, including the United States under George W. Bush, have suggested a step-by-step process through which Israel and the Palestinians can make slow, but steady progress. Too often these suggestions have been ignored or quickly discarded. However, if the United Nations Security Council put its weight behind CBMs in the Middle East, it could not fail any more than previous efforts. The fact the Security Council refuses to engage in using all tools at its disposal, in order to help Israel and the Arab countries of the Middle East achieve peace, exposes the Council's divergent treatment of Israel when compared to other Member countries.

## C.      The Negroponte Doctrine

The Negroponte Doctrine is informally referenced often, yet rarely discussed. This doctrine, named for Ambassador John D. Negroponte, United States Permanent Representative to the United Nations under President George W. Bush, asserts that the United States demands Israel be given equal treatment in the Security Council or America will use its ability to veto unbalanced resolutions.[295] The policy declared that as of October 6, 2003, the United States would require five principles in Security Council resolutions where they are applicable:

  1.  A robust condemnation of acts of terrorism and all forms of incitement to terrorism;

  2.  An explicit condemnation of . . . organizations responsible for acts of terrorism;

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[292]   *See, e.g.*, S.C. Res. 789, U.N. Doc. S/RES/789 (Nov. 25, 1992) ("[u]rg[ing] all concerned to commit themselves to the confidence-building measures set out below: (a) That, as a first step towards the withdrawal of non-Cypriot forces envisaged in the Set of Ideas, the number of foreign troops in the Republic of Cyprus undergo a significant reduction and that a reduction of defence spending be effected in the Republic of Cyprus . . . .").

[293]   *See, e.g.*, S.C. Res. 939, U.N. Doc. S/RES/939 (July 29, 1994).

[294]   Middle East Conflict includes all conflicts pertaining to Israel, Iraq, Iran, or any other Middle Eastern country.

[295]   United States Mission to the United Nations, *Negroponte Doctrine on Security Council Resolution on the Middle East* (Oct. 6, 2003).

3.  Call for dismantling the infrastructure, which supports these terror op-
erations, wherever located, in compliance with UNSC Resolution 1373;

4.  Call upon all parties to make a commitment to pursue a negotiated set-
tlement;

5.  A recognition that the issue of Israeli withdrawal  . . . is connected to
an improvement in the security situation through reciprocal steps by the
Palestinians and Israelis, as called for by the Quartet.[296]

Negroponte explained, "[i]f you don't resist efforts to pass these
lopsided resolutions, it causes the Palestinians to feel they're let off the
hook. It vindicates their actions . . . . [E]verybody has a responsibility to
contribute to a peaceful solution to this conflict."[297] It appears the United
States developed this position after suffering the catastrophic terrorist attack
on September 11, 2001. After being attacked on such a grand scale for the
first time, more Americans understood the constant terrorist attacks Israel's
civilians must endure, began to empathize with Israeli civilians, and identi-
fied with Israel's policies geared towards preventing further attacks.[298]

This avowed policy of the Unites States government has significant-
ly altered the dynamics of the Security Council. Israel is no longer chastised
as frequently or harshly as it was during the Cold War era and when it is
criticized, the resolutions are far more balanced. Since the Negroponte Doc-
trine went into effect,[299] Israel has been criticized in only five resolutions.[300]
These five Security Council resolutions are far more balanced than any
resolution written before this time period because each resolution—at a
minimum—identifies Israel's justification for taking the action that is being
chastised. For example, when the Security Council stated it was "[a]larmed
at the reoccupation of Palestinian cities" and "[d]emand[ed]" that Israel
withdraw those troops, it introduced the resolution by "[c]ondemning all

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[296]   *Id.*

[297]   Jordan, *supra* note 16.

[298]   For a discussion on the impact of September 11 on America's feelings towards Israel,
*see* Arunabha Bhoumik, *Democratic Responses to Terrorism: A Comparative Study of the
United States, Israel and India*, 33 DENV. J. INT'L L. & POL'Y 285, 328 (2005).

[299]   Although the specific tenets of the Negroponte Doctrine were not explicitly enumerated
until October 6, 2003, the underlying principle was advanced in a speech to the General
Assembly in August, 2002. United States Mission to the United Nations, Statement by Am-
bassador John D. Negroponte, United States Permanent Representative to the United Na-
tions, on the situation in the Middle East, at the Emergency Special Session of the General
Assembly (Aug. 5, 2002).

[300]   *See* S.C. Res. 1773, U.N. Doc. S/RES/1773 (Aug. 2, 2007); S.C. Res. 1701, U.N. Doc.
S/RES/1701 (Aug. 11, 2006); S.C. Res. 1655, U.N. Doc. S/RES/1655 (Jan. 31, 2006); S.C.
Res. 1544, U.N. Doc. S/RES/1544 (May 19, 2004); S.C. Res. 1435, U.N. Doc. S/RES/1435
(Sep. 24, 2002).

terrorist attacks against any civilians, including the terrorist bombings in Israel on 18 and 19 September 2002."[301]

In staying true to the Negroponte Doctrine, when the wording of a draft resolution is not balanced in the eyes of the United States, America uses its veto. For example, in October of 2003, the United States vetoed a Security Council resolution that would have declared Israel's construction of a barrier fence in the West Bank illegal.[302] In explaining the reason for the veto, although he was not required to, Negroponte stated that the resolution was not balanced because it did not include the reasons behind Israel's construction of the barrier, namely recurring terrorism and security problems.[303] The Negroponte Doctrine has played a large role by affecting the wording used by the Security Council in its recent resolutions and has helped correct many of the Council's deficiencies that led to unabashed and persistent chastisement of Israel in the Cold War era.

The principles first expounded by John Negroponte have endured well past the completion of his term as U.S. Permanent Representative to the United Nations. Each of his successors has adhered to the Doctrine, although all successors were appointed by the Bush administration. Only time will tell if the Negroponte Doctrine will survive the Bush administration, whether in name or in practice. Bush's successor, President Barack Obama has not explicitly addressed the Negroponte doctrine. Throughout the presidential campaign, numerous groups have questioned Obama's commitment to Israel.[304] Only time will tell if Obama will embrace the Negroponte Doctrine, but signals indicate he will fight for equality of all Members in the United Nations. For example, in January 2008, the Security Council was considering a resolution to denounce Israel for closing its border with Gaza.[305] Obama, a senator at the time, wrote a letter to the Zalmay Khalilzad, the U.S. Representative to the United Nations at the time, urging Khalilzad to ensure the Security Council would either condemn the constant rocket attacks emanating from Gaza or not pass a resolution at all.[306] This powerful and unsolicited letter suggests Obama's commitment to equal treatment for all in the United Nations.

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[301]    *Id.*

[302]    United Nations News Centre, *Security Council Fails to Adopt Resolution on Israeli Barrier* (Oct. 15, 2003), *available at* http://www.un.org/apps/news/story.asp?NewsID=8560&Cr=middle&Cr1=east#.

[303]    *Id.* For other examples of the United States preventing unbalanced Security Council resolutions, *see* Jordan, *supra* note 16.

[304]    Hilary Leila Krieger, *Biden Works to Assure Jewish Activists of Barack Obama's Pro-Israel Stance*, JERUSALEM POST, Sep. 25, 2008, at 3.

[305]    *See* Letter from Senator Barack Obama to Permanent U.S. Representative to the United Nations Zalmay Khalilzad (Jan. 22, 2008).

[306]    *Id.*

## VI.  CONCLUSION

The United Nations has clearly failed to live up to its obligation to treat all countries equally in the Security Council. This Note has presented concrete examples of the differences in word choices used in resolutions concerning different Entities. The strong focus on Israel—and to a lesser extent South Africa—was presented as evidence of the unequal treatment in order to confront those that seek to ignore the biases against specific Entities.

The Negroponte Doctrine has artificially forced the Security Council to alter its methods regarding Israel; however, the Negroponte Doctrine is merely a band-aid on a gunshot wound. It may temporarily alleviate some of the immediate concerns, but it fails to fix the underlying problems that foster unequal treatment amongst United Nations Members in the Security Council. Biases only serve to politicize the Council and prevent it from serving its purpose. While the Negroponte Doctrine has "fixed" the results, it is merely another politicized bias trying to correct a more endemic anti-Israel disposition.

The Security Council should strive to eliminate the need for vetoes or protection of allies; only then will it serve its intended purpose. In order to permanently resolve its systemic problem, the Security Council must undertake a complete reformation, including a fundamental rethinking of how it should address threats to international peace and security. With regard to the linguistic choices made by the Security Council when considering resolutions, specific words should have more rigid definitions that are applicable regardless of the Subject or Entity at issue. For example, perhaps the Security Council should not use the word "alarmed" unless fatalities were directly caused by an Entity's action. While these categories should not be absolutely formulaic—because circumstances may frequently play at least some role—the Council should adopt distinct guidelines as to what words should be used. Preconceived notions, stigmas, and biases should be checked at the door to the Council's chambers. Perhaps by reducing the arrogance surrounding the Council, it can be de-politicized and, therefore, resume its intended purpose to serve as the enforcer of international peace.

The purpose of this Note is to identify the discrepancies in Security Council resolutions based on the Subject or Entity being discussed in order to influence the Security Council to learn from its mistakes and biases of the past in order to live up to the promise of its founders. This is the only way the Security Council can "reaffirm [its] faith in fundamental human rights, in the dignity and worth of the human person, in the *equal rights* of men and women and of *nations large and small* . . . ."[307]

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[307]    U.N. Charter pmbl.