

Reformation of Security Council And The Role of India As A Permanent Member



Divesh Singh

Assistant Professor,
Deptt. of Defence and Strategic
Studies,
D.B.S.(P.G.) College,
Dehradun

Abstract

The UN Security Council is one of the six principal organs of the United Nations, which is responsible to maintain the international peace and security. The structure of Security Council is given in Article 23 of UN Charter. It states "The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution."¹ The non-permanent members are elected for a two year term.

Since a long time, India is demanding for the permanent membership of the UN Security Council. Whenever the UN Security Council is reformed, India has a very strong candidature for a seat in permanent member category. It is among the founding members of the United Nations and has always adhered to the UN Charter and principles. It has actively supported the United Nations in maintaining international peace. In fact, it is the third largest contributor to the UN Peacekeeping Operations with 6817 troops and 1022 police personnel involved in peacekeeping under the UN flag.² It is one of the largest democracies in the world and second most populated country in the world. Supporting its claim, the French president Sarkozy said during his visit to India in 2010, "It was "unthinkable" that a country of a billion people should have no representation in the Security Council."³ India is among the founder members of the Non-aligned Movement and helped the 3rd world countries to keep their foreign and domestic policies unaffected from the rivalry of superpowers and showed them a path of peace, freedom, development and co-existence. India is a nuclear power and has a strong commitment towards non-proliferation and disarmament. In the present scenario when India has emerged as a leader of global south and an important member of G-20, not even a single global issue is there, where India's presence, co-operation and opinion are not required whether it is neo economic order, WTO talks, talks on climate change, reforms in international organizations like World Bank and IMF etc. In short, any global organization/institution is incomplete without Indian representation.

Keywords: Affirmative votes, Double votes, Peace keeping, Security council.

Introduction

The United Nations (UN) is an international organization founded in 1945 after the Second World War by 51 countries committed to maintaining international peace and security, developing friendly relations among nations and promoting social progress, better living standards and human rights. Due to its unique international character, and the powers vested in its founding Charter, the Organization can take action on a wide range of issues, and provide a forum for its 193 Member States to express their views, through the General Assembly, the Security Council, the Economic and Social Council and other bodies and committees. The work

of the United Nations reaches every corner of the globe.

Although best known for peacekeeping, peacebuilding, conflict prevention and humanitarian assistance, there are many other ways the United Nations and its System (specialized agencies, funds and programmes) affect our lives and make the world a better place. The Organization works on a broad range of fundamental issues, from sustainable development, environment and refugees protection, disaster relief, counter terrorism, disarmament and non-proliferation, to promoting democracy, human rights, gender equality and the advancement of women, governance, economic and social development and international health, clearing landmines, expanding food production, and more, in order to achieve its goals and coordinate efforts for a safer world for this and future generations.

Aim of the Study

The paper aims at analysing structural Reformation of UN Security Council and status of India as its permanent member.

The UN has 4 Main Purposes

1. To keep peace throughout the world
2. To develop friendly relations among nations
3. To help nations work together to improve the lives of poor people, to conquer hunger, disease and illiteracy, and to encourage respect for each other's rights and freedoms
4. To be a centre for harmonizing the actions of nations to achieve these goals.

The Security Council

In brief

1. 15 members: five permanent members with veto power and ten non-permanent members, elected by the General Assembly for a two-year term.
2. Meetings are called at any given time when the need arises.
3. Rotating presidency: Members take turn at holding the presidency of the Security Council for one month.

Under the Charter, the Security Council has primary responsibility for the maintenance of international peace and security. It has 15 Members, and each Member has one vote. Under the Charter, all Member States are obligated to comply with Council decisions. The Security Council takes the lead in determining the existence of a threat to the peace or act of aggression. It calls upon the parties to a dispute to settle it by peaceful means and recommends methods of adjustment or terms of settlement. In some cases, the Security Council can resort to imposing sanctions or even authorize the use of force to maintain or restore international peace and security. The Security Council also recommends to the General Assembly the appointment of the Secretary-General and the admission of new Members to the United Nations. And, together with the General Assembly, it elects the judges of the International Court of Justice.

Reforming the United Nations

The United Nations has recently come in for a beating: It has been attacked over the oil-for-food scandal and treated with occasional contempt by the

Bush administration. And yet the world's tendency to turn to the United Nations has if anything grown stronger. Between 2000 and 2005 the number of peacekeepers serving under U.N. resolutions jumped from 48,000 to 86,000, and plans for an expanded presence in Lebanon, and possibly in Darfur and East Timor, could push the total to 120,000. This schizophrenia -- the tendency both to attack the United Nations and to demand its assistance -- is dangerous. If the United States and its allies want the United Nations to unscramble problems, they must do more to nurture it.

This plea has been heard before from U.N. sympathizers, but recent events underline its urgency. The Lebanon war was remarkable for the way in which all sides agreed that an expanded U.N. force would be an essential component of a peace deal; an early suggestion that there could be a non-U.N. deployment got no traction. Equally, the genocide in Darfur has tested the idea that a non-U.N. peacekeeping force could work better than a U.N. one; it turned out that the experimental African Union force that deployed in Darfur was inadequate. Hence the push now for a U.N. force, which would be better managed thanks to the United Nations' relatively sound planning capacity and better financed because of an established system for sharing the costs of blue helmets among the U.N. member states.

In the past, critics in the United States have felt free to sideline the United Nations because they believed that there were alternative tools to achieve foreign-policy objectives; the United States could go "forum shopping," as President Bush's U.N. ambassador calls it. But Darfur shows that forum shopping can backfire, while Lebanon suggests that the world regards alternatives to the U.N. as insufficiently legitimate. For all the shortcomings of the United Nations, its Security Council enjoys more moral authority on matters of war and peace than any other international body; and for jobs such as peacekeeping or the supervision of elections in countries such as Iraq and Congo, it may be the least bad institution available. The forum-shopping excuse for denigrating the United Nations must therefore be buried. Instead, critics must channel their energy into promoting the reforms that could make the United Nations more effective.

There is blame to go round for the stagnation of existing reform efforts. Developing countries that don't pay for the U.N. budget and feel little responsibility for global governance often want the institution to be a place of sinecures and pompous speeches. Unfortunately, these countries dominate the U.N. General Assembly by sheer force of numbers and so can block management reforms. Meanwhile, rich nations are not blameless either. The Bush administration has failed to build a coalition of reformers who could prevail over entrenched seat-warmers. The British and French have resisted change that could undermine their privileged positions as veto-wielding members of the Security Council.

In 2005, U.N. Secretary General Kofi Annan made a big push for reform, but neither rich countries nor poor countries showed much interest in

supporting him. Now Mr. Annan is nearing the end of his term. An insistent determination to modernize the United Nations will be a necessary quality for whoever succeeds him.

Security Council Reform

The Security Council was conceived to be the key UN organ for peace and security, by virtue of being, in principle, empowered to impose sanctions and approve the use of force. But more often than not, the Council has in practice failed to play its role effectively. During most of the Cold War it was virtually paralyzed. Since the end of the Cold War, the Council has been much more active than before, but, a few remarkable successes apart, it has continued to be deadlocked when trying to prevent or solve serious crises. Not surprisingly, Security Council reform, which last took place some 40 years ago, has been an outstanding issue for a long time. Various attempts to adapt the Council have failed due to strong disagreements among UN members, particularly on the issue of enlargement.

To address the issue of enlargement, and purportedly to increase both the effectiveness and credibility of the Council, the then UN Secretary General Kofi Annan proposed for enlarging the Council from 15 to 24 members. He proposed two models, called Model A and Model B. In Model A, there will be six new permanent seats with no veto power, whereas in Model B there will be no new permanent seats, but eight four year renewable-term seats. However proposal found no support among the aspirants, especially the developing world.

The Security Council - Voting

Each member of the Security Council has one vote. On questions of procedure, a motion is carried if it obtains an affirmative vote of any nine members. On substantive matters, a resolution requires the affirmative votes of nine members, including the concurring votes of the permanent members. However, any member, whether permanent or nonpermanent, must abstain from voting in any decision concerning the peaceful settlement of a dispute to which it is a party.

The Veto

The veto power and its exercise by permanent members remains a central characteristic of the mechanism of the Security Council, although, since the end of the cold war, a new climate of collegiality has made its use rare. Though the word "veto" does not occur in the charter, it is the common-usage term for the power of any of the five permanent members to defeat a resolution by voting "nay."

Negative votes cast in the council by its permanent members constitute an exercise of their veto power only on substantive questions, not on procedural matters. Moreover, by long-standing practice, the charter provision stipulating that all substantive resolutions must obtain the concurring votes of the permanent members has been interpreted to mean that, provided a permanent member does not actually vote "nay," a resolution may still be carried.

The veto power, then, is the constitutional instrument for giving expression to the requirement—

discussed at the opening of this chapter—that before the Security Council invokes its authority in peacekeeping action, the big powers should first resolve their differences on how a particular crisis should be handled. However, although the principle of ensuring unanimity among the big powers was the major consideration underlying the institution of the veto, it was not the only one. A complementary consideration was the need of the major powers to ensure that their decisions would not be overridden by a majority vote of the smaller nations. In effect, conferring the right of veto upon a few powerful countries was tacit acknowledgment of the natural conflict that exists between their interests and those of the less powerful nations. It was a recognition of the fact that, despite differing social systems and power rivalry, the large countries often share more interests with each other than they do with smaller nations having social systems and tenets similar to their own. And it was for exactly this reason that the smaller countries represented at the San Francisco Conference made strenuous but unsuccessful efforts to prevent the institution of the veto power in the charter.

Indian prospect in the UNSC

In this modern world, the new world order is emerging with the groups like BRICS and IBSA. These countries, out of which some were considered backward in the past, are controlling the world economy. So an atmosphere is adventing where India and Brazil are coming all guns blazing. In such environment Indian context is fully recognizable for the world government, i.e. UN. India is no more a country of snake charmers and black magic; it is now a big player of the world order. So, now is the time for the world to facilitate India with a supreme gift of membership of UNSC.

Traditionally five members hold good for the veto power in the Security Council, viz., United States, China, United Kingdom, France and Russia. India in the past had regularly provided the every possible service to the UN in general and Security Council in particular. Be it for the peacekeeping missions in Syria, Lebanon, Vietnam, Bosnia, etc. or be it the economic and Philanthropic missions for UNHCR and UNICEF in Somalia, Uganda, Mozambique, Afghanistan, Iraq, etc. India has always been a force to reckon with. We have seen India from the times of struggling of Nehru to the times of prosperity of Manmohan. Today, India is the fourth largest growing economy of the world. There are every possible cultures and religions existing here. We are the second populous state in the world. not just that, but we have all kind and variety of Indian people ruling the top class MNCs and TNCs like PEPSICO, VODAFONE, CITI GROUP, etc. as their CEOs and CMDs. We are the largest producers of films and programs in as many lingual approaches. And on the top of it we are the largest democracy in the current existing world where the people give their votes not to the parties manifesto but to their values and virtues.

But there is a difference between reality and hope. Let me take you to the negative points that what difficulties India must face in getting the permanent

member status? India, the country obsessed with lucid corruptions and seams. The hurdles start with the tiring process of amendment to the UN Charter. It further faces opposition from Coffee Club members. Its contribution to UN Charter too does not signify it as a power. Internal security problems have added to India's woes. We are the state who constantly fights with issue of J&K, terrorism, ethnic violence of Maoists, ULFA etc. Be it '2G' or 'Common Wealth Games', we have made ourselves ashamed in front of world community.

However, recently there was no perceptible advancement of China's stand on India's bid for a permanent seat in the UN Security Council. This means that still China want only it to be the power house of Asia in UNSC. A visit of the Chinese Prime Minister Mr. Wen Jiabao has raised some hope, but still there is something more to be done to convince the Chinese support.

As far as other countries are concerned the President of United States Mr. Barrack Obama feels that the extensive cultural strength and deep ethical power of India really deserves a place in the UNSC. On the other hand, Mr. Nicolas Sarkozy, the President of France, recently told that it was unbelievable to hear that India, the country of 1.2 billion people and the home of enormous natural and human resources, is not the member of UNSC. Besides, the visit of Mr. David Cameron, the Prime Minister of Britain, although was more commercial than political, but still he gave some intuitions and signs of support and backing for the permanent membership for UNSC from his conservative and Liberal Democratic alliance in the UK. Talking about Russia, they always have been a great friend to India, but recent inclination of India towards USA through trade and commerce and civil nuclear deal has made Russia bit phobic towards India. In recent past during the meeting of BRIC nations and a visit to India Mr. Dmitry Medvedev gave some signs of support by affirming India as deserving candidate for permanent member of UNSC but was in a bit of a dilemma due to the current political and relational dynamics in the world of international politics. The visit of Mr. Vladimir Putin, the Prime Minister of Russia, although supported the nuclear power plants in India and the quick buying of the aircraft carrier the Admiral Gorshkov, but the signs of support for the permanent seat for the membership of UNSC was not so clear. It looks like Russia think the paradigm shift of the International Political and Relational dynamics and the irrelevance of Non-Alignment Movement (NAM) is really hampering its national interest. All these were the nations with the permanent membership on the UNSC, and the sixth sense feeling says that the signs of the support from these nations looking possibly decent for the upcoming future.

But talking about the non-permanent members and those members who are the integral parts of the G8 and G20, the signs look even more optimistic and wonderful. The German Chancellor Mrs. Angela Merkel has openly supported India for the permanent seat in the UNSC, while the German Prime Minister Mr. Christian Wolf has also gave ominous signs of support in the recently concluded meetings and conferences of European Union. Talking about Spain, their Prime Minister Mr. Jose Luis Rodriguez Zapotero also open heartedly supported India for the permanent membership in the UNSC and also said that being a nation with such a good growing economy and human resources the whole world want India to be a major partner for the trade, commerce and economical relations with them. Canada, Japan and South Africa have also supported the Indian cause in the UNSC and the conference of African Union also gave weight to this flow of support for India.

Moreover, the former Brazilian president Mr. Zula Da Silva, who is now not incumbent in Brazil, really favour India and Brazil to be next permanent members representing the continents of Asia and South America respectively. The developing third world countries of Asia, Africa and Latin America have been a great support for India from the days of Nehru and still support the Indian force in the pursuit for the seat of UNSC.

But still talking manually, humanly, and ethically, India is the forerunner and harbinger of peace, understanding and security and most of the world community know that. They know that it is India who can really change the atmosphere and environment of the dynamics of the International politics and relations and that it is India only who can really affect the psychological, sociological, scientific, philosophical, anthropological and philanthropically aspects of peace, harmony and compassion because this is the country of 'Vedas' and 'Aryas' and of Mahatma Gandhi, Mother Teresa, Swami Vivekananda, etc.

Suggestion

In view of many divergent ideas on the structure of reformed Security Council, a structure of UN Security Council is suggested:

1. Creation of 5 new permanent seats taking the total permanent membership to 10 with the abolition of veto.
2. Increasing the non-permanent membership to 15 from the current 10.
3. Increasing the tenure of non-permanent members from two to three years with one-third members i.e. 5 members retiring each year with the possibility of immediate re-election
4. The decisions of Security Council be taken with the majority of 2/3 members instead of current 60%. In this case, this majority will be 18 out of 25.

Region Wise Distribution of Seats is Shown in Table

Regional Area	Permanent Seats (Continuing)	Proposed New Permanent Seats (Total)	Proposed Non-Permanent Seats (3 Year Term)	Total
Africa	0	1	3	4
Asia-Pacific	1	3	4	7
Europe	3	4	4	8
North and central America	1	1	2	3
South America	0	1	2	3

The plan addresses most of the issues:

1. It addresses the non-representation of Africa with the introduction of 1 permanent member and 3 three non-permanent member, taking the total membership up to 4.
2. Three permanent members in Asia can accommodate all three major powers vis-à-vis China, Japan and India.
3. South America also finds appropriate representation with one permanent and two non-permanent members.
4. Increase tenure of 3 years gives non-permanent members enough time to serve on the Security Council and it can be re-elected immediately if it enjoys the support of world community.
5. Decision making with 2/3 majority ensures that every decision represents the larger aspirations of the world.
6. Abolition of veto ensures the equality among permanent members.

References

1. <http://www.un.org/en/documents/charter/chapter5.shtml>
2. https://www.un.org/en/peacekeeping/contributors/2012/Dec12_1.pdf
3. <http://www.thehindu.com/todays-paper/sarkozy-calls-for-permanent-security-council-seat-for-india/article932755.ece>; accessed on 13th Jan, 2013
4. <http://www.thehindu.com/todays-paper/india-elected-to-un-security-council/article827564.ece>
5. <http://www.un.org/en/documents/charter/chapter5.shtml>
6. http://www.un.org/ga/search/view_doc.asp?symbol=ST/ADM/SER.B/866

7. http://www.un.org/ga/search/view_doc.asp?symbol=ST/ADM/SER.B/853
8. <http://www.un.org/en/ga/contributions/budget.shtml>
9. <http://www.centerforunreform.org/node/386>
10. Kulwant Rai Gupta (2006). *Reform of the United Nations*. New Delhi: Atlantic Publishers & Distributors. p. 232. ISBN 81-269-0668-5
11. http://www.italyun.esteri.it/NR/rdonlyres/C37FC89F-8132-4CA8-A2F9-149515B37BD1/0/2009_04_17screform.pdf
12. Delhi high court blast happened on 7 September 2011, coordinated strikes in Mumbai's suburban railway happened on 11 July 2006. Pune bombing happened on 13 Feb. 2010..
13. <http://mha.nic.in/pdfs/LWE-aftdDist-131210.pdf>; accessed on 10 Jan 2013
14. http://en.wikipedia.org/wiki/People's_War_Group
15. <http://www.indianexpress.com/news/rocket-launchers-seized-from-naxals--jungle-den-ahead-of-buddha-s-visit/538374>; accessed on Jan 7, 2013.
16. India conducted the atomic test on 11th and 13th May 1998 followed by Pakistan on 15th may 1998.
17. China is a permanent member in UN Security Council and has veto power to stall any process of reformation of Security Council.
18. <http://www.indianexpress.com/news/china-shows-arunachal-pradesh-and-aksai-chin-as-its-territory/1035332>
19. The 15th meeting of the Special Representatives of the two countries was held in new Delhi in January 2012