

India's Race For The Security Council: Will She Reach The Finishing Line?

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Summary

The essay focuses on India's quest for a permanent seat in the Security Council. While analysing the debate and diplomacy in this connection, the essay is crafted around a recent book by an Indian diplomat, Dilip Sinha, entitled: Legitimacy of Power: The Permanence of Five in the Security Council.

One would not err in saying that in many ways the establishment of the United Nations (UN) after the Second World War is a triumph of man's hope over experience. It was a follow-up of a similar initiative earlier in the century, the League of Nations, which had failed in its mandate to keep peace as analysed elegantly in a masterful work by the diplomat-turned academic EH Carr. Enough of preparatory work was deemed to have been done when, following the German-Japanese surrender, the UN was set up by the victors in the war.

Within this UN system, the primary responsibility for the maintenance of international peace and security was awarded to the Security Council in accordance with Article 24 of the Charter of this body. While formally equal to the other principal organs of the organization, over time the Security Council evolved as the most powerful forum of all.¹ Unlike that of the General Assembly where the one-member one-vote system and a notion of democratic equality of all states prevail and whose decisions are non-binding, the Security Council resolutions are always called by the permanent five members- often called the P5 (the US, UK, France, Russia and China) - each of whom has the power to veto any decisions. Hence, there is no semblance of democratic equivalence.

The drafters of the Charter artfully protected the interests of the powerful. For instance, Article 27 essentially says that the Security Council decisions on procedural matters may be made by an affirmative vote of 60 per cent of its members, which amounts to nine out of the current 15 members. On the surface, it appears reasonable enough. The Article, however goes on to add that "decisions on all other matters shall be made by an affirmative vote of nine members including the consenting vote of the five permanent members". Here in an opaque form, lies the veto power of the P5. So if one of them holds that an issue is more than procedural, it will be deemed as such.

So, as the Security Council emerged as all-powerful among the organs of the UN, so did the P5 within it. After the Cold War years, essentially from 1948 to 1991, when the P5 rivals, the US and the Soviet Union in particular, cancelled each other out, thus impeding consensus on

¹ David Malone, in *The Oxford Handbook on the United Nations* Thomas G Weiss and Sam Daws (Eds) ,(Oxford University Press , 2007) pp 117-133.

critical issues, the scope for the Security Council to take coherent and agreed positions increased, and consequently so did its potential role on the global political and security matrix. Unsurprisingly, interest in it, and in particular in becoming a permanent member within it, from the newly emerging post-colonial member states increased. Among them was India. This article examines India's quest for a permanent seat in the Security Council. It would principally draw upon an excellent recent book on the subject by an Indian diplomat, Dilip Sinha, much of whose career was focussed on the UN, both at home in New Delhi and abroad.²

Sinha intended his book to be a study of international security cooperation and its moorings in international law from the perspective of the countries of the south. In doing so, he provides a useful narration of international relations in the last couple of centuries with this view in mind. He brings out in very clear relief the Security Council's, or rather of the P5's, aversion to change. This is in contrast to what we have experienced with regard to some other organs of the UN, or other international organizations in the globalizing world.

Sinha arrives at the correct, albeit somewhat obvious conclusion, that solutions, with regard to the much needed question of reforms of the Security Council are not easy to find. However, there seems to be a sense of sadness at the lack of realization on the part of key players of the fact that irrelevance of the Security Council will jeopardise international peace at these critical times. This reveals a tinge of idealism at a time when realism appears to be in command and narrow perceived self-interest of big powers in control!

The book is a product of painstaking research. Sinha manages to neatly organize a huge mass of very useful material into 16 chapters, conveying a panoramic view of the UN. He does so in a language stylistically lucid and eminently readable. The endnotes that follow each chapter are designed to lead the curious reader into greater depths, should he or she prefer that. Naturally, given the writer's background, his interest largely lies in the exploration of the possibility of a seat for his country, India, at the high table of the permanent membership of the Security Council. His arguments in its favour are made soberly and objectively, often using subtle discretion, making a solid case for it, without pushing it too hard, and taking the obtaining realities into account.

The Security Council was deadlocked during the Cold War period because of the rivalry between the United States and the Soviet Union. Once the Cold war ended, and some of the causes for the earlier deadlock disappeared, there was a rise in the Council's global role and importance. Membership acquired prestige. Initiatives like the 'Peace-Keeping operations', successful in restoring stability in many conflict zones around the world, won plaudits all round. The UN membership had expanded in numbers and logically the demand for reforms of the Council increased, with particular emphasis on the expansion of numbers of both the non-permanent, and also of the veto-wielding permanent members. By 1993, serious consultations were initiated on the reform agenda – on the working methods, the veto and composition of the forum. As was to be expected, key state actors, with an eye on

² The article is mainly rooted on Dilip Sinha's work, *Legitimacy of Power: The Permanence of Five in the Security Council* (New Delhi: Indian Council of World Affairs, Sapru Houe, 2018).

permanent seats, began to play an active role. They included the earlier defeated powers in World War 1, Germany and Japan, as over time the differences between victors in that war and the vanquished had eroded, and also newer aspirants from the developing world like India and Brazil, who over time had acquired a modicum of global clout. Eventually Japan, Germany, Brazil and India came to be known as the Group of 4, or simply as G-4, as well as the principal drivers of the reforms initiative.

As was to be expected, the key players were unenthusiastic. The US Permanent Representative to the UN, John Bolton, who arrived on the scene during a 'reform watershed year' in 2005, during which a Summit of world leaders was held at the UN headquarters to address these and related issues, wrote rather sarcastically: "It was also typical of the UN that so much wasted effort was spent on 'reforming' the one major body that worked halfway decently from time to time, instead on focussing on bodies like the General Assembly and the Economic and Social Council that served only to consume oxygen and paper".³ China would be hard pressed to support additional Asian seats for the Council, but was chary of according support to India and Japan. Russia was wary of Germany. The UK and France were concerned that their own permanent seats could be called into question in any serious reforms process, as their coordinated foreign policies now came under the rubric of the European Union, and they were also not as powerful they were when the Council was founded. However, the P5 spared themselves the political cost of formally opposing the reform process. They could, and did, leave it to other member states to do the honours.

That turned out to be a good strategy for them. For the other member states, reform of the Security Council and expansion of numbers for both permanent and non-permanent seats was like 'motherhood', which none could oppose. But when it came to who would occupy the additional seats, there came the rub. The UN Secretary General in his report to the gathered world leaders in 2005, entitled "In larger Freedom", recommended expansion of the Council from 15 to 24.⁴ The G4 themselves proposed six new permanent seats - two to Asia, two to Africa, and one each to Europe and Latin America.⁵ Naturally, the G4 counted themselves in. But thereafter ensued the debate and violent disagreement as to who should take up the seats, and the claims of the G4 were also challenged. The opposition camp was spearheaded by an informal group styled 'Uniting for Consensus', also known as the 'Coffee Club'. The main movers and shakers of this cabal were Italy (opposing Germany), Pakistan (opposing India), Kenya (opposing South Africa, or Nigeria), and, behind the scenes China (opposing Japan and India). They challenged the concept of 'regional representation' in the Security Council, arguing that in that forum each member has traditionally represented itself. Furthermore, they assert that it would complicate decision making because of the larger numbers involved, thereby constraining efficiency. Indeed, their reactions were reflective of the astute observation of the International Relations theoretician Hedley Bull

³ John Bolton, *Surrender Is Not an Option: Defending America at the United Nations and Abroad* (New York: Threshold Editions, 2007), p. 249.

⁴ For greater understanding of all his reform recommendations, see Kofi Annan, "In Larger Freedom: Decision Time at the UN, Foreign Affairs, May/June 2005.

⁵ Dilip Sinha, *op.cit*, p 283.

who had observed that the deepest fears of the smaller units (states) in the global system was their larger neighbours.⁶

There is absolutely no doubt that the Security Council has performed well during the post-Cold war years. While the 'responsibility to Protect' principle adopted by the world leaders in their Outcome Document in 2005 remains controversial as a norm, it is widely accepted that the Security Council has made a number of positive interventions that were deemed necessary including in troubled spots such as Kosovo, Afghanistan and East Timor. Elements that are ranged against any significant changes abide by a popular American dictum which states that "If it ain't broke, don't fix it".

It is true that without the membership of India, Brazil, Germany and Japan, the Security Council would not be truly representative of all regions. Not only that. The Council membership would not also reflect the actual power play and relations around the world. Sinha, around whose book this essay is crafted, arrives at a logical extrapolation. He concludes: "The reform debate (of the Security Council) remains stuck between the pulls and pressures of representation and efficiency. It is widely recognised that legitimacy can only come from greater representation and democracy but that would further complicate and slow decision making. The permanent seat aspirants face the impossible challenge of satisfying the larger membership of the General Assembly without displeasing the permanent five. They have to demonstrate their independence and effectiveness without questioning the inequities of the international order. The reform process has not been able to find a way out of this conundrum".⁷

In India itself, the current Prime Minister, Mr Narendra Modi, who is seeking re-election in the polls in April 2019, does offer an ambitious vision for his country in the long run.⁸ The idea is to mark the occasion of India's 75th anniversary of independence. The Security Council seat that India would be seeking for now would be a non-permanent seat for 2021-2022. In all likelihood it would succeed in this. Beyond the rim of the saucer, India plans to continue to strive with the rest of G4 on the quest for a permanent seat. The need for it appears to grow sharper as tensions with Pakistan heighten over Kashmir as has recently happened in February 2019 in the aftermath of the Pulwama Attacks, and Pakistan continues to remain confident of China's support should any related matter come before the Security Council. But ironically, the same factors render the quest even more difficult as China's opposition would have to be overcome in the first place before India can join the permanent numbers. Eventually, Indian diplomats hope that the pressure of positive global public opinion would erode China's opposition, as well as that of other permanent members. But the current reality is what Dilip Sinha states in the sub-title of his book: 'The Permanence of Five in the Security Council'.

⁶ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (London: The MacMillan Press, 1977), p 310.

⁷ Dilip Sinha, *op. cit.* p. 285.

⁸ 'Modi's Vision for India in 2022: UNSC Seat, Bullet Train, Indian in Space, G 20 Summit', *Financial Express*, 3 December 2018.

Membership of the Security Council will most certainly add to India's prestige among the comity of nations. Furthermore, it will also erode the power of Pakistan vis-à-vis India, and provide Delhi a modicum of equality with regard to Beijing. But these very benefits also ironically constitute the major impediments to India's Council membership. Because these adversaries for the same reasons harden their opposition, particularly China, a veto-wielding Council Member whose consent to the reforms is necessary. Also, India would be required to develop positions on a whole series of global issues that it may not be concerned with now. However, those among India's policy-makers who favour a bid for the Security Council would argue that India has the intellectual and other capabilities not to shy away from this challenge.

Earlier last century, the British economist, John Maynard Keynes had said: "The idea of the future being different from the present is so repugnant to our conventional modes of thought and behaviour that we, most of us, offer a great resistance to acting on it in practice". It seems to explain the mind-set of role-players charged with the destiny of reforms of the UN Security Council.

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