

UNSC: Resistance to Revolutionary Change

T. P. Sreenivasan*

UN reform is a continuous process, dictated by changes in the international situation. The composition, agenda and working methods of the UN have undergone many changes in the sixty-six years of its existence. The Charter has been resilient enough to let the UN change with the times even without any amendment to its provisions. But the effort, launched since the end of the cold war, to seek an expansion of the permanent membership of the Security Council, is nothing short of a demand for a revolution. The proponents of change are challenging the very foundation of an institution, born out of a world war, the winners of which gave themselves the responsibility of maintaining world peace and security by assuming extraordinary powers.

Five countries are permanently placed at the core of the UN Security Council, which is the heart of the global security system. Paul Kennedy said in *The Parliament of Man*:

Upon what they do, or decide not to do, and upon what they agree to, or veto, lies the fate of efforts to achieve peace through international covenants. Even more amazing and disturbing is that any single one of the Permanent Five, were its national government determined upon it, can paralyze Security Council action; moreover, it would be fully within its Charter right to do so. Some states are more equal than others. (p. 52)

The UN Charter, which was crafted by them, has been embraced voluntarily by 193 nations. That there has not been a world war since and that the UN has served as a stabilizing factor in the world is the strongest argument for continuing the status quo. But the contrary argument is stronger, because

Revised and expanded version of a lecture delivered at Goa University on 17 August 2011, under the Distinguished Lecture Series of the Public Diplomacy Division of the Ministry of External Affairs and is published with their permission.

***The Author** is a former Permanent Representative of India to the UN Offices at Vienna and former Deputy Permanent Representative to the UN at New York. He is currently Member of the National Security Advisory Board and Director General, Kerala International Centre, Thiruvananthapuram.

the global equations have changed so much in the last sixty-six years that it is imperative that the UN must reflect those changes to maintain its representative character and moral strength. The struggle is on between those who wish to perpetuate their privileged positions and the forces of change that cannot but win. But no one can predict the time and nature of revolutions. They have their own logic and time.

The question today is not whether change is needed, but whether a real change can be brought about by the provisions of the very Charter that established the institution. If history is any guide, major changes take place when the time is ripe, in unexpected ways, regardless of the strength of those who seek change and those who resist. The provisions of the law that seek to protect the establishment will be thrown to the winds and the old system will yield place to the new. A Malayalam poet declared many years ago: "Change your outdated laws; if not, they will change you yourselves." We have many examples in history that those who conceded change lasted longer than those who resisted the forces of change.

India was among those who lit the first spark of inevitable change, back in 1979, at the height of the cold war, when an item entitled "Equitable representation on and increase in the membership of the Security Council" was inscribed on the agenda of the General Assembly. The demand was to add a few more non-permanent members, on the simple logic that the ratio between the strength of the General Assembly and that of the Security Council should be maintained; that the exponential increase in the membership of the UN should be reflected in the size of the Security Council. This principle was, in fact, followed in 1965 when the number of non-permanent members was raised from six to ten. Implicit in the proposal was the issue of under-representation of developing and non-aligned countries in the Security Council.

The reaction from the permanent members was instant. In an unprecedented show of solidarity against the move, they argued that expansion of the Security Council would undermine its efficiency, integrity and credibility. In the face of the stiff opposition, the sponsors agreed that the agenda item would be considered, but no action would be taken. Action was postponed year after year, with a nominal and sterile debate till the end of the cold war.

The game changed in the early 1990s, when the idea of adding new permanent members was brought up by Brazil. India, as the main sponsor of the original agenda item, initiated the exercise of ascertaining the views of the

members and setting up a mechanism to study the proposals and to reach consensus. An Open-ended Working Group of the General Assembly was established. Though India was entitled to chair the Group, it decided not to take it, as it was one of the declared candidates. The permanent members led by the US offered a quick-fix after initial hesitation and proposed the addition of Japan and Germany as permanent members on the ground that they were the highest contributors to the UN budget after the US. “We enthusiastically support the addition of Germany and Japan as permanent members”, was the refrain of the US representative at that time. The objective of the proposal was to alleviate the peacekeeping and budget assessments of the permanent members. But the addition of Germany and Japan would have only aggravated the lack of balance in the Council. India’s claim was not even acknowledged. The US also favoured a marginal increase in the non-permanent membership. If India had not stopped the quick-fix and continued to insist on comprehensive reform with the support of the non-aligned group, the door for expansion would have been closed after inducting Japan and Germany at that time. India demolished the payment argument by stating that permanent membership should not be up for sale. The author, then Deputy Permanent Representative of India at the UN, told the Working Group in February 1995:

Contribution to the UN should not be measured in terms of money. We do not agree with the view expressed by a delegation that permanent membership is a privilege that can be purchased. Financial contributions are determined on the basis of “capacity to pay” and those who pay their assessments, however small, are no whit less qualified for privilege than the major contributors.

As a lethargic debate went on in the Working Group for years, national positions evolved and loyalties changed, but it became clear that the expansion of the Security Council could not be easily accomplished. The formation of an interest group, under the leadership of Pakistan and Italy, called the “Coffee Club” and later “Uniting for Consensus”, which opposed any expansion of the permanent membership, made the situation more chaotic. India itself advanced its position from seeking to establish criteria, such as population, seminal contribution to the UN, participation in peacekeeping operations, etc. to staking a claim and began campaigning bilaterally in capitals. Over the years, India’s claim became strong and it came to be universally recognized that if a single developing country were to become a permanent member, that would be India. One adverse consequence of the debate was, however, that the discussions highlighted that a vast majority of member states had not

served even once on the Security Council, while countries like India, Japan, Pakistan and Egypt had served several times. This led to India's long absence from the Council from 1993 to 2010 after having been elected as a non-permanent member seven times in the earlier period. After India's bid for a non-permanent seat was thwarted by Japan, India decided not to contest against any of the countries which had announced candidature. In 2010, the withdrawal of the declared candidate, Kazakhstan, in India's favour led to the election of India as a non-permanent member. As the only candidate from the Asian Group, India won 187 out of the 192 possible votes.

Ismail Razali, the Malaysian President of the General Assembly in 1997, introduced a framework resolution to amend the Charter in several steps: first, the General Assembly would adopt a framework resolution to increase the size of the Security Council; second, the Assembly would vote for five candidates for the new permanent seats without veto, as follows: two from the industrialized states, and one each from the developing countries of Africa, Asia and Latin America; third, two-thirds of the entire General Assembly would have to approve the amendment; fourth, two-thirds of all the member states, including the five original permanent members, would have to ratify the amendment; and finally, ten years after ratification, the UN would convene a review conference. The Razali formula was novel in the sense that it did not require two-thirds approval of the entire General Assembly during the first two steps, only two-thirds of the members present and voting. By circumventing Article 108 in the earliest and most problematic stages (agreeing to reform and selecting the new permanent members), the Razali Plan was a good compromise, but it was never put to a vote; if it had been, it would not have passed due to opposition from the African states.

Efforts made outside the Working Group were also fruitless. After the deliberations of a High Level Group, Secretary General Kofi Annan proposed two plans: Plan A, proposing creation of six permanent and three non-permanent seats; and Plan B, proposing eight new seats for four years subject to renewal and one non-permanent seat. He stated:

I urge Member States to consider the two options, models A and B, proposed in that report (see box), or any other viable proposals in terms of size and balance that have emerged on the basis of either model. Member States should agree to take a decision on this important issue before the summit in September 2005. It would be very preferable for Member States to take this vital decision by consensus, but if they are unable to reach consensus this must not become an excuse for postponing action.

Security Council Reform

Model A: provides for six new permanent seats, with no veto being created, and three new two-year term non-permanent seats, divided among the major regional areas as follows:

Regional area	No. of States	Permanent seats (continuing)	Proposed new permanent seats	Proposed two-year (non-renewable)	Total
Africa	53	0	2	4	6
Asia and Pacific	56	1	2	3	6
Europe	47	3	1	2	6
Americas	35	1	1	4	6
Totals model A	191	5	6	13	24

Model B: provides for no new permanent seats but creates a new category of eight four-year renewable-term seats and one new two-year non-permanent (and non-renewable) seat, divided among the major regional areas as follows:

Regional area	No. of States	Permanent seats (continuing)	Proposed new permanent seats	Proposed two-year (non-renewable)	Total
Africa	53	0	2	4	6
Asia and Pacific	56	1	2	3	6
Europe	47	3	2	1	6
Americas	35	1	2	3	6
Totals model A	191	5	8	11	24

Although the Secretary General included both the plans, Plan B had greater acceptability in the group and could well be resurrected at a later date as an eventual compromise. It was at the insistence of General Satish Nambiar, the Indian member of the group, that Plan A was included. Initially, an effort was made by some of the members, including some representing P 5 countries, to have only Plan B as the recommendation of the group. General Nambiar expressed his disagreement with the formulation and informed the Chairman

of the group that he would not be able to support such a recommendation. As a consequence of this, and because some of the other members would not accept Plan A, the final report included both the plans. General Nambiar received the support of the representatives of Brazil, Japan, Tanzania and Ghana as well as two members representing P-5 countries.

Another exercise undertaken by India, Brazil, Germany and Japan (G 4) in July 2005 established a certain framework for expansion of the Security Council. G 4 had proposed that the General Assembly should adopt a resolution calling for an increase of six permanent members and four non-permanent members on the Security Council. It committed G 4 to seeking six permanent seats, increasing the size of the Council from fifteen to twenty-five. The six new permanent members would be two each from Asia and Africa, one from Latin America/Caribbean and one from West Europe and other states. G-4 also toned down the demand for veto by conceding that they were willing to be just permanent members “with or without veto”. The resolution, which had twenty-three sponsors, was not put to a vote on account of African objections. Among other things, the African Group was not in favour of not demanding the veto.

India had never been in the forefront of the move for abolition of the veto as it had benefited from the Soviet veto at certain crucial moments, though it went along with the consensus within the Non-Aligned Movement in favour of its abolition. The original proposal for an expansion of permanent membership was on the basis that the new members would have the same privileges and obligations as the original permanent members. But it has become abundantly clear that there will be no expansion if the veto is insisted upon. Apart from the permanent members, a vast majority of the general membership may also not favour the veto for new members as they had pressed for abolition of the veto. As a Canadian representative put it, “Five vetoes already impaired the good functioning of the Council. How would adding five more help, and who would it help?” For this reason, India went along with an idea of postponing the issue for fifteen years. This was in recognition of the fact that the new permanent members would not have the veto in any event.

The General Assembly mandated intergovernmental negotiations on reform in 2008 when the Working Group failed to reach any agreement. The negotiations were meant to suggest a “timeline perspective” to agree on reform in two stages on the basis of a draft text. But the participants were unable to shorten the compilation text, listing the position of all member states. The President of the General Assembly convened a new forum, “Group of Friends on Security Council Reform”, in 2011 to facilitate a compromise. A UK-

France proposal for an intermediate solution that could provide a new category of members with a longer mandate than that of the members currently elected is under consideration. This proposal is similar to Plan B of Kofi Annan's proposal, except that on completion of the intermediate period, a review would be made to convert these new seats into permanent seats.

In 2011, G-4 canvassed support for a simple resolution to decide that both permanent and non-permanent membership will be expanded. This was a clever way to see whether the idea of expansion of permanent membership could be endorsed with the required two-thirds majority of the General Assembly. But according to the latest reports, the G-4 has decided not to table it, as it attracted the support of only about eighty countries. The P-5 countries, some of which had not yet agreed to an expansion of the permanent membership, may have worked behind the scenes to thwart this move.

The story so far of India's quest for a permanent seat on the Security Council is, as Ambassador Hardeep Puri described it, "Kabhi khushi, kabhi ghum" (Joy sometimes, despair at other times), the title of a Bollywood movie. In fact, there is more despair than joy in that saga. The reason for joy is that the need for expansion has been recognized by the entire membership and there is also recognition that if the permanent membership is ever expanded, India will be the first developing country to find a place in it. For the rest, there are almost as many views as there are members of the UN about the size, composition and rights and responsibilities of the members of the Security Council. As of now, there is no formula for expansion which can command consensus or even secure two-thirds majority of the General Assembly, including the support of the P-5.

The framers of the UN Charter did not intend that it should be amended easily. Article 108 of the Charter stipulates that any amendment should be adopted by a vote of two-thirds of the members of the General Assembly and ratified by two-thirds of the members, including all the permanent members of the Security Council. The alternate route prescribed in Article 109 is through a General Conference, but the majority required is equally stringent. But that has not prevented the UN from transforming itself to deal with new issues and new circumstances. Today's preoccupations of the UN like peacekeeping, human rights, environment, climate change, etc. were not anticipated in the Charter. The flexibility and resilience of the Charter have been tested again and again and nothing in the Charter has prevented the UN from taking on new responsibilities and obligations. Charter amendments have not been initiated even to remove anachronisms like the enemy countries clause (Article 107) and the changed name of one of the permanent members.

The most crucial article of the Charter on the veto itself has been changed in practice as abstention by a permanent member is considered a concurring vote under Article 27. The permanent members discovered fairly early that the Military Staff Committee, consisting of the Chiefs of Staff of the permanent members, envisaged in Article 47, would not work and the whole part of the Charter was set aside. The Committee was responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Such a responsibility could not have been carried out by the Committee during the cold war. The Committee exists on paper even today, a skeleton in the cupboard, meeting regularly without an agenda. It is well recognized that the Trusteeship Council has outlived its utility, but no Charter amendment became necessary to sideline it.

Proposals for reform, like the working methods of the Council introduced in the Working Group from time to time, are mere diversionary tactics as these could be adopted without any amendment to the Charter. Boutros Ghali's reforms under "Agenda for Peace" were dealt with by a resolution of the General Assembly. But when it comes to an expansion of the Security Council, the only way is to bring a Charter amendment. This explains why the only amendment of the Charter was made in 1965 to raise the number of non-permanent members from six to ten when the strength of the General Assembly increased. The different groups of countries and entrenched interests are in no mood to repeat the exercise, particularly if the permanent membership should be touched.

The P-5, for instance, consider that they only stand to lose by adding new permanent members with veto. They have made it clear that there is no question of veto being extended to the new permanent members, even though some of them tactically accept the African demand for veto. Even the UK, France and Russia, who have extended support to India and others, have not taken any action to bring about changes. One thing that France and the UK dread is the suggestion that the EU should have only one representative, while it already has two inside and another at the door. They are not willing to float a formula for expansion even to set the ball rolling. The same is the case with many others, who have pledged support to India and other candidates. In many cases, such support is an easy gesture to win goodwill. No group, outside the G-4, is actively campaigning for a formula. The African Group differs significantly from G-4 because of their insistence on the veto and an additional non-permanent member. Moreover, the idea of the African Group is to rotate two permanent memberships within the Group, itself a contradiction. At the minimum, Africa will have to choose one among

their members as a permanent member for the reform process to begin. The Uniting for Consensus group wants to add only ten new non-permanent members. This is an attractive proposition for a large number of small states, whose chances of serving on the Council will increase, while they have nothing to gain by adding new permanent members. In other words, the G-4 proposal for six new permanent members and four non-permanent members cannot as yet win a two-thirds majority in the General Assembly, not to speak of the support of the P-5.

The US, which had supported Japan and Germany in the early 1990s, now favours “two or so” new permanent members, including Japan and “two or three” non-permanent members, making an addition of only five to the Security Council. Such a formula is a non-starter. The support extended to India by President Obama during his visit to India is in the form of a wish without a commitment to bring it about. His words were: “In the years ahead, I look forward to a reformed Security Council that includes India as a permanent member.” Though this is a significant departure from the previous US position, it is not enough for the US to extend support to India; it should shape a formula, which is acceptable to the membership. Its reservation over Germany and Brazil will itself deprive it of being decisive on the issue of expansion.

We did not need Wikileaks to find the reasons for the United States’ reluctance to bring about expansion of the Council. But we now have in black-and-white what we knew from the beginning. The US Ambassador said in a cable in December 2007:

We believe expansion of the Council along the lines of the models currently discussed will dilute US influence in the body.... On most important issues of the day – Sanctions, Human Rights, Middle East, etc. – Brazil, India and most African states are currently far less sympathetic to our views than our European allies.

The US delegation at the UN seems to have only a watching brief till intervention becomes necessary to prevent an expansion that will not serve US interests. There is expectation, however, that President Obama might declare openness to a modest expansion of the Security Council at the next session of the General Assembly. But a special report of the Council on Foreign Relations (CFR), which has urged the President to do so, makes the expansion contingent on demonstration of the qualifications of permanent membership. The position of the aspirants on non-proliferation, climate change and human rights will be subject to scrutiny.

The CFR report, by Stewart M. Patrick, Senior Fellow and Director of the International Institutions and Global Governance Program at the CFR, has strongly argued the Indian case for permanent membership, as follows:

The rationale of India's candidacy is obvious. The world's largest democracy with more than 1.2 billion people, India has a dynamic, fast growing economy, the world's fifth largest navy, and an impressive army with a distinguished role in international peacekeeping. India is increasingly at the forefront of efforts to police the global commons and combat transnational terrorism and, although not a member of the Nuclear Nonproliferation Treaty regime, has established a strong record over the past decade in combating nuclear proliferation. India, simply put, has the assets to become a bulwark of world order. – "A Moment for UN Security Council Reform", 8 November 2010, CFR website

Patrick adds that the United States has geopolitical interest in expanding the UNSC's permanent membership. "The time for a global dominant state to cede some power to rising ones is when it can still dictate the terms of the shift." The United States can help relieve its strained resources by sharing some of the privileges and burdens of global leadership. Patrick has recommended establishing criteria for new permanent members so that they accept not only the privileges, but the weighty obligations of membership. However, the US Administration does not seem to have accepted the logic as yet. Answering a question in Parliament in August 2011, Preneet Kaur, India's Minister of State for External Affairs, stated that "both India and the US are actively involved in the ongoing negotiations in the UN and seek an expansion in both permanent and non-permanent categories of membership of the Council." There was no word about the two countries working together on a particular proposal.

China is opposed explicitly to Japan and implicitly to India, though it pays lip service to developing countries' representation on the Council. China is reported to have advised a visiting leftist leader from India, Sitaram Yechury, that India should part company with Japan in its quest for a seat in the UN Security Council if it expects China to back the proposal. "China has no objection to backing India provided we come out of Japan's field.... They have a lot of historical baggage with Japan", Yechuri told the press in August 2011 (Report in *Geopolitics*, Vol. II, Issue III, August 2011). China's statement that it expects India to play an important role in the UN is not an endorsement of permanent membership for India in the Security Council.

It will be difficult to accomplish the fundamental change India is seeking by way of the procedure laid down for change. G 20 was formed when G 8

could not resolve the unprecedented economic crisis; a similar situation may arise when the P 5 find it difficult to maintain international peace and security without additional permanent members and thus force their hands to accept change. Such an ominous future was predicted by the President of the General Assembly, when he said on 16 May 2011, “Unless we find the determination to advance on the issue, the UN will lose its credibility. Our organization will be marginalized and important issues will be discussed in other forums and groupings, which are perceived to be more efficient and more representative of the new realities of the day.” Such a situation may arise sooner than later, and that gives India reason for joy even in the midst of despair.

India and the other aspirants for permanent membership, in the meantime, must maintain pressure for expansion. But to give the impression that permanent membership is the Holy Grail of Indian foreign policy does not enhance India’s prestige. Legend has it that India spurned an offer to take over China’s permanent seat on the Security Council, saying that India would win it in its own right one day. That position has won the country more glory than what it has gained by constant knocking at all doors. Making support for India’s permanent membership the litmus test of bilateral relations is untenable. India should appear more confident and secure even as it demands its rightful place in keeping with its status as the largest democracy with a dynamic, fast growing economy, an impressive record in UN peacekeeping, ability to protect the global commons and to combat transnational terrorism, and strong record against proliferation.

It may also be noted, without appearing to spurn the proverbial “sour grapes”, that permanent membership without veto is not such an attractive trophy that India should expend unlimited resources and energy on it. As a permanent member of the Council, India will be called upon to take sides on every issue in the world, sometimes losing friends in the process as India is fiercely independent and does not play second fiddle to anyone. India’s positions in the Security Council from the beginning of 2011 have already caused suspicion that India has not yet got over its “non-aligned mindset”. Lack of the veto may make India vulnerable as a result, if issues of crucial importance to it come up in the Council. India has been playing a significant role even without being on the Security Council for many years. A posture of its willingness to serve when required to do so rather than seeming desperate to secure a seat here and now may be a good strategy to adopt.

Paul Kennedy (*The Parliament of Man*) wrote in 2006:

With the world still ravaged by the scourge of war and the threat of interstate and internal conflicts turning into open hostilities, and with the Great Powers bound to play the most dominant roles on the global stage, something like a UN Security Council is very much needed. Yet, is the existing Council, deep frozen in time and so often fractured, the body to provide genuine international security for all? There are few who think that. Yet, can the 1945 system be amended absent great turbulence, wars and the remaking of the world order? There are few who think that either. Hence we all live, whether we like it or not, with this giant conundrum. Everyone agrees that the present structure is flawed; but a consensus on how to fix it remains out of reach.

In August 2011, the situation remains unchanged.

The UN needs reform not to make one country or the other happy, but to make itself more relevant, credible and effective in the world and it will be ready for a revolution sooner rather than later. A time will come when global governance will not be possible without the participation of countries like Germany, Japan, India, Brazil and South Africa in the Security Council. When that happens, the provisions of the Charter will not stand in the way of restructuring the UN just as they did not stand in the way of expanding the agenda or ignoring anachronistic ideas and institutions. Fundamental changes cannot come like raindrops, they come like avalanches. The amendments route will, at best, create a third category of members with long or permanent terms in the Council, but without being equal to the original permanent members. What the UN requires is not a fix, but a fundamental change to reflect the realities of the present century.
