

India and the United Nations

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The United Nations will celebrate its 75th anniversary in 2020. This is a good time to look back at its performance, and examine how far it has met the aspirations of its founders and how relevant it is in today's world. India is a founder member of the organisation. What has been India's approach to the UN? How does India view the organisation, and what expectations does it have of it?

The United Nations has grown in the last seven decades from a general security organisation to an omnibus international entity that brings numerous international organisations dealing with every conceivable aspect of human life under one umbrella. But maintaining international peace and security remains its primary goal, and it is on this that its reputation has rested even though its main achievements have been, and continue to be, in other fields.

The United Nations started as a wartime alliance. It was formed at the peak of the Second World War, on 1 January 1942, against the Axis Powers - Germany, Japan, and Italy. After the war, only the allies were invited to the San Francisco Conference to adopt the Charter. Argentina, which had remained neutral during the war, was a late invitee. The conference converted the military alliance into an international organisation.

The primacy of security is established in the Preamble to the UN Charter:

“We the peoples of the United Nations determined:

- to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

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- to reaffirm 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, and
- to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and
- to promote social progress and better standards of life in larger freedom.”¹

The United Nations (UN) was founded with the single-minded determination to prevent wars. It was with this in mind that the Security Council was made its most powerful organ. It was formed as a compact body of eleven members, but kept firmly in the control of the five principal allies who promised to act together to provide security to the rest of the world. For this, they claimed the right to be permanent members of the Council, with the power to veto its decisions. The Council's procedures were kept simple, and its powers absolute. It is the only organ of the UN authorised to take coercive action against a country. It is not accountable to any other organ of the UN, not even the General Assembly; and there is no forum for review of or appeal against its decisions. This is in sharp contrast to the other organs of the UN, which can only make recommendations. Even the jurisdiction of the International Court of Justice is neither compulsory nor comprehensive. The UN has a council for addressing economic and social issues, the Economic and Social Council, but this too is a recommendatory body, created only because the founders of the UN were aware of the economic and social causes that had contributed to the rise of Hitler in Germany.

The initial enthusiasm with which the UN was established, however, soon turned into despair as the victors split into two rival military blocs, confronting each other in the Cold War. The western bloc, led by the USA, along with the countries of Latin America, controlled both the Security Council and the General Assembly. Only a handful of countries could claim to be neutral. Even among the nine members from Asia and four from Africa, several owed allegiance to one bloc or the other.

The Security Council was also emasculated by the inability of the permanent members to agree on the modalities of providing troops to it, as provided for in the Charter. They could not even agree on the rules of procedure of the Council, which continues to function to date on provisional rules framed in 1946.

With the Security Council hamstrung by the veto, it was hardly surprising that, during the four decades of the Cold War, the United Nations became a

theatre of confrontation rather than cooperation. Till 1970, the Soviet Union, which was repeatedly out-voted by the West, used the veto 80 times. Then it aligned itself with the developing countries and turned the tables on the USA, which vetoed a resolution for the first time in 1970. By 1990, it had done so 64 times.²

The result of this impasse was that the Security Council could do nothing to prevent wars, such as in Vietnam and Afghanistan in which the two superpowers were involved. In one particular year, 1959, the Security Council adopted only one resolution, and met barely half a dozen times. In 1992, after the Cold War, the UN Secretary-General, Boutros Boutros-Ghali, stated in a report that, since the founding of the UN in 1945, there had been over 100 major conflicts, with about 20 million deaths. He admitted, "The United Nations was rendered powerless to deal with many of these crises because of the vetoes ..."³

In this difficult phase of the UN, India and a few other countries, which had stayed out of the Cold War military alliances, gave a new purpose and direction to the UN. They were instrumental in reorienting the UN from a security organisation to a developmental and promotional body. Though envisioned in the Charter, these activities were given short shrift by the big powers in their quest for global dominance.

India achieved this extraordinary feat through its tireless efforts in the General Assembly since it was a member of the Security Council only once each in the 1950s and 1960s. Egypt, Yugoslavia and Indonesia were among the countries that stood up with India. They were joined slowly by other countries of Asia and Africa as they became independent. They were able to bring the newly independent countries together, and keep them out of the Cold War military alliances through the Non-aligned Movement. These developing countries, as they came to be called, acquired their full strength in 1964 when the countries of Latin America joined them to form the G-77.

The UN is known today as a champion of freedom, democracy, and human rights, with peacekeeping being its most important activity. Yet, none of this was envisaged when the UN was formed. The word democracy does not figure in the UN Charter. Few of the founding members of the UN were democracies, and some like India, were not even independent. In the Charter, there is a passing reference to human rights; but decolonisation was not one of the goals set for the world body even though 750 million people, nearly a third of the world's population, were under colonial rule.⁴ Peacekeeping was a later innovation; it was opposed by some permanent members, and it was

left to the neutral and non-aligned countries to provide troops for it.

Resetting the course of the organisation so soon after it was formed was a difficult and contentious task that took several years. It was done in the face of stiff opposition from the established powers - the permanent five.

India had won its freedom through a peaceful mass movement, a revolutionary and inspirational concept in those days, and was led by people with a world-view far ahead of the times. Its foreign policy was inspired by the ideals of this movement and, in the UN, it took up challenges like decolonisation, apartheid, nuclear disarmament, equity in the international economic order and in North-South relations, non-alignment in the Cold War, South-South cooperation, and democracy. India's signal success was in making the UN an instrument of decolonisation and the abolition of apartheid. It also contributed significantly to turning the UN into a champion of development, and worked energetically, though with less success, on disarmament.

When the Second World War got over, there was a rush among the victors to recover the colonies they had lost to the Axis powers. France wanted to recover Vietnam, Cambodia and Laos; and Britain was determined to take back Malaysia and Singapore and other colonies in Asia. Netherlands wanted to re-conquer Indonesia. The USA seized islands in the Pacific Ocean. Russia seized all of East Europe. The UN did not have a policy to check this. In fact, several applications for a membership of the UN were blocked for years due to Cold War rivalry. Transjordan, Ireland, Portugal, Austria, Finland, Ceylon, Nepal, Mongolia, and Albania were among the countries affected. The countries of the Soviet bloc also spoke up against western imperialism, but that merely embroiled the efforts for decolonisation in the Cold War.

It was only in 1960, by which time there were sufficient numbers of countries from Asia and Africa, that the UN General Assembly could adopt a resolution on decolonisation: the 'Declaration on the Granting of Independence to Colonial Countries and Peoples'.⁵ It declared that subjecting people to alien subjugation constitutes the denial of human rights, and is an impediment to attaining world peace. The resolution was made possible by 19 newly-independent states that joined the UN that year. It was adopted by 89 votes to none; but there were 9 abstentions, including three permanent members of the Security Council: the USA, Britain, and France. Over 80 countries eventually became independent, and joined the UN.

The situation on disarmament was grimmer. The UN Charter mentions disarmament as one of the goals of the organisation; but the Cold War started

an arms race among the permanent five. The invention of nuclear weapons made this race even more dangerous, and India's voice was among the few to be raised against it. India called for an end to all nuclear testing and for global nuclear disarmament. It refused to join the nuclear club even when China went nuclear in 1964. Understandably, the UN's record in disarmament is dismal. The permanent five made some token concessions to the growing clamour for nuclear disarmament. The devastation caused by atmospheric and underwater nuclear tests in the early years created an outcry, and they were finally prohibited by the Partial Test Ban Treaty in 1963. This, however, did not have any impact on the nuclear arms race. The nuclear powers sealed their hegemony with the discriminatory Nuclear Non-Proliferation Treaty in 1968, which legitimised their nuclear weapons while making it illegal for others to possess them.

The UN achieved some success in other weapons of mass destruction. Biological and chemical weapons were banned by treaties negotiated under the auspices of the UN. These included the Biological Weapons Convention, 1972; and the Chemical Weapons Convention, 1993. But the USA and the Soviet Union chose to negotiate treaties dealing with nuclear weapons bilaterally, with moderate success. Two important treaties - the Comprehensive Test Ban Treaty and the Treaty on the Prohibition of Nuclear Weapons - have been negotiated in the UN, but are yet to come into force because they have not been ratified by the required number of countries, chiefly the nuclear powers themselves. The tardy progress in nuclear disarmament and the continued proliferation, both declared and clandestine, of nuclear weapons in its neighbourhood, led India to abandon its long-held policy of abjuring nuclear weapons and go nuclear in 1998. However, India has not given up its policy of seeking global nuclear disarmament.

India started its international campaign against apartheid even before it became independent. In 1946, it got the General Assembly to adopt a resolution against racial discrimination in South Africa. This was in the teeth of opposition from the South African Prime Minister, Jan Smuts, who had helped draft the Preamble to the UN Charter just a year before. But General Assembly resolutions only carry moral weight; they are not binding like the decisions of the Security Council. India also pressed for action by the Security Council on apartheid, and had its first success in 1965 when the Council adopted a resolution calling upon countries to break economic relations with Southern Rhodesia, and refrain from supplying arms to it. The sanctions were finally lifted in 1980 when the country became independent under its new name, Zimbabwe.

The imposition of sanctions on South Africa for its policy of apartheid was opposed by several Western countries on the ground that it violated Article 2 of the UN Charter against interference by the UN in the internal matters of states. The General Assembly adopted numerous resolutions calling upon the Security Council to impose sanctions. In 1960, when nearly a hundred people were killed in Soweto in police firing, there was a clamour for action by the UN. France questioned the “legal merits” of such action while the USA was only willing to let the matter be discussed in the Security Council. However, India took the stand that a matter of such importance had the potential to threaten international peace and security, and fell within the jurisdiction of the Security Council. India’s Ambassador, C. S. Jha, said, “Events which cause world-wide concern, which have potentialities for international friction and disharmony, and which are directly opposed to the spirit and letter of the Charter, cannot be brought within the straitjacket of Article 2, paragraph 7.”⁶ The Council eventually imposed sanctions on South Africa in 1977, but these were confined to an arms embargo. The sanctions were lifted in 1994 when apartheid was abolished.

India took the lead in the UN on reforming the international economic order and making development its key goal. It was instrumental, in 1964, in the setting up of UNCTAD, an organisation dedicated to promoting development through trade. The goals of this organisation included monitoring the achievement of the target set by it, of official development assistance (0.7% of GDP), the transfer of technology, debt relief, preferential market access, South-South cooperation, regulating transnational corporations, protecting commodity exports, and a greater voice for developing countries in international monetary and trade institutions. A declaration for setting up a new international economic order was adopted by the General Assembly in 1974.⁷

Peacekeeping, with an annual budget of \$6.7 billion (almost three times the regular budget of the UN), is certainly the most important security function being performed by the UN today. But peacekeeping should not be confused with the military action undertaken by member states on behalf of the Security Council or with the action the Security Council is itself empowered to take under Article 42 of the Charter. This article provides for action by the Security Council to restore international peace and security through its own military force envisaged in Article 43. Since the permanent five did not provide a military to the Security Council, it never acquired the capacity to take such action itself.

In Palestine and in Jammu and Kashmir, the Security Council was able

to send some observers from its own personnel to monitor the ceasefires it had successfully negotiated. These were small missions, paid for from the regular budget of the UN.⁸ Later, in 1956, when the UN decided to send a larger contingent to monitor the ceasefire after the Suez War, France and the Soviet Union questioned its authority to do so, and refused to pay for it. The issue was resolved by the International Court of Justice which upheld the action. However, the financing of all subsequent peacekeeping operations has been done from a separate peacekeeping fund.⁹ Besides, peacekeeping forces were initially drawn exclusively from neutral and non-aligned countries to make them more acceptable to the combating parties. Later, the permanent five started providing some personnel.

India has consistently been a major contributor to UN peacekeeping. It has provided about 240,000 personnel in 49 of the 71 UN peacekeeping operations so far. Currently, Indian personnel are participating in 9 out of 14 peacekeeping missions. The main principles of peacekeeping were developed by UN Secretary-General Dag Hammarskjöld for the mission in the Congo in 1960. At a particularly critical juncture in the operation, when Guinea, the United Arab Republic, and Indonesia withdrew their troops from the UN Force on account of differences over the treatment meted to Prime Minister Patrice Lumumba, Hammarskjöld turned to India for help. Prime Minister Nehru shared the concerns of these countries, but felt that he could not let the UN down and agreed to the request. Even today, India's largest peacekeeping contingent is to MONUSCO in the Democratic Republic of Congo.

The other major activity of the UN is imposing sanctions on countries, organisations, and individuals. Sanctions are mainly to prevent the illicit supply of weapons to countries facing armed conflict and the flow of funds to organisations and individuals indulging in terrorism. They are also directed against countries seeking to develop nuclear weapons. India has been supportive of UN sanctions, especially against terrorism.

However, India has been cautious in endorsing coercive action under 'responsibility to protect' (R2P). This concept, developed by civil society and supported by some western countries, seeks to confer on the international community the right to intervene in the internal affairs of a country in disregard of its national sovereignty in order to prevent humanitarian disasters and protect human rights if its government is unable, or unwilling, to do so.

India has been particularly reticent in supporting the Security Council's authorisation of military action by member states. The first such action was by the USA and its allies in 1950 in Korea. The Council was able to authorise

the mission because the Soviet Union was boycotting its meetings on the issue of the membership of the People's Republic of China. In 1990, after the Cold War, when Iraq invaded Kuwait, the Security Council authorised member states to take military action to liberate it. After the success of this operation, the Council authorised a dozen more such military actions with varying objectives – in Yugoslavia, Somalia, Rwanda, Haiti, Democratic Republic of Congo, Albania, Libya, Mali, and the Central African Republic. These military operations, authorised by ambiguous resolutions of the Security Council without reference to a specific article in the Charter, were led by the USA and its western allies with the notional participation of some other countries. Russia and China had their reservations on some of the operations, but they did not veto them.

This mode of activism of the Security Council came to an end soon after the invasion of Libya in 2011 because of differences of Russia and China with the other permanent members, the USA, France, and the UK, regarding the interpretation of the resolution. They maintained that the resolution had merely authorised the enforcement of a no-fly zone over Libya, and not aerial assistance to the rebel forces to overthrow President Muammar Gaddafi.¹⁰

These military interventions went well beyond the security structure envisaged in the UN Charter. They also raised expectations among victimised people, set unachievable targets for the champions of R2P, and inevitably led to disappointment and frustration. India had strong reservations on these military interventions because of their intrusive nature and the resort to force; but it supported some for their humanitarian necessity. Resolutions authorising such military actions came up five times in the Security Council during India's membership and India voted as under:

- Korea: India voted for Resolution 82(1950) but abstained on Resolution 84(1950).
- Bosnia & Herzegovina: India abstained on Resolution 770(1992).
- Somalia: India voted for Resolution 794 (1992).
- Libya: India abstained on Resolution 1973(2011).
- Mali: India voted for Resolution 2085(2012) for an African-led force.

India believes that on human rights and democracy, the UN should play a promotional role to strengthen national capacity and commitment as well as disseminate national best practices as examples for countries to draw inspiration from and emulate. It opposes any intrusive and coercive action to enforce them.

On terrorism, India has been pressing for the adoption of a Comprehensive Convention on International Terrorism that can increase international cooperation as well as the effectiveness of the UN in combating cross-border terrorism. Currently, only specific acts of terrorism, such as hijacking and taking of hostages, are prohibited by separate international agreements. Since 1963, there have been 19 such international treaties in the UN, IAEA, IMO and ICAO. India wants a universal definition of terrorism, a ban on terror groups, the closure of terror camps, the prosecution of terrorists under special laws, and making cross-border terrorism an extraditable offence worldwide.

India is also keen on the UN taking the lead in meeting the global challenges of development, especially poverty eradication and climate change. India is a party to the Paris Agreement on Climate Change of 2015. Its Nationally Determined Contribution underlines its commitment to its goals. India also supports the UN's efforts to promote the Sustainable Development Goals, as it was supportive of the Millennium Development Goals earlier.

India is an ardent advocate of UN reform, particularly of the Security Council. The UN Charter itself provides for its review after 10 years.¹¹ This provision was introduced because of the widespread discontent among delegates at the San Francisco Conference on the veto. The challenge to the veto was led by Australia's Foreign Minister, Herbert Vere Evatt, and supported by Mexico, Belgium, El Salvador, Chile, Colombia, Peru, New Zealand and a host of other countries. The leader of the US delegation, Edward Stettinius, had assured them there would be an opportunity to revisit the matter, "Let us act now in the sure knowledge that our work can be improved upon with time..."¹² India's delegate, Sir R. M. Mudaliar, realised that there would be little chance of a change in the veto provision if it continued to be applicable during the review process. He suggested a modification, "[I]f this unanimity rule were not to be applied at the end of ten years to any proposal regarding the amendment to the Charter, we could safely, and with good conscience and complete trust and confidence in the five great powers, agree to the complete Yalta formula during the intervening period of ten years."¹³

The review conference, due in 1955, never took place because, as expected, the permanent five did not agree to it. They let the addition of four non-permanent members to the Security Council go through in 1965, but this did not put an end to the clamour for a review conference nor for further expansion. In 1979, India and 15 other countries proposed adding another four non-permanent members. During this period, India was content with demanding more non-permanent members in the Security Council. It expressly disavowed any ambition of becoming a permanent member.

However, the situation changed when the Cold War came to an end. The western countries were now once again in control of the Security Council, and there was no threat of the Soviet veto. As tasked by them, Secretary-General Boutros-Ghali prepared an ambitious plan for reactivating the UN and making it an effective agent not only for maintaining international peace and security but also promoting democracy and human rights, the absence of which was declared to be the cause of internal strife in countries.¹⁴ This revived the demand among non-permanent members for reform of the UN. Now, the issue was not merely the expansion of the membership of the Security Council but also its voting procedures and its relations with the General Assembly.

In September 1992, India and 35 other non-aligned countries tabled a resolution in the General Assembly for taking up the “Question of equitable representation and increase in the membership of the Security Council.” Japan decided to co-sponsor this resolution, which was adopted without a vote as Resolution 47/62. Germany and Japan now put forward their demand for the permanent membership of the Security Council. India too soon staked its claim as did Brazil, which had missed out on a permanent seat narrowly in 1945.

India joined hands with Germany, Japan, and Brazil to form the G-4. The group proposed the addition of six new permanent seats, one each for itself and two for Africa, and four new non-permanent seats, one each for Africa, Eastern Europe, Asia, and Latin America and the Caribbean. The reform process moved at a glacial pace till 2005 when Secretary-General Kofi Annan suggested his own plan which was quite close to the G-4 proposal. However, the African countries were unable to agree on the two countries from the continent for its permanent seats and the G-4 decided not to press its proposal.

The reform process then went into a limbo. India once again worked to revive it through a group of countries, called the L-69 group. In 2008, the General Assembly decided to start intergovernmental negotiations for Security Council reform, and identified the following issues:

1. Categories of membership.
2. The question of the veto.
3. Regional representation.
4. Size of an enlarged Security Council and the working methods of the Council.
5. The relationship between the Council and the General Assembly.¹⁵

India maintains that the aim of the reform should be to increase the effectiveness of the UN in dealing with international terrorism, weapons of mass destruction (including nuclear), and transnational organised crime, including the trafficking in narcotic drugs, humans and arms. Its claim to permanent membership is based as much on its size, population and economy as on its commitment to the principles of the UN: peace, democracy, human rights, international cooperation and development assistance. India also cites its contribution to peacekeeping to underline its capacity and willingness to assist in maintaining international peace and security.

India was also one of the first countries to make a complaint to the Security Council. On 1 January 1948, it complained to the Security Council (under Article 35 of the Charter) that the invasion of the princely state of Jammu and Kashmir by Pakistan was likely to endanger international peace and security. India stated in its complaint that the infiltration of armed raiders from Pakistan into the state which had acceded to India left it with no option “but to take more effective military action in order to rid the Jammu and Kashmir State of the invader.”¹⁶ It requested the Council to ask Pakistan to desist from participating or assisting in the invasion. The Council adopted Resolution 47 on 21 April 1948 asking Pakistan to withdraw, following which a plebiscite would be held to decide which country the state would accede to. Pakistan, however, refused to withdraw its forces and, after forming an alliance with the USA, progressively increased its demands. The Security Council adopted 18 resolutions in all on the issue. The last of these was in 1971. Since the Simla Agreement of 1972 with Pakistan, India does not regard the UN resolutions as applicable any longer. However, it continues to allow the presence of UN military observers, the UNMOGIP.

What does the future look like for the UN? It survived the Cold War mainly because neither the USA nor the Soviet Union wanted to walk out of it and leave the field open to the other. The Soviet Union realised its mistake in boycotting the Security Council briefly in 1950, and never did so again. Its repeated vetoes led to outrage in the USA where there were calls for abandoning the UN. But both remained in the Council, and blocked each other’s initiatives to the detriment of international peace and security. The permanent members continue to treat the UN with disdain. Their main endeavour is to prevent it from taking any action against their own strategic interests, and diluting their veto power. The UN’s security-related activities are, thus, confined to gentle actions like peacekeeping and sanctions.

How long can this continue? Can the UN survive the new East-West

confrontation? This question is not difficult to answer. The permanent five have no reason to disturb the current global power structure, and as long as it has their support, it will continue. But the fear for the UN is not its extinction but irrelevance as a security organisation. The UN must be the organisation for smaller powers to turn to for their security and the protection of their rights. Its inability to address their security concerns makes them indifferent to it, and compels them to turn to the big powers for protection. A UN that is deadlocked by the veto of the permanent members and cannot take any action against them can be of little use in addressing the security concerns of other member states.

A more representative and democratic Security Council will be a more boisterous and slower body; but it would be a more meaningful forum for diffusing global security tensions. The reform of the Security Council and of the UN is essential for stemming the continued irrelevance of the organisation in its primary role of maintaining international peace and security. India retains a stoic faith in the UN as illustrated by its continued enthusiasm for a non-permanent term in the Security Council - despite its efforts for a permanent seat being effectively blocked by the permanent members. India must persist with its efforts for reform, no matter how frustrating and futile. Whenever it happens, it will be more rewarding than its cosmetic appearances in the Security Council as a non-permanent member.

Notes :

¹ At <https://www.un.org/en/sections/un-charter/preamble/>

² Dag Hammarskjöld Library, UN research website, at www.research.un.org/en/docs/sc/quick

³ 'An Agenda for Peace', Para 14, UN document no. A/47/277-S/24111, 17 June 1992.

⁴ www.un.org/dppa/decolonization/en/about

⁵ UNGA resolution A/RES/1514(XV), 1960.

⁶ C. S. Jha, at the 852nd meeting of the UNSC, 30 March 1960. See, SCOR, 30 March 1960, para 97, p. 24.

⁷ UNGA resolution A/RES/3201(S-VI), 1974.

⁸ UN Truce Supervision Organisation (UNTSO), and the UN Military Observer Group in India and Pakistan (UNMOGIP).

⁹ ICJ Advisory Proceedings in Certain Expenses of the United Nations, See Article 17, Paragraph 2 of the Charter, 1962.

¹⁰ UNSC Resolution 1973, 2011.

¹¹ Article 109 of the UN Charter.

¹² Clark M. Eichelberger, *UN: The First Fifteen Years*, New York: Harper & Brothers, 1960 p. 5.

¹³ UNCIO Vol. 11, Commission III – Security Council. 4th meeting, 20 June 1945, New York: UN Information Organizations, 1945, p. 175.

¹⁴ An Agenda for Peace, UN document A/47/277-S/24111, 17 June 1992.

¹⁵ UNGA Decision 62/557.

¹⁶ Text of India's Complaint to the Security Council, 1 January 1948, para 12, South Asia Terrorism Portal, Institute for Conflict Management.

