

**INDIA AND THE UN SECURITY COUNCIL
MEMBERSHIP:
APPROACHES AND PROSPECTS**

*Dissertation Submitted to Jawaharlal Nehru University
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Master of Philosophy

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DECLARATION

I declare that the dissertation entitled "**India and the UN Security Council Membership: Approaches and Prospects**" submitted by me in partial fulfillment of the requirements for the award of the degree of **MASTER OF PHILOSOPHY** of this university is my original work. This dissertation has not been previously submitted for any other degree of this or any other University

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CERTIFICATE

We recommend that the dissertation may be placed before the examiners for evaluation.

Prof. Mahendra P. Lama
(Chairperson)

Prof. Mahendra P. Lama
(Supervisor)

To My Dear Father in Heaven

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(Chung In Woo)

PREFACE

It has been sixty years since fifty-one states signed the Charter of the United Nations. It was born in the aftermath of a devastating war to help stabilize international relations and give peace a more secure foundation, following an initiative by Franklin Roosevelt with full support of countries that are now its permanent members.

The United Nations had been brought into being by the vision, hope and determination of men and women who had seen at first hand the dangers of rampant nationalism, of economic depression, of freedom and lust for power and war unbridled.

At its inception after the Second World War, the United Nations had fifty-one founder members mostly from Europe, North America and other independent countries. The main concern of the UN at that time was maintenance of peace, collective security and elimination of situations which lead to the devastating World Wars. Besides these, the UN was faced with the task of decolonization and elimination of discrimination based on race, religion, region, etc. But it is generally observed that it was primarily an organization of developed independent nations.

The world has undergone a dramatic change since the birth of the United Nations Organization, with the emergence of new states as a result of decolonization. It started with fifty-one members, whereas its present membership comprises 191 sovereign nations, Switzerland and East Timor being the latest additions in 2002. With the inclusion of the

new nations underdeveloped, poor and suppressed for years, there have come up new issues, challenges and aspirations. As global challenges and demands for security are also ever increasing, the Security Council cannot remain rooted in the power structures of the bygone era.

The second half of the 20th century being given way to a disturbing imbalance and torturing terrorism, traditional mechanism such as UN appeared to be ill-prepared and ill-suited to deal with such a challenge. The necessity of updating and strengthening UN should be sought in a sincere manner. It is, therefore, felt that the UN requires reforms and improvements in its working, at least to sort out the chronic financial crisis it has been facing over the years; to secure a desirable representation in the Security Council; and to help it return to a multi-polar system.

One of the ongoing issues in the UN reform agenda is with regard to the UN Security Council. Since the formation the UN, the composition of the Security Council remained intact so far as the number of permanent members is concerned, whereas the UN General Assembly membership has expanded considerably.

There has been a persistent demand for the expansion of the Security Council. There has been opposition to it also. The opponents go on to argue that, for the UN to play an effective role for ensuring world peace, the Security Council must be allowed to function smoothly. This goal is not feasible without agreement among the veto-power holding Permanent Members. Increase in number of permanent members will make agreement difficult.

The argument for expansion is that the role of the United Nations

cannot be strengthened, if it is kept prisoner of the interests, compulsions or preferences of a few countries however powerful they may be. It argues that the five permanent members are a self-appointed oligarchy who has written their own exalted status into the UN Charter. International stratification is never rigid, and states are upwardly and downwardly mobile. A static permanent membership of the UNSC undermines the logic of the status and diminishes the authority of the organization.

Now it is likely that the UN reform agenda, especially that of UNSC is irreversible, because there is almost universal agreement that the UN Security Council has become increasingly unrepresentative over the past sixty years. In the midst of the ongoing reform atmosphere, India is gaining momentum for the UNSC membership along with some of the candidate countries, as several countries recently declared their support of her cause. It seems like an atmosphere fully ripen in favor of India's UNSC membership is in the offing than ever before.

There are several issues involved in the UN reforms, such as financial crisis, the review of the UN Charter, strengthening of the UN peace-keeping and peace enforcement mechanisms, the development of the International Criminal Court, the role of UN in human rights and poverty alleviation, the Security Council's anti-terrorism committee, the expansion and working practices of the Security Council etc., with the purpose of making the United Nations a more effective and representative organization. It encompasses, as shown above, both formal amendments to the Charter as well as the non-formal reform of internal working processes of the Organization. However the focus of this paper

is on the reform of the Security Council.

The main objectives of the study are:

1. To examine the UNSC in depth in terms of its composition, competence and working practices.
2. To evaluate the relationship between India and the UNSC in historical perspective.
3. To examine the debate related to reform in the United Nations.
4. To assess the discourse on the expansion of the permanent membership without the veto.
5. To examine various proposals related to the UNSC reform.
6. To examine India's case for the UNSC membership in national, regional and global perspectives.
7. To identify impediments and prospects of India's case for SC membership.

The study tests the following hypotheses:

1. The lack of Security Council reform serves as a major impediment to the resolution of various conflicts across the world.
2. India's acquisition of the UNSC permanent membership depends largely on its diplomatic skills and efforts

The study comprises five chapters:

Chapter 1 discusses the United Nations in general, including its purpose, basic principles, principal organs, and membership. Another focus is on the UNSC dealing with the nature and purpose, composition,

competence, meetings, presidency, agenda, decision-making and voting methods, representation and credentials, conduct of business etc. in order to grasp an overall contour and machinations of the international organ.

Chapter 2 discusses India and the UNSC in the historical perspective. Effective participation and performance of a member state in the United Nations depends on the importance a nation attaches to it in its foreign policy, and on how well it comprehends the working of the UN system. From the inception of the United Nations, India has been participating in various activities of the United Nations at different levels. It has even been a non-permanent member in the Security Council six times. However, not all the efforts India made were fruitful either for her own national interests or for the benefit of other member countries. Various aspects of the relationship between India and the Security Council will be discussed on the historical perspective in order to appraise its patterns of involvement in the international system.

Chapter 3 discusses UNSC reform proposals and India's case. In contemporary politics, the Security Council is under scathing attack. However, it still is the only forum for all the nations to hold diplomatic deliberations and dialogues. This chapter highlights how the reform proposals have been discussed so far and what has been India's proposal in response. Other important aspects that deal with the SC reform, such as criteria, representation, rotation of seat, size of expansion, veto rights, and seat for non-government organizations have also been discussed. India has made it known, over the years, its case for permanent membership of the UNSC, which has subsequently acquired a broad

range of support. However, it is yet geared up fully to attain this challenging goal. This chapter also examines the validity of the case of India for the UNSC membership.

Chapter 4 discusses prospects for and obstacles to India's UNSC membership. There are overt and covert hindrances in the way as India searches for the UNSC membership. This chapter will discuss some of the obstacles at different levels - domestic, regional and global level. At domestic level, some of the objects of criticism, whether from inside or from abroad, such as, communal riots, marginalization of low casters, and even negative opinions criticizing the Government's effort as 'obsession with permanent seat in the UN' at the risk of national interests are highlighted. At regional level, sustained efforts must be sought to push the peace process with Pakistan in order to alleviate the hostile activities led by the before-said party against India. At global level, highly complicated yet flexible strategy needs to be employed to tackle the noncommittal stance of the US and other group of countries which have no objection to India's membership but are against other countries like Germany and Japan joining the UNSC.

Chapter 5 summarizes what has been discussed and try to highlight some of the important aspects of India's case for UNSC membership.

ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations
AU	African Union
BJP	Bharatiya Janata Party
CTC	Counter-Terrorism Committee
DHA	Department of Humanitarian Affairs
ECOSOC	Economic and Social Council
EPTA	Extended Program for Technical Assistance
EU	European Union
FAO	Food and Agriculture Organization
FDI	Foreign Direct Investment
FTAA	Free Trade Area of the Americas
GA	General Assembly
GCC	Gulf Cooperation Council
GEF	Global Environmental Facility
G-4	Group of Four
G-77	Group of Seventy-Seven
GNP	Gross National Product
IAEA	International Atomic Energy Agency
IBRD	International Bank for Reconstruction and Development
ICBM	Inter-continental Ballistic Missile
ICJ	International Court of Justice
ICO	International Civil Organization
IFAD	International Fund for Agricultural Development

ILO	International Labour Organization
IMF	International Monetary Fund
IMO	International Maritime Organization
ITU	International Telecommunication Union
LTTE	Liberation Tigers of Tamil Eelam
MEA	Ministry of External Affairs
MONUC	UN Mission in the Democratic Republic of Congo
NAM	Non-Aligned Movement
NEPAD	New Partnership for Africa's Development
NIC	National Intelligence Council
NIEO	New International Economic Order
NPT	Nuclear Non-Proliferation Treaty
NSSP	Next Steps in Strategic Partnership
NWFZ	Nuclear Weapon Free Zone
OAS	Organization of American States
OAU	Organization of African Unity
PAEC	Pakistan Atomic Energy Commission
P-5	Permanent Five
PPP	Purchasing Power Parity
PRB	Population Reference Bureau
PRC	Peoples Republic of China
SAARC	South Asian Association for Regional Cooperation
SC	Security Council
SG	Secretary General
SWAPO	South West African Peoples Organization
TC	Trusteeship Council

UFC	Uniting For Consensus
UK	United Kingdom
UN	United Nations
UNAMIR	UN Assistance Mission in Rwanda
UNCTAD	United Nations Conference on Trade and Development
UNDEF	UN Democracy Fund
UNDP	United Nations Development Program
UNEF	United Nations Emergency Force
UNESCO	United Nations Educational Scientific and Cultural Organization
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNIDO	United Nations Industrial Development Organization
UNICEF	United Nations Children's Fund
UNIFIL	United Nations Interim Force in Lebanon
UNITAR	United Nations Institute for Training and Research
UNMEE	United Nations Mission in Ethiopia and Eritrea
INMIK	United Nations Mission in Kosovo
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
UNTAG	United Nations Transition Assistance Group
UPU	Universal Postal Union
US	United States of America
WFP	World Food Program
WIPO	World Intellectual Property Organization
WHO	World Health Organization
WMD	Weapons of Mass Destruction

WMO World Meteorological Organization

CHAPTER I

THE UNITED NATIONS AND THE SECURITY COUNCIL

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There has been hot debates over the years on the efficiency and validity of the United Nations in relation to the limitations of its capacity, the growing inadequacy in its regional representation and the undemocratic nature of its decision-making process. Nevertheless it is still recognized as the only authentic world congress in which protracted debates and discussions take place in accordance with established rules of procedure.

League of Nations

The forerunner of the United Nations was the League of Nations, an organization conceived during the first World War. It was established in 1919 under the Treaty of Versailles "to promote international cooperation and to achieve peace and security."¹⁾ In fact, states at first established International organizations to 'cooperate' on specific matters. The International Telecommunication Union which was founded in 1865 as the International Telegraph Union, the Universal Postal Union which was established in 1874, the Permanent Court of Arbitration which was established as a result of the

1) The Treaty of Versailles was signed at the Paris Conference between the Allies (the victors) and Germany (the principal defeated power). The First World War, which began on July 28, 1914 was ended with the unconditional surrender of Germany in November 1918. Peace was formally restored with the signing of a number of peace treaties between the Allies and the Central Powers during 1919-20. The most significant of all the treaties was the Treaty of Versailles.

International Peace Conference in 1899 are a few examples.

However, in the wake of the global warfare, states were evoked to respond to the urgent need of the formation of an international organization which would 'secure' international peace by disarmament; preventing war through collective effort; settling disputes through negotiation diplomacy; and improving global welfare. After the First World War ended with the unconditional surrender of Germany on November 11, 1918, representatives of Allied and associated Powers assembled at Paris on January 18, 1919 to draw a new political map of Europe and the World and signed the treaty of Versailles. There were 42 original members of the League.²⁾ The first part of the Treaty of Versailles provided for the establishment of a world organization to be known as the League of Nations. The League was to consist of an Assembly, a Council, and a Secretariat. A Permanent Court of International Justice and an International Labour Organization were also set up. These bodies were meant to maintain peace in the world, settle international disputes peacefully, punish the countries who might break the Covenant, and improve the social and economic life of the people including the workers all over the world.

The diplomatic philosophy behind the League represented a fundamental shift in thought from the preceding hundred years. The old philosophy, growing out of the Congress of Vienna (1815),³⁾ saw Europe as a shifting map of alliances among nation-states, creating a balance of power maintained by strong armies and secret agreements. Under the new philosophy, the League

2) V. N. Khanna, *International Relations* (New Delhi, 2004), p.42

3) The Congress of Vienna was held to redraw the political map of Europe in September 1814 and accomplished its difficult task after more than six months. The settlement of Vienna was signed by European nations on June 9, 1815.

was a government of governments, with the role of settling disputes between individual nations in an open and legalistic forum.

However, the League lacked an armed force of its own and so depended on the Great Powers to enforce its resolutions, which they were often reluctant to do. Owing to this, the League ultimately proved incapable of preventing aggression by the Axis Powers in the 1930s. The onset of the World War II made it clear that the League had failed in its primary purpose - to avoid any future world war.⁴⁾ The United Nations replaced it after World War II and inherited a number of agencies and organizations founded by the League.

THE UNITED NATIONS

In 1945, representatives of 50 countries met in San Francisco at the United Nations Conference on International Organization to draw up the United Nations Charter. Those delegates deliberated on the basis of proposals worked out by the representatives of World War II victors - China, the Soviet Union, the United Kingdom and the United States at Dumbarton Oaks, United States in August-October 1944. The Charter was signed on 26 June 1945 by the representatives of the 50 countries. Poland, which was not represented at the Conference, signed it later and became one of the original 51 Member States.⁵⁾

The United Nations officially came into existence on 24 October 1945,

4) Some other reasons for the failure of the League can be found in (i) non-cooperation of the United States, (ii) lack of universality, (iii) world economic crisis, (iv) rise of dictatorships, (v) uneven emphasis of ideals and (vi) conflicting interests of Member States.

5) About the United Nations - History, <http://www.un.org/aboutun/history.htm>

when the Charter had been ratified by China, France, the Soviet Union, the United Kingdom, the United States and by a majority of other signatories. It was founded with the purpose of saving the world from the fear of another world war, to reaffirm faith in human rights, dignity of human beings, equal rights of men and women and of nations.⁶⁾ It also envisages to establish conditions under which justice and respect for treaties and international laws can be maintained. The aims, objectives and organization of the international machinery are contained in the UN Charter.

Purposes

The purposes for which the UN was established are: (i) to maintain international peace and security by employing effective collective measures for the prevention and removal of threats to the peace, and by bringing about adjustment or settlement of international disputes; (ii) to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples; (iii) to achieve international cooperation in solving international problems of an economic cultural or humanitarian character and in promoting fundamental rights; and (iv) to be a centre for harmonizing the actions of nations.⁷⁾

Basic Principles

The basic principles of the UN are: (i) sovereign equality of all its

6) See Appendix I, The Preamble of the United Nations Charter

7) See Appendix I, Article 1 of the UN Charter

members; (ii) fulfillment of obligations assumed by member states in accordance with the Charter; (iii) peaceful settlement of international disputes without endangering peace, security and justice; (iv) members to refrain from threat, or the use of force against the territorial integrity of other states; (v) members to give all possible assistance to the United Nations; (vi) to ensure that even non-members act in accordance with the principles of the UN Charter; (vii) the UN not to interfere in domestic matters of any state.⁸⁾

Ironically, the first principle was ignored at the inception of the UN, and many others too over the years in the UN history. The veto power bestowed to the permanent members of the Security Council itself contradicts the very essence of democratic pursuits - sovereign equality of all its members.⁹⁾ Why should anybody be accorded a privileged position when under operative international system all states are supposed to be equal? The exercise of veto powers robs the Security Council of its democratic legitimacy. In fact, the permanent members of the UNSC were given veto power with a view to avoid injustice and to make the organization more potent and effective. Following the end of the Second World War, the world was bi-polarized into the communist and the capitalist camps. Instead of employing veto in order to avoid injustice, the permanent powers began to use the veto powers to block the resolutions that were likely to adversely affect their own interests as well as of their allies.¹⁰⁾ Against all criticism, the Permanent Fives want to maintain the status quo.

8) See Appendix I, Article 2 of the UN Charter

9) Paul Taylor and A. J. R. Groom, eds., *The United Nations at the Millennium: The Principal Organs*, (London, 2000), p. 62-69

10) Dipankar Banerjee, ed., *Rethinking Security: UN and the New Threats* (New Delhi, 2005), p.81

Membership

Membership of the UN is open to the sovereign, peace-loving states of the world. According to the Charter, the countries who attended the San Francisco Conference, and those who had signed the UN Declaration on January 1, 1942 became original members of the UN.¹¹⁾

A state cannot decide its own entry to the UN membership. It can only apply for it, because admission of new members is to be affected by a decision of the General Assembly upon the recommendation of the Security Council.¹²⁾ The membership is also subject to suspension and expulsion by the decision of the GA on the recommendation of the Security Council.¹³⁾

Many countries who could not become members in 1945 were later admitted to the membership of the UN. Now the total number of the member states of the United Nations is 191.¹⁴⁾ During the Cold War period, the membership of the UN became hostages to the conflict between the East and the West, because the Soviet Union and the US wielded their veto to block states becoming new UN members in fear of their siding with the opponent camp.

11) See Appendix I, Article 3 to 6 of the UN Charter

12) See Appendix I, Article 4 of the UN Charter

13) A member of the UN against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership, and a member state which has continuously violated the Principles of the Charter may be expelled. The restoration is dependent on the decision of the Security Council.

14) List of Member States of the UN, <http://www.un.org/Overview/unmember.html>

Principal Organs

The UN performs its function through its principal organs and specialized agencies. According to the UN Charter, there are six principal organs of the organization.¹⁵⁾ These are (i) a General Assembly; (ii) a Security Council; (iii) an Economic and Social Council; (iv) a Trusteeship Council; (v) an International Court of Justice; and (vi) a Secretariat. Given are some of the salient features of the above-said organs in relation to the Security Council:

The General Assembly

The General Assembly (GA) consists of all the members of the UN. This body discusses almost any questions or matters within the scope of the present Charter at annual sessions or at the request of the Security Council.¹⁶⁾ It also may make recommendations with regard to the maintenance of international peace and security, and the promotion of international cooperation in the political, economic, social, educational, and health fields to the members or to the Security Council or to both. It also has the right to consider and approve the budget of the Organization.

In voting, each member of GA has one vote. Decisions of GA on important questions¹⁷⁾ are to be made by a two-thirds majority of the members

15) See Appendix I, Article 7 of the UN Charter

16) While the Security Council is exercising in respect of any dispute or situation the functions assigned to it, the General Assembly cannot make any recommendation with regard to that dispute unless the Security Council so request.

17) These questions include recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council, the admission of new members to the

present and voting, and on other questions, a majority of the members present and voting.

The history of the GA can be evaluated in three phases: expansion, stagnation, and marginalization.¹⁸⁾ Up to 1980s it saw steady expansion and up to 1990s it experienced stagnation,¹⁹⁾ but now the Assembly is vulnerable to marginalization. GA is the largest organ in the UN and seemingly exercises vast competence to fulfill the aspirations enshrined in the UN Charter. However, all substantial competence is vested on the Security Council which actually have worked out through the history for endorsing arbitrary decision of the Permanent Powers. This signifies the obsolescence of the entire UN system.

A large number of the GA Resolutions, especially those vindicating aspirations of the small and middle countries, have not been implemented, because there is no procedure to ensure the implementation of various recommendations and suggestions adopted by the GA. For example, when dealing with human rights violations, the body can merely rely on the good faith of sovereign states.²⁰⁾ Due to this reason, there have been constant reform proposals that the GA should be elevated above the Security Council to be the prime machinery in the UN.

During the Cold War years in the face of Soviet objections on grounds of

UN, the suspension of the rights and privileges of membership, the expulsion of members, questions relating to the operation of the trusteeship system, and budgetary questions.

18) Taylor and Groom, eds., n.9, p. 21

19) By the year 1990, the total number of member states of the UN was 159. Till the end of the 1990s, there has been little growth in the membership of the UN. The sum of member states touched only 188.

20) Yogesh K. Tygesh, "Relevance of the UN Charter", *World Focus* (New Delhi), Oct-Dec 1997, p. 40

constitutionality, the US and its allies, with the help of the requisite support from the member states of the GA, set up the Little Assembly and wielded collective voting. By the early 1960s a new majority comprising the countries of the Third World had emerged, which started pushing its own anti-racism, anti-colonialism and economic development agenda. Consequently the West was relatively weakened in the General Assembly.²¹⁾ Thus the General Assembly was criticized as a 'tyranny of the majority'.

There have been another debate that the principle of 'one state one vote' is undemocratic because it does not take into account huge difference between states. Many argue that the voting arrangements in the General Assembly should be reformed to facilitate a more reasonable pattern of representation such as a weighted voting system which would take account of factors like population and contributions to the UN budget etc.²²⁾

The Economic and Social Council

The Economic and Social Council (ECOSOC) was set up with a view to the creation of conditions of stability and well-being that are necessary for peaceful and friendly relations among nations by promoting higher standards of living, and by solving international economic, social, health, and related problems.

The Charter declares that the responsibility for discharging these functions shall be vested in GA and, under the authority of GA, in ECOSOC.²³⁾ On the

21) C. S. R. Murthy, "Change and Continuity in the Functioning of the Security Council Since the End of the Cold War", *International Studies* (New Delhi), 32(4), 1995, p.426

22) Stephen Ryan, *The United Nations and International Politics* (Houndmills, 2000), p.171

23) See Appendix I, Article 60 of the UN Charter

other hand, it is also declared that ECOSOC may furnish information to the Security Council and shall assist the Security Council upon its request.²⁴⁾

The ECOSOC comprises 54 members who individually serve for three years, with eighteen members elected each year to replace the eighteen members whose three-year term has expired. Each of ECOSOC members has one vote and proposals are passed by simple majority of the members present and voting. As a central forum for consideration of international economic and social issues, ECOSOC initiates studies and makes recommendations; promotes human rights; calls conferences and prepares draft conventions; negotiates agreements with the Specialized Agencies and coordinates their activities; and performs a wide range of associated functions.²⁵⁾

Its subsidiary bodies include various functional, regional and standing committees, and a number of expert bodies (on such subjects as crime, development planning, international tax matters, and the transport of dangerous products). More than 600 non-governmental organizations have consultative status with ECOSOC, some making functional contributions to the Council's work.²⁶⁾

There is criticism that ECOSOC has never been able to perform its coordinating function. The number of specialized agencies dealing with economic and social issues has exploded, as have their budgets. These agencies have been individually funded and instructed to act autonomously by design. Yet without a consolidated budget and set of controls, ECOSOC's coordinating function has been undermined since the outset.²⁷⁾ ECOSOC must have the tools

24) See Appendix I, Article 65 of the UN Charter

25) See Appendix I, Article 62 to 64 of the UN Charter

26) Geoff Simons, *The United Nations: A Chronology of Conflict* (London, 1994), p. 65

27) Karen A. Mingst and Margaret P. Karns, *The United Nations in the Post-Cold War Era*

to become more efficient and more legitimate coordinators.

The Trusteeship Council

After the World War II, there were territories either held under mandate or detached from enemy states. Recognized that the interests of the inhabitants of these territories are paramount, the Trusteeship Council (TC) was established to develop self-government of such peoples who have not attained a full measure of it and to further international peace and security.

It is further noted that the Security Council will exercise all the functions of the UN relating to political, economic, social, and educational matters in the strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment.²⁸⁾

The broad aims of the Trusteeship System were fulfilled to the extent that by the 1980s only one of the original Trusteeships remained: the Trust Territory of the Pacific Islands, administered by the United States.²⁹⁾ The UN Decolonization Committee remained resolute in demanding the independence of this residual Trusteeship, and the US ended its administration on November 3, 1986.³⁰⁾ Of the principal organs of the UN, TC is unique for the bulk of its responsibilities have disappeared followed by the social and political change throughout the world.

(Colorado, 1995), p.145

28) See Appendix I, Article 83 and 84 of the UN Charter

29) Simons, n.26, p. 66

30) However, UN only formally ended the trusteeship on December 22, 1990. Now this area is divided into four territories: The Republic of the Marshall Islands (RMI), The Federated States of Micronesia (FSM), The Commonwealth of the Northern Mariana Islands (CNMI), and The Republic of Palau (RP). See http://en.wikipedia.org/wiki/Trust_Territory_of_the_Pacific_Islands

Chapter XI (declaration regarding Non-Self-Governing Territories) has been given meaning through a series of General Assembly and its subsidiary bodies. The issues around which these debates centered were: Should there be a committee to receive information which was to be submitted to the Secretary General? Should this committee be permanent? Should the committee be entitled to receive political information? To which territories does chapter XI apply? Who should decide when the transmission of information on Non-Self-Governing Territories could be stopped? What criteria or principles, if any, should be followed in this regard? What should be the procedure for cessation of information? Should the administering power be entitled to make the decision regarding the cessation of information? To solve these questions, acrimonious debates took place in the GA for the first twenty years or more, and followed were GA Resolutions supported by vast majority of members, some of them unanimously passed.³¹⁾

The International Court of Justice

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations.³²⁾ It was established to settle the legal disputes in accordance with international law, and to give advisory opinions on legal questions referred to it.

All members of the UN are *ipso facto* parties to the Statute of the Court.³³⁾ In addition, the Charter allows states that are non-members to

31) Usha Sud, *United Nations and India: Saga of Cooperation* (New Delhi, 1996), p.21

32) The International Court of Justice began its work in 1946, when it replaced the Permanent Court of International Justice which had functioned in the Peace Palace since 1922.

33) See Appendix I, Article 93 of the UN Charter

become party to the Statute on conditions to be determined in each case by GA upon the recommendation of the Security Council.³⁴⁾

ICJ is composed of fifteen judges elected by GA and the Security Council, with five elected every three years to hold office for a period of nine years.³⁵⁾ If a state appearing before the Court does not have one of its own nationals on the Bench it is allowed to appointing a judge of the ad hoc case. ICJ is not open to private individuals but only to states. A state may choose to represent one of its nationals in a complaint against another state but then the dispute is between states and does not involve the individual as a party.

According to the Charter ICJ may also be asked by either GA or the Security Council to give an advisory opinion on any legal question.³⁶⁾ Such opinions are not intended to be binding, but they carry political weight and are usually influential. However, ICJ is massively limited in its rulings because there is no method of enforcement.³⁷⁾ This is a problem that afflicts many UN agencies especially when interests of powerful states are an issue.³⁸⁾

The Secretariat

Chapter XV of the UN Charter defines the character of the Secretariat.³⁹⁾

34) See Appendix I, Article 93(2) of the UN Charter

35) The International Court of Justice may not include more than one judge of any nationality. The members of the Court do not represent their governments but are independent magistrates. See the International Court of Justice, <http://www.icj-cij.org/icjwww.icj-cij.org/icjwww/igeneralinformation/icjgnot.html>

36) See Appendix I, Article 96 of the UN Charter. Since 1946 the Court has given 25 Advisory Opinions on various cases of international legal disputes.

37) The judgment of the Court is final and without appeal, but in case one of the states involved fail to comply with it, the other party may have recourse to the Security Council, not to the Court.

38) Simons, n. 26, p. 64

It consists of a Secretary-General (SG) appointed by the GA upon the recommendation of the Security Council, and such staff as it may require. The SG is required to serve as chief administrative officer of the organization, acting in that capacity in all meetings of the GA, of the Security Council, of ECOSOC, and of the TC. Secretaries-General so far are listed in Table I-1. He is required to bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. The SG and his staff are not to be instructed by any government or any other authority outside the Organization. The UN members ought to respect the exclusively international character of the responsibilities of the SG and his staff.⁴⁰⁾ The staffing of the Secretariat is the responsibility of the SG under regulations established by the GA.

Table I-1. Former Secretaries-General of UN

Name	Nationality	Term of Office
Trygve Lie	Norwegian	1946-53
Dag Hammarskjold	Swedish	1953-61
U Thant	Burmese	1962-71
Kurt Waldheim	Austrian	1971-81
Javier Perez de Cuellar	Peruvian	1982-92
Boutros Boutros-Ghali	Egyptian	1992-96
Kofi Annan	Ghanaian	1997-present

Source: <http://un.org/News/oss/sg/pages/formersgs.html>

There have been several reform proposals pertaining to the Secretariat: the election of the Secretary General should be conducted on a more

39) See Appendix I, Article 97 to 101 of the UN Charter.

40) See Appendix I, Article 100 of the UN Charter.

transparent and democratic basis.⁴¹⁾ The SG should be the chief spokesman of the United Nations to both the civil administration in various countries as well as to the private and non-governmental sector; Prompt and robust action must be taken to root out sinecures, double-dipping and other inefficient and corrupt practices in the UN organization that inevitably damage morale in many workers, waste resources and seriously erode UN authority; Staffing policies in the Secretariat must be improved to allow effective career development, to facilitate prompt disciplinary action, to reward effort, to encourage the highest standards of efficiency, competence and integrity. The UN should build up a general archive, centers of research excellence and so on in all relevant disciplines - so that UN officials, staff and others are less dependent on 'expertise' supplied by member states.⁴²⁾

The Specialized Agencies

In addition to the many agencies operating solely under the auspices of the principal organs of the UN there are a number of intergovernmental Specialized Agencies that relate to the UN by special agreements but which have a separate and autonomous existence. Some of these are older than the UN: for example, the International Telecommunication Union (ITU) was founded in 1865; the Universal Postal Union (UPU) in 1874; the International Labour Organization (ILO) was created in 1919.

41) By the mid-90s, the UN Secretary General Boutros Boutros-Ghali was in confrontation with the US on the manner in which the Balkan crisis was handled as well as other peacekeeping operations in Africa (Somalia, Rwanda etc). Given the emerging realities of international power politics with the US as the main player, Boutros Boutros-Ghali was not allowed a second tenure as the Secretary-General of the UN. He was ousted and succeeded by Kofi Annan.

42) Simons, n.26, pp.255-61

Other Specialized Agencies include: the Food and Agriculture Organization (FAO, 1945), the International Civil Organization (ICO, 1947), the World Meteorological Organization (WMO, 1950), the International Maritime Organization (IMO, 1958), the World Intellectual Property Organization (WIPO, 1974), the International Fund for Agricultural Development (IFAD, 1977), the United Nations Industrial Development Org (UNIDO, 1966), the International Monetary Fund (IMF, 1945), the International Bank for Reconstruction and Development (IBRD, 1945), the United Nations Educational, Scientific and Cultural Organization (UNESCO, 1946), the United Nations Children's Fund (UNICEF, 1946), the World Health Org (WHO, 1946), and the International Atomic Energy Agency (IAEA, 1957).

THE SECURITY COUNCIL

General

The failure of the League of Nations to prevent World War II triggered an attempt to change the world order by the major victorious powers - the United States, the United Kingdom, the Soviet Union, as well as France and China. They intended to play a leading role in this new order.⁴³⁾ At the Moscow Conference in October 1943, a major decision was taken to establish a new world organization after the War. The world powers recognized the necessity of establishing at the earliest practicable date a general international

43) Helmut Volger, ed., *A Concise Encyclopedia of the United Nations* (The Hague, 2002), p. 497 It was made overt by the Moscow Declaration (30 October 1943) and the Teheran Conference (1 December 1944), Dumbarton Oaks Conference (summer 1944), and Yalta Conference (February 1945)

organization, based on the principle of the sovereign equality of all peace-loving states. The representatives of four powers (United States, Great Britain, Soviet Union and China) met at Dumbarton Oaks in 1944 to draft the Charter of the United Nations.

In the League of Nations, the Council began with four permanent members (the United Kingdom, France, Italy, Japan) and four non-permanent members elected by the Assembly for a period of three years.⁴⁴⁾ In a similar manner, the victors of World War II intended to take more decisive means of decision-making in the new world Organization - the power to veto votes on substantive issues. The basic premise in this idea was that upon these members would fall the brunt of the responsibility for maintaining international peace and security and, therefore, to them must be given the final or decisive vote in determining how that responsibility should be exercised.⁴⁵⁾

At last, the San Francisco Conference (1945) was convened in accordance with the decision of the Dumbarton Oaks Conference to adopt the Charter of the UN. The main contention was the introduction of the veto right for the great powers, setting them up as a privileged elite in this association of sovereign states. A large group of middle and small powers attacked the whole notion of the veto and the unanimity of the Big Five, and insisted that the organization would be more harmonious and productive if the equality of its members were not so blatantly violated. All through objections and debates, the alignment of the middle and small powers was compelled to surrender to the ultimatum of the great powers, who were totally united in their response

44) Khanna, n.2, p.43 The United States was to be one of the Permanent Members. But the US Senate refused to rectify the treaties signed by Wilson at Paris.

45) Yvonne King, "Are Some States More Equal than Others?: The United Nations and the Principles of Sovereign Equality of States", *Indian Journal of International Law* (New Delhi), No. 3 July-September 1996, p.70

to the complaints of the non-privileged co-signatories of the UN Charter. It was either the Charter with the veto right or no Charter.⁴⁶⁾ The UN Charter ultimately gained support, if not compromise, hence transfer of special responsibility to the Security Council (SC) was ingeniously granted at the San Francisco Conference.

Composition

The Council consists of fifteen members of UN.⁴⁷⁾ Five of them, recognized as "Big Powers", are permanent members - China, France, Russia, the United Kingdom and the United States.⁴⁸⁾ They were either the victors of World War II (the US, the UK, Russia) or the joint-actors in the making of the international Organization. The privileged position was extended to France on the insistence of the United Kingdom, and to China on that of the United States.⁴⁹⁾

The General Assembly elects ten other members of the UN to be non-permanent members.⁵⁰⁾ They are chosen for a term of two years so as to ensure equitable geographical division, and the contribution of members of the UN to the maintenance of international peace and security. The non-permanent

46) Taylor and Groom, n.9, p.69

47) As amended by GA Resolution 1991-A (XVII) of 17 December 1963. The amendment became effective on 31 August 1965.

48) People's Republic of China replaced the Republic of China in 1971, and the Russian Federation, in 1992, was recognized as successor state of the Union of Soviet Socialist Republics (USSR).

49) K. P. Saksena, "India's Fifty Years at the United Nations: A Critique", *International Studies* (New Delhi), vol.32, no.4, 1995, p.376

50) The ten non-permanent members currently are Algeria, Benin, Brazil, Philippines, Romania, Argentina, Denmark, Greece, Japan, and United Republic of Tanzania.

members of SC are not eligible for immediate re-election on the expiration of their terms.

In the resolution 1991-A, it was further decided that the ten non-permanent members (five of whose terms expire each year) should be elected according to the following pattern: five from African and Asian states; one from Eastern European states; two from Latin American states; and two from Western European and Other states.

Competence

The Security Council is a continuously functioning organ of the UN.⁵¹⁾ It has primary responsibility for the maintenance of international peace and security to ensure prompt and effective action by the UN.⁵²⁾ It also has been generally responsible for disarmament and arms control.⁵³⁾ Among other things, the Charter contains provisions pertaining to the "peaceful settlement of disputes" and to "action with respect to threats to the peace, breaches of the peace, and acts of aggression."⁵⁴⁾ The Council has the responsibility, assisted by

51) Article 28(1) of the Provisional Rules of Procedure of the Security Council states that "The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization." The Security Council always in session and its members are on call twenty-four hours a day. In this regard the Security Council differs remarkably from the General Assembly, which meets for specific sessions, whether regular or special, and then adjourns. <http://www.acs.appstate.edu/dept/ira/rules/>

52) The responsibility of the General Assembly, based on Article 10 to 17 of the UN Charter, takes second place compared with that of the Security Council due to the unstable nature of GA, as caused by its large membership. See Volger, n.44, p.498

53) See Appendix I, Articles 24 and 25 of the UN Charter

54) Chapters VI and VII of the UN Charter. Less operative measures normally remain within the framework of Chapter VI, and more aggressive peace-keeping measures within that of Chapter VII.

Trusteeship Council and the Administering Authority, of exercising all functions of the UN with regard to strategic areas under trusteeship.

These provisions give SC a vast range of exclusive powers including the right to investigate any dispute, or any situation that might lead to international friction, in order to determine whether its continuation is likely to endanger the maintenance of international peace and security. The Council can recommend appropriate procedures or methods of adjustment, decide whether to take action as it may consider appropriate, make recommendations to the parties with a view to a pacific settlement of the dispute, determine the existence of any threat to the peace or act of aggression, call upon the parties concerned to comply with provisional measures decided by SC as it deems necessary or desirable, call upon members to impose economic sanctions, or take such action by air, sea, or land forces to maintain or restore international peace and security.⁵⁵⁾

The Council is also entrusted to encourage the development of pacific settlement of local disputes through regional arrangements or agencies, and utilize such regional arrangements or agencies for enforcement action under its authority. The Council is at all times to be kept informed of action related to the maintenance of peace that is taken or contemplated by such arrangements or agencies.⁵⁶⁾ It has responsibility to be assisted by ECOSOC and ICJ, of being furnished information, and of exercising all functions of the UN with regard to strategic areas under trusteeship by the respective organ.⁵⁷⁾

In addition to the major issues of SC responsibility which comprise about three quarters, SC also has several procedural responsibilities that include

55) See Appendix I, Articles 34 to 43 of the UN Charter

56) See Appendix I, Articles 52 (3), 53 (1) and 54 of the UN Charter

57) See Appendix I, Articles 65 and 82 to 84 of the UN Charter

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formulating plans with the assistance of the Military Staff Committee for the establishment of a system to regulate armaments,⁵⁸⁾ recommending to GA the appointment of the person to be Secretary-General of the UN, election of members of ICJ, and the observation of certain provisions in connection with amendment and review of the UN Charter.⁵⁹⁾

Meetings

The frequency of SC consultations has continuously increased. There are two types of meeting in the Security Council - formal and informal. 'Informal' consultations among the fifteen Council members are closed to non-members, and usually being developed from the chats over coffee to which the President of the Security Council invites the members to exchange opinions in an informal framework. In the course of time there have been more informal consultations than in earlier years, and by the 1970s these consultations became a standard form of meeting for SC.⁶⁰⁾

It is in the informal room that resolutions are prepared, sponsored, and discussed. At most times, a number of issues are the subject of informal discussions among members of the Council, discussions that do not lead to the convening of a formal meeting. For example, during Ambassador Jakobson's Presidencies he was kept busy almost daily with consultation on a variety of issues that never surfaced for public consideration during each of the two

58) See Appendix I, Article 26 of the UN Charter. This provision has fallen into a state of abeyance and matters related to disarmament are handled by other bodies, including the GA.

59) See Appendix I, Articles 97, 108 and 109 of UN Charter.

60) Volger, n.43, p.499

separated months.⁶¹⁾ Once an issue is ready for decision, SC convenes a 'formal' meeting which is public but usually only of a ceremonial nature. The non-members are allowed an access to the consultations only after the Council's format changes to that of a public session. Then, in the official room, the information on the formal decisions and statements of the individual SC members can be available to all UN member states. Important business is done outside the Security Council Chamber. Thus presiding over public meetings is only part of the President's function.

There has been a formal argument for this practice that at the previous stage the Security Council does not meet collectively but as individual member states. Within the framework of the discussions on reform, many UN members have backed a Czech proposal which would allow affected member states to participate earlier, at the stage of informal consultations. The Council was slowly receptive of this feedback, and in the late 1990s, SC increasingly called public meetings at which current topics were discussed by all those with a special interest.⁶²⁾

A recent development in the SC meeting practice is characterized by the increasing use of so called "Arria Formula".⁶³⁾ In 1992, during the crisis in former Yugoslavia, Ambassador Diego Arria of Venezuela arranged an informal meeting to listen to a Bosnian priest who had come to New York to meet with various Council members individually, because it was impossible to get the Council to agree to hear his testimony in its official sessions. This meeting attended by many was a great success and the Arria Formula was born. It is

61) Davidson Nicol, *The United Nations Security Council: Towards Greater Effectiveness* (USA, 1982), p.7

62) Volger, n.43, p.500

63) The formula is named after Amb. Diego Arria of Venezuela who devised it. See 'The Arria Formula', <http://www.globalpolicy.org/security/mtgsetc/arria.htm>

an informal arrangement that allows the Council greater flexibility to be briefed about international peace and security issues. This meets the needs of member states, enabling them to participate in briefings from and exchanges of opinion with outsiders without calling formal SC meetings.⁶⁴⁾

The Arria Formula has provided a very valuable instrument for SC to collect information and to hold interactions with concerned parties in the international community. In fact, the 'Razali Proposal' for Security Council reform, developed by General Assembly President Razali Ismail and made public on 20 March 1997, proposed greater use of the formula to facilitate consultations between members and non-members of the Council.

The fifteen members of SC must be permanently represented in New York to be able to function continuously so as to ensure prompt and effective action for the maintenance of international peace and security. Its implication is that in an emergency the Council can be convened on a few hours notice.

Presidency and Agenda

The Presidency of the SC rotates monthly according to the English alphabetical listing of the member State's names. Every non-permanent member holds the Presidency at least once during its two-year tenure of the Council.⁶⁵⁾ The Council is unique in being presided over by a President who holds the office by virtue of his country's membership and the vagaries of the English

64) The span of outsiders is under way of expansion from 'heads of state and other officials only' to 'NGO leaders'.

65) Rule 18 of the Provisional Rules of Procedure of the Security Council states that "The presidency of the Security Council shall be held in turn by members of the Security Council in the English alphabetical order of their names. Each President shall hold office for one calendar month."

language which governs the rotation of the office, rather than by election, appointment, or selection on the basis of specific criteria.⁶⁶⁾

The duty of the President includes presiding over formal and informal meetings of the Council; representing the Council at Special meetings of the Council; Consulting with the Council and other UN members who may have business to bring before the Council; and informing the press and member states about the agenda and results of informal meetings.⁶⁷⁾ The presidency of the Council in 2005 is listed below.

Table I-2. Presidency of the Security Council in 2005

Month	Presidency	Membership Term Ends
January	Argentina	31 December 2006
February	Benin	31 December 2005
March	Brazil	31 December 2005
April	China	Permanent Member
May	Denmark	31 December 2006
June	France	Permanent Member
July	Greece	31 December 2006
August	Japan	31 December 2006
September	Philippine	31 December 2005
October	Romania	31 December 2005
November	Russian Federation	Permanent Member
December	United Kingdom	Permanent Member
	Tanzania	31 December 2006
	United State	Permanent Member
	Algeria	31 December 2005

Source: <http://www.globalpolicy.org/security/membership/mem2.htm>

66) Nicol, n.61, p.5

67) "Presidency of the Security Council", <http://www.un.int/usa/sc-uspres-0310-1.htm>

The provisional agenda for each meeting of the Security Council shall be drawn up by the Secretary-General and approved by the President of the Security Council.⁶⁸⁾ Any UN member state, the Secretary-General and the General Assembly can be actors who may draw the attention of SC to a certain dispute or other conflict.⁶⁹⁾ However, non-members of the UN such as international organizations or non-governmental organizations do not have this right. The Security Council decides itself whether to include an issue on its agenda. In other words, in UN terminology SC is seized of a matter when an item that has been brought to its attention is formally placed on its agenda. The agenda of formal Council meeting is published in the daily UN Journal. According to the rule, the Secretary-General shall immediately bring to the attention of all representatives on the Security Council all communications from states, organs of the UN, or the Secretary-General concerning any matter for the consideration of the Security Council in accordance with the provisions of the Charter.⁷⁰⁾

Decision-making and Voting methods

Security Council's decisions on procedural matters are made by an affirmative vote of nine members, and decisions on all other (substantial) matters by an affirmative vote of nine members including the concurring votes of the permanent members. A party to dispute, including the permanent members, will abstain from voting on resolutions calling for pacific settlement

68) Rule 7 of the Provisional Rules of Procedure of the Security Council

69) See Appendix I, Articles 11(3) and 99 of the UN Charter

70) Rule 6 of the Provisional Rules of Procedure of the Security Council

of disputes without sanctions.⁷¹⁾ This article in effect is the rule of 'great Power unanimity', often referred to as the 'veto' power. They also have a right of veto in relation to the often tricky questions of whether a matter is a procedural matter or other matter. The voluntary abstention of a veto power during a substantive vote is not deemed to be veto.⁷²⁾ The Soviet Union left a precedent when it was unwilling to vote 'Yes' but did not want to veto. In January 1950, when the representative of the Soviet Union walked out of the Council saying he could not recognize any decisions of the Council taken with the participation of the China. It was during this absence of the representative of the Soviet Union that the Council authorized the UN military action in Korea.

The Security Council makes its opinion known through decisions and recommendations. 'Softer forms' of action are formal Presidential Statements and informal press briefings by the President.⁷³⁾ On the other hand, the Council can take hard actions with respect to threats to the peace, breaches of the peace and acts of aggression. Under the Charter, all members of the UN agree to accept and carry out the decisions of the SC. While other organs of the UN make recommendations to governments, the Council alone has the power to take decisions which member states are obliged under the Charter to carry out.

71) See Appendix I, Article 27 of the UN Charter

72) See Appendix I, Article 27(3) of the Charter which states that decisions by the Security Council on non-procedural matters shall be made by an 'affirmative vote' of nine (originally seven) members of the Council, including 'the concurring' vote of the permanent members. The issue came up with the interpretation of two different expressions, 'affirmative' and 'concurring' - whether they should have the same meaning corresponding to a Yes vote. See. Sydney D. Bailey and Sam Daws, *The Procedure of the UN Security Council*, 3rd edn. (Oxford, 1998), pp.380-1

73) Volger, n.43, p.501

Subsidiary Organs

According to the Charter the Security Council may establish subsidiary organs as it deems necessary for the performance of its functions.⁷⁴⁾ The Council has exercised its right and established several subsidiary organs. These include the Sanctions Committees, the Terrorism Committee, the 1540 Committee,⁷⁵⁾ the UN Compensation Commission, International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the UN Monitoring, Verification and Inspection Committee,⁷⁶⁾ the Military Staff Committee,⁷⁷⁾ the Committee on Administration of New Members, the Committee on Council Meetings, and the Committee of Experts on Rules of Procedure.

In practice, 'the Sanctions Committees' are the most significant subsidiary organs.⁷⁸⁾ It was established to impose pressure on a state or entity to comply

74) See Appendix I, Article 29 of the UN Charter.

75) 1540 Committee was established based on the UN Security Council Resolution 1540 (2004) to prevent or eliminate the proliferation in all its aspects of all weapons of mass destruction such as nuclear, chemical or biological weapons, and to support the multilateral treaties to implement them full in order to promote international stability.

76) The United Nations Monitoring, Verification and Inspection Committee was created through the adoption of Security Council Resolution 1284 of 17 December 1999. UNMOVIC replaced the former UN Special Commission (UNSCOM) and continued with the mandate to verify Iraq's compliance with its obligation to be rid of its weapons of mass destruction.

77) This Committee, on the basis of Articles 26 and 47, was created to advise and assist the Security Council on all questions relating to the Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament. The Committee continues to meet every two weeks, but it has not fulfilled the functions envisaged for it in the Charter.

78) Under Chapter VII of the UN Charter, the Security Council can take enforcement measures to maintain or restore international peace and security. Such measures range from economic and/or other sanctions not involving the use of armed force to international military action.

with the objectives set by the Security Council without resorting to the use of military force. The range of sanctions has included comprehensive economic and trade sanctions and/or more targeted measures such as arms embargoes, travel bans, financial or diplomatic restrictions. The Chairpersons and Vice-Chairpersons of these Committees are selected from the non-permanent members of the Council. On 17 April 2000, the members of SC established, on an temporary basis, the Working Group on General Issues on Sanctions to develop general recommendations on how to improve the effectiveness of UN sanctions.⁷⁹⁾ The proposed outcome document remains under positive consideration, with focus being placed on those issues where agreement has yet to be reached.

In September 2001, based on Chapter VII of the UN Charter concerning threats to international peace and security, the Council adopted Resolution 1371 (2001), from which 'the Counter-Terrorism Committee' was established. It is made up of all 15 members of the Security Council. The CTC monitors the implementation of Resolution 1373 by all states and tries to increase the capability of states to fight terrorism.⁸⁰⁾

'The UN Compensation Commission' was created in 1991 as a subsidiary organ of the UN Security Council. Its mandate is to process claims and pay compensation for losses and damage suffered as a direct result of Iraq's unlawful invasion and occupation of Kuwait.⁸¹⁾

'The international Criminal Tribunal for the Former Yugoslavia' and 'the international Criminal Tribunal for Rwanda' were established to prosecute the

79) Security Council Sanctions Committees, <http://www.un.org/Docs/sc/committees/INTRO.htm>

80) Counter-Terrorism Committee, <http://www.un.org/Docs/sc/committees/1373>

81) The UN Compensation Commission, <http://www2.unog.ch/uncc>

organizers and leaders of the genocide in the respective states. The former's core achievements have been spearheading the shift from impunity to accountability, establishing the facts, bringing justice to thousands of victims and the accomplishments in international law. The latter delivered the first-ever judgement on the crime of genocide by an international court.⁸²⁾

82) The International Criminal Tribunal for the Former Yugoslavia, <http://www.un.org/icty/index.html>
The International Criminal Tribunal for Rwanda, <http://un.org/icttr/index.html>,
<http://65.18.216.88/about.htm>, and <http://65.18.216.88/ENGLISH/geninfo/index.htm>

CHAPTER II

INDIA AND THE UN SECURITY COUNCIL: HISTORICAL PERSPECTIVE

CHAPTER II

INDIA AND THE UN SECURITY COUNCIL: HISTORICAL PERSPECTIVE

A fundamental framework for the establishment of UN was laid down at Dumbarton Oaks Conference which was held in 1944. The British delegation, while at Dumbarton Oaks, met daily with members of the diplomatic missions in Washington of other Commonwealth members including India. The Indian diplomat mission representatives, expressed their opposition to a purely Great Power dictatorship, and expressed the hope that the special responsibilities of the Great Powers for maintenance of peace, would be shared with all peace-loving states, both great and small.¹⁾

India was still not independent. It was invited to send a delegation to the San Francisco Conference in 1945. The British Government had nominated A. Ramaswami Mudaliar, V. T. Krishnamachari, and Firoz Khan Noon to represent India at San Francisco.²⁾ Mohandas K. Gandhi argued that this camouflage of Indian representation through Indians nominated by British imperialism should be dropped, for such representation would be worse than no representation - either India at San Francisco is represented by an elected representative or represented not at all.³⁾

Nevertheless, India participated in the San Francisco Conference. At the 5th plenary session of the San Francisco Conference, Moltov, the chief delegate

1) Geoffrey L. Goodwin, *Britain and the United Nations* (New York, 1957), p.15

2) India and the Quest for an Effective United Nations: The Stakes, 1907-1947, http://www.ne.jp/asahi/peace/unitednationsreform2007/UN_Campaign_2007/Dokument2/indiaquest.html

3) Bombay Chronicle, 18 April 1945

of the USSR stated,

"We have at this Conference an Indian Delegation. But India is not an independent state. We all know that the time will come when the voice of an independent India will be heard too. Nevertheless we share the view held by the British Government which suggested that representatives of India should be granted a seat at this Conference, imperfect though her status is."⁴⁾

India signed the UN Charter and became one of the 51 members of the United Nations on 30 October 1945 with no opposition. That was of course not the first occasion when India was participating in a gathering of the world community of nations. Though a part of the British Empire, it had been made to participate in the two world wars as a separate entity. Consequently it was a founding Member of the League of Nations; it became a founding Member of the United Nations as well.

Independent India conceived a great deal of enthusiasm toward the newly born international body with aspirations of cooperation and participation, though the realpolitik in the machinery has not always met its expectations as it should. The Constitution of India itself reaffirmed India's commitment to "promote international peace and security; to maintain just and honorable relations among nations; to foster respect for international law and treaty obligations in the dealings of organized peoples with one another; and to encourage settlement of international disputes by arbitration and other peaceful means."⁵⁾ In carrying out this commitment, India regards the UN as a valuable

4) Speech of Soviet Foreign Commissar V. M. Molotov to the San Francisco Conference, 1 May 1945, <http://www.ibiblio.org/policy/1945/450501c.html>

platform for global deliberations, negotiations and diplomacy. India used the General Assembly and the Security Council not only for enhancing its own national interests but also for helping other states by voicing strong opposition to imperialism, colonialism and apartheid. Besides the main UN organs, India has also joined a number of the UN subsidiary organs to the contribution of the realization of the UN Charter.

This chapter evaluates the role that India has played in the United Nations, especially in terms of the Security Council over the last five decades according to different phases. India had entered into non-permanent membership in the Security Council six times in the UN history since its independence.⁶⁾ India has held a non-permanent seat in 1950-51, 1967-68, 1972-73, 1977-78, 1984-85 and 1991-92. For 1997-98 period, India lost out to Japan in its bid for the temporary seat. In the discussion of this issue, above all else, it should be taken into account that India's involvement in the United Nations had taken place while it was shaping its own foreign policy after independence.

Moreover, foreign policies and the activities that Indian delegations carried out abroad have largely varied depending upon the character and philosophy of Prime Ministers and the nature of the governments.⁷⁾ The dramatic change of international realpolitik that affected India's foreign policy orientation has also influenced India's participation in the UN. Because fundamental changes in foreign policy take place when there is a revolutionary

5) Article 51 of the Constitution of India.

6) Pakistan has held the same status seat in the Security Council in 1952-53, 1968-69, 1983-84, 1993-94 and 2003-04. See Appendix II - Elected Members of the Security Council: 1946-Present

7) See H. C. Shukul, "The Making of India's Foreign Policy: Continuity and Change, 1947-1997" in Usha Thakkar, Mangesh Kulkarni, eds., *India in World Affairs: Towards the 21st Century* (Mumbai: 1999), pp. 49-61

change either at home or in the world.⁸⁾ With this in mind, different phases could be divided accordingly.

PHASE 1 (1945- 1962)

This period was covered by Jawaharlal Nehru's leadership who held the portfolio of Prime Minister and the External Affairs Minister. Under Nehru's policy formulation, India was in the forefront of the 'Non-Aligned Movement' along with Egypt, Indonesia and Yugoslavia.⁹⁾ He had basically an idealistic approach to foreign policy. However, at the same time, he defined idealism as the 'realism of tomorrow' and at times he even adopted an approach to foreign policy which would delight the most diehard realist.¹⁰⁾ In this sense, Nehru attempted to combine idealism and realism, and took an active interest in international relations.

India was one of the fifty-one founding member countries of the United Nations which signed the Charter in San Francisco on June 26, 1945. The Indian delegation, from the beginning, made an impressive contribution towards the formulation of the Charter of the United Nations. In a discussion session where peace was being defined primarily as a means of war avoidance, India attempted to give it a balanced view by emphasizing the concept of social justice. Ramaswami Mudaliar asserted, "it is economic injustice, and even more, social injustice that has bred for all time in the past the great causes of war."¹¹⁾ Thus an amendment to the Charter on its purposes was proposed by

8) C. Raja Mohan, *Crossing the Rubicon: The Shaping of India's New Foreign Policy* (New Delhi, 2003), p. xiii

9) *Ibid.*, p. 50

10) J. Bandyopadhyaya, *The Making of India's Foreign Policy* (New Delhi, 2000), p. 290

Indian delegation, suggesting that for the establishment and maintenance of peace, due recognition should be given to the promotion of fundamental human rights. This idea is reflected in the Charter where it says,

"To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion."¹²⁾

At the initial stage of participation, India showed confidence in the United Nations as an embryonic world parliament as it found hope in the principles of peace and justice enshrined in the UN Charter, and unreserved adherence to the United Nations as the single most dominant machinery of international society.¹³⁾ In addition to idealistic perspectives, the purposes and principles of the UN Charter seemed largely to go well with the aspirations of India's foreign policy - maintenance of world peace and security; development of friendly relations among nations; peaceful settlement of international disputes; self-determination of peoples; and promotion of the economic and social advancement of all peoples.

Therefore, India was active even in its early involvement in the United Nations. In the discussion over the veto power in the Security Council,

11) UN Conference on International Organization, *Documents*, (San Francisco: 1945), p. 256
Also see <http://www.education.nic.in/cd50years/z/55/8X/558X0201.htm>

12) The United Nations Charter, Chapter 1, Article 1(4) See Appendix I

13) Jawaharlal Nehru, in his first broadcast in September 1946, underlined India's wholehearted cooperation and unreserved adherence to the United Nations in both spirit and letter of the Charter. See Shambhavi Vedantam, "India and the UN in the Next Millennium", *World Focus* (New Delhi), Oct-Dec 1997, p. 45

Australia initiated a great deal of effort to curb the use of the veto. The Great Powers, in concert, refused to accept any restriction on its use. A number of middle and small powers also joined Australia to attack the whole notion of the veto and the unanimity of the Big Five, and insisted that the Organization would be more harmonious and productive if the equality of its members were not so blatantly violated. The Indian delegate Ramaswami Mudaliar, however, expressed the view that while the right to veto might be adopted for the present, provision should be made for its re-examination after ten years. He also said that there should be no modification of the unanimity provision for permanent members of the Security Council for ten years. However, it should be reconsidered afterwards.¹⁴⁾ When Australia's proposal for its amendment was put to the vote, the turnout was 10 for, 20 against, and 15 abstentions, and 5 absentees.¹⁵⁾ The Indian delegation supported the Big Five in accordance with the advice of its British advisers.

While the criteria for election to the non-permanent membership of Security Council was being discussed and most members like the Netherlands proposed that 'middle powers' should always be members, India proposed that due regard should also be paid to population and economic capacity in selecting the non-permanent members. It was decided that the GA should elect six states to fill the non-permanent seats. It was also stated that due regard should specially be paid in the first instance to the contribution of members of the Organization towards the maintenance of international peace and security and towards other purposes of the Organization and also to equitable geographic distribution.¹⁶⁾

14) Usha Sud, *United Nations and India: Saga of Cooperation* (New Delhi, 1996), p.7

15) Paul Taylor and A. J. R. Groom, ed., *The United Nations at the Millennium: The Principal Organs* (London, 2000), p.68-9

On the first participation in the UN General Assembly in 1946, India decided to join the competition with other countries in the election of the Security Council members, without an appropriate understanding of the working of the UN system. Indian delegation then have not learnt so-called "the gentleman's agreement".¹⁷⁾ This unwritten agreement or understanding was reached among the member states during the first session of the General Assembly that the six non-permanent seats in the Security Council be distributed as follows: two from Latin America; one each from Eastern Europe and Western Europe; and two from the Commonwealth and the Arab countries. No Asian country was mentioned clearly. India acted against the friendly advice from both the Western powers and the Socialist countries to withdraw from the candidature and it resulted in its failure. In 1947, India announced its candidature again in protest against what is called 'behind-the-scenes' trade. India, however, suffered defeat. It was indicative of lack of experience in the UN framework.

India has been a member of ECOSOC of the UN for a number of terms.¹⁸⁾ The first President of ECOSOC of the UN was an Indian - Ramaswami Mudaliar. Then British Prime Minister, Attlee commended him,

16) Ruth Russel and J. Muther, *A History of the UN Charter* (Washington D. C., 1958), p.649

17) See Davidson Nicol, *The United Nations Security Council: Towards Greater Effectiveness* (USA, 1982), p. 3

Later it was nullified by the GA Resolution 1991-A (XVIII), which introduced the increase of the membership of the Security Council from six to ten according to the following pattern: five from Africa and Asia; two from Latin America; one from Eastern Europe; two from Western Europe and others.

18) India was a member of ECOSOC in 1946 and 1947, then again in 1949, 1950 and 1951. It served ECOSOC as a member for 1953 to 1955, then again 1962-1970, again 1974, from 1978 to 1983 and 1985 to 1990, With a year's gap it again joined ECOSOC from 1991 to 1994.

"Sir Ramaswami Mudaliar, who many of us know, was the very able Chairman of the Committee which was responsible for this detailed work. In the first place, the Economic and Social Council which had originally appeared only as a subsidiary part of the Organization was made a principal organ of the United Nations."¹⁹⁾

In February 1946, following up on the Joint Declaration which had been unanimously approved by the First General Assembly of the UN, the ECOSOC, under the presidency of Ramaswami Mudaliar of India, adopted a resolution calling for an international health conference.²⁰⁾

In 1949, India engaged in hectic controversy concerning Jammu and Kashmir. It took the case on Jammu and Kashmir to the Security Council. India's presentation of the case was not well formulated, as it invoked Article 35 (Chapter VI) instead of Article 39 (Chapter VII) of the Charter. Article 35 stipulates any dispute or situation which is likely to endanger international peace and security, whereas Article 39 provides the Security Council's decisions or recommendations pertaining to actual acts of aggression or breaches of peace. In other words, Article 35, under which specifically India referred Kashmir to the UN, and the other related Articles (33-38) of Chapter VI of the Charter, refer to a "dispute or situation". However, no distinction has in practice been made by the UN between the two terms. Besides, under Chapter VI the Security Council can only try to bring the two sides together through "peaceful means of their own choice" (Article 33) and can at best, "if all the

19) Prime Minister Attlee's Speech in Commons on the United Nations Charter, <http://www.ibiblio.org/pha/policy/1945/450822a.html>

20) The conference was to be held not later than 20 June 1946. A Technical Preparatory Committee was established to arrange for the conference. See ECOSOC takes action, <http://w3.whosea.org/aboutsearo/Pre-3.htm>

parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute." (Article 38) In the context of given state of international relations in general and of Indo-Pakistan relations in particular, it was unreasonable to expect a quick settlement of the dispute by the UN in a manner satisfactory to India.

In an attempt to justify its deployment of armed forces, India sent memorandum²¹⁾ to the Security Council, arguing (a) that it could not allow a neighbouring and friendly State to be compelled by force to determine either its internal affairs or its external relations; and (b) that the accession of the State of Jammu and Kashmir to India had made India legally responsible for the defence of the State. These two paragraphs were logically incompatible. India should rather have taken a clear stance that either Jammu and Kashmir is a neighbouring and friendly state, or it is an integral part of India.

Moreover, Indian representative in the Security Council, Ayyangar, mentioned that "India's high-principled statesmanship offered to hold a plebiscite, under international auspices, to let the people of Jammu and Kashmir decide whether they wanted to join India or Pakistan or be an independent nation."²²⁾ By this India allowed Pakistan to be on equal terms with itself, and for the first time internationalized the issue of Kashmir. Later, however, being conscious of the geopolitical importance and international significance of Kashmir, Nehru was skeptic about a plebiscite. Finally, immediately after the US-Pakistan military agreement of 1954, Nehru declared that there had taken place a material change in the situation, and that India's commitment regarding a plebiscite was no longer valid.²³⁾ On 23 January 1957,

21) UN Document S/628, 1 January 1948, paragraph 7.

22) K. P. Saksena, "India's Fifty Years at the United Nations: A Critique", *International Studies* (New Delhi), vol.32, no.4, 1995, p.382

Krishna Menon delivered an unprecedented 8 hour marathon speech at the UN Security Council's meeting, defending India's stand on Kashmir.²⁴⁾ However, it did not prevent the adoption of a resolution (on 24 January 1957) which rejected India's position.

For 1950-51 term, India became a non-permanent member in the Security Council for the first time. During the 'Korean War' (1950-53), UN had to intervene by sending its troops. India participated in the Korean Operation by sending 6,000 infantry.²⁵⁾ In fact, when the first Commission on Korea was appointed in 1948, K. P. S. Menon of India was elected Chairman and since that time, an Indian delegate was deputed to the Commission.²⁶⁾ India accepted the Interim Committee's decision to hold elections in such parts of Korea as were accessible to the Commission. India argued that the holding of election in South Korea alone would perpetuate the partition of the country, giving this partition a kind of formal recognition. India itself did not recognize the government of South Korea as the only lawful government.²⁷⁾ However, in the voting, India supported the US draft resolutions, permitting elections in South Korea alone, and voted in a partisan manner which led to the partition of Korea. India abstained from voting when the SC passed its resolution establishing a United Nations Command under the leadership of the UN. India was again in favor of the US draft resolutions when the United States proposed that the United Nations should extend recognition to the newly

23) Bandyopadhyaya, n.10, p.297

24) <http://www.undp.org.za/docs/kashmir/menonti.html>

25) India's Participation in Peacekeeping Activities at a Glance, http://www.indianembassy.org/policy/Peace_Keeping/participation_india_UN_peace_keeping

26) K. P. S. Menon, *Many Worlds: an Autobiography* (London: 1965), p.257

27) In December 1973, India established full diplomatic relations with both the Koreas at the same time.

elected Government of South Korea as the only legally constituted Government in the whole territory of Korean peninsula.²⁸⁾

From 1951 to 1960, the issue of Chinese representation came before every session of the GA. The US proposed each year that consideration of the question be deferred. This position was adopted by the GA at every session until 1960. India constantly supported Chinese representation. At the fifth session of the UN General Assembly, the leader of the Indian delegation, Benegal Narsing Rau, introduced his draft resolution, which aimed at supporting the representation of Peoples Republic of China (PRC) in the UNGA.²⁹⁾ India's argument was based on the premise that the obligations of membership cannot be carried out except by a government which, with a reasonable expectancy of permanence, actually exercise control over the territory and is commanding the obedience of its people, and that the PRC is the only such government functioning in the main land as now constituted. Not only did India support the question of Chinese membership and representation in the GA, but also in other organs of the UN. At the opening of the 13th session of the Trusteeship Council in 1954, Krishna Menon stated that although India did not consider it to be the appropriate place, for a discussion of the question of non-presence of what was regarded as the legitimate representation of China, he would nevertheless like to state for the record that 'The only government of China we know of is the government of Peking.'³⁰⁾

In September 1950, the informal consultations with Afro-Asian member states were initiated by B. N. Rau, then India's Permanent Representative at

28) Saksena, n.22, p.380

29) UN Bulletin, vol.9, no.7, October 1950, p.282

30) Sud, n.14, p.67

the United Nations with regard to planning a common strategy and initiating draft resolutions collectively. This brought about the emergence of an Afro-Asian group in the international system which played a significant role in the deliberation and decision-making of the 1950s and also the 1960s to some extent. Contributions India made can be found in cases, such as, facilitating the 'package deal' for the admission of eighteen new states (1955), accelerating the pace of process of decolonization, including countries such as Algeria, Cyprus, Indonesia, Morocco, Tunisia and other countries (1947-1963), and lifting the burden of UN in the Congo conflict (1961-62).³¹⁾

In 1952, India brought before the UN the question of Indians living in South Africa.³²⁾ The GA agenda included Apartheid issue as a result of India's interest in this question. South Africa vehemently opposed this move of the UN and argued that the matter was an exclusively domestic matter. However the GA's political committee went ahead in debating the matter. India's chief delegate to the UN at that time Mrs. Vijaya Lakshmi Pandit said, "South Africa's policies have created a new and dangerous tension...fraught with serious consequences for the peace of the world."³³⁾ She also became the first woman President of the UN General Assembly in 1953.

Twenty-nine delegations attended the Bandung Conference in April 1955, at a time when the UN had only 59 member states. Prominent Asian and Arab leaders like Jawaharlal Nehru, Chou En-Lai of China, President Nasser

31) India helped UN get out of miry plight pertaining to the question of authorization, supervision, and financing of the UN peace-keeping operations by taking the position of collective responsibility, devolvement on the member states for financial contribution based on Article 17, proportional distribution of burden but major burden on five permanent members.

32) In fact, in 1946 Indian delegate Mrs. Vijaya Lakshmi Pandit first broached the subject of discriminatory laws prevailing in South Africa against Indians and others.

33) Robert W. Peterson, ed., *South Africa and Apartheid* (New York, 1975), p.26

from Egypt and Sukarno of Indonesia as well as Princes Sihanouk and Faisal were joined by UN and Carlos Romulo of the Philippines. The purpose of the Conference was to promote goodwill and cooperation among nations of Asia and Africa to consider social, economic and cultural problems, to consider problems of special interest such as racialism and colonialism, to view the position of Asia and Africa and their people in the world today and the contribution they can make to the promotion of world peace and cooperation.³⁴⁾ The Bandung Conference was to be a form of protest against the subordinate status granted to the developing countries in global relations, and it elevated Jawaharlal Nehru's image and status among the Asian and African world.

In the initial years of the UN's existence, it was not easy to get membership of this World body. Politics of the two Super Powers kept many states out. The Cold War divided the world into two camps. Both camps, in order to maintain a balance of power in the UN, strove to keep out those countries whom they expected to be likely supporters of their adversary. Since the UN General Assembly works on democratic principle of 'one member, one vote' and resolutions are passed by majority vote, the Soviet Union used its veto power to the maximum during the initial years of the UN functioning. Prior to 1955, disagreements on vested interest of the Super Powers kept a number of applicants for membership of the UN out in the cold. Finally both Super Powers agreed to a compromise of being soft towards each others' supporter, and this is known as the 'Package Deal' of 1955.³⁵⁾ Especially when the deal was deadlocked at the last moment, because US refused the admission

34) Turnan Kahin George, *The Asian and African Conference* (New York, 1956), p.3

35) Sud, n.14, p.63

of Mongolia, and the Soviet Union threatened to veto the admission of others, as a result of India's role of facilitation, sixteen new states were admitted: four from Eastern Europe, six from Asia and Africa, and six from Western Europe (including Austria, Finland, and Ireland).³⁶⁾

Recognition of India's contribution towards speedy decolonialization came in 1960. India endeavored its effort hard to mobilize world opinion against South Africa. It withdrew its High Commissioner from Pretoria, and identified itself with the emerging power centre in South West Africa, namely, South West African Peoples Organization (SWAPO), which emerged in 1960. It was accorded diplomatic status, with an office in New Delhi. The same year the GA adopted a Resolution known as the 'Declaration on Colonialism', without a dissenting vote, which declared the need for bringing colonialism to a speedy end in whatever form it existed.³⁷⁾ In the case of the Portuguese claim to its 'overseas provinces', India's protests had finally made Portugal put its territories under the UN surveillance. In the same way, when the South African representative argued that South West Africa was the Fifth Province of South Africa, India vehemently opposed the contention. Finally, South West Africa was saved from being incorporated into South Africa. The UNGA adopted an Indian proposal rejecting the South African view.³⁸⁾ With the resolution 2145 (XXI), the UN established an Ad hoc Committee of 14 members to recommend practical means by which South West Africa should be administered.³⁹⁾ On 11 June 1968, the GA resolution 2372 (XXII) renamed the

36) Saksena, n.22, p.384

37) Sud, n.14, p.35

38) Tuliameni Kalomah, "Namibia Unique Responsibility", *World Focus* (New Delhi), vol.8, no.11-12, November-December 1987

39) GA resolution 2145, Question South West Africa, <http://www.un.org/documents/ga/res/21/ares21.htm>

mandated territory of South West Africa as 'Namibia'.⁴⁰⁾ The SC further declared that the continued occupation of the territory by South Africa constituted a grave threat to the international peace and security.

In 1961, the Belgrade Conference of Non-aligned states was held. It was the first Nonaligned Summit which officially led to Non-Aligned Movement (NAM) thereafter.⁴¹⁾ The Nonalignment was not widely recognized as a coherent set of ideas until those states came together and articulated their common interests and similarity of outlook in the 1961 Belgrade Conference. For this, the close interaction of the three major countries - India, Yugoslavia, Egypt and later Indonesia - had started in the mid-1950. In the economic field, the Belgrade Conference led to the formation of the UN Conference on Trade and Development (UNCTAD), one of the subsidiary bodies of the UNGA. Politically it was the beginning of a series of extremely significant conferences which contributed greatly to the evolutions of the present day Third World Coalition.⁴²⁾ This coalition became an important bloc of countries in the GA, organizing and helping the Third World Countries in building a consensus on a number of issues related to them. Some of these such as colonialism, apartheid, disarmament and development became perennials, appeared on the GA agenda year after year.

In the seventeenth session of the UNGA in October 1962, the China question arose once again. China has just launched her border attack on India in the Himalayas. This development increased doubt about China's peace-loving nature, and its willingness to accept the Charter obligations laid down in

40) GA resolution 2372 (XXII), <http://www.un.org/documents/ga/res/23/ares23.htm>

41) Peter Willetts, *The Non-Aligned Movement: The Origin of a Third World Alliance* (New York, 1978), pp.10-17

42) *Ibid.*, p.27

Article 4. India despite these developments continued to support the seating of communist China, and felt that the only way to check Chinese military adventurism was to make it accept its responsibilities as a member of the Organization and thereby subject to the rules and discipline of the GA.⁴³⁾

Some salient features of the 'Phase 1' can be summarized as follows:

- i) This period is the golden age of Indian diplomacy in the United Nations. India expressed and commanded a great deal of confidence and faith in the world Organization. It actively participated in this machinery.
- ii) India was one of the leading countries in the Non-aligned Movement. Basic foreign policy guidelines that India had followed was to judge each issue based on its merit and not to align itself with any powers or group of power. However, in practice, India acted in favor of the West, virtually preferring to aligning with them in some occasions.
- iii) In the sessions held either in the Security Council or in its subsidiary machineries, India's contention and voting pattern were inconsistent sometimes.
- iv) Outstanding performances that Indian delegation carried out in the UN were not largely the result of institutional endeavor, but rather of individual charisma.
- v) India's contribution towards speedy decolonialization was recognized in 1960. Decolonialization, in turn, brought forth sudden rise of the Third World, especially newly born African countries.

43) John G. Stoessinger, *The United Nations and the Super Powers and China* (New York, 1977), p.42 Finally the GA on 25 October 1971, decided to recognize its representative, and to expel forth the representative of Chiang Kai Shek from the place which he unlawfully occupied at the UN. The GA acted by adopting Resolution 2758 (XXVI) by a vote of 76-35 with 17 abstaining.

PHASE 2 (1963-77)

The India-China border disputes had long escalated since the late 1940s. In 1949, when the Communists came to power in China, the Sino-Indian borders were left, at best undefined in the western sector, defined but undelimited in the eastern sector, and delimited but undemarcated in the middle sector, with vast areas unoccupied at either end of the border. It ranged the Tawang tracts from the east, and Ladakh-Aksai Chin to the west, the area enclosed by the Karakorams and the Kuenluns.⁴⁴⁾ Using as a pretext the unresolved border disputes between the two countries in general, being suspicious of Indian Government in terms of its toleration of political activities of Dalai Lama and the Tibetan rebels in particular, the Chinese troops moved to the borders to prevent rebels escaping into sanctuary in India. The Indians also moved right up to McMahon Line⁴⁵⁾ and forward into Pangong Lake area. Thus India and China came into physical collision marked by small scale border incidents which peaked in the Longju incident of 25 August 1959 and Kongka Pass incident of 21 October 1959.⁴⁶⁾

Given this backdrop, in 1962, India suffered the trauma of war with China. Subsequently India began to look to domestic issues such as economic crisis, shattered morale, and initially showed its tendency of withdrawal from global issues. This period was largely covered by Lal Bahadur Shastri and Indira Gandhi.⁴⁷⁾ The former was the unlikely initiator of realpolitik in Indian

44) Pramoda Kumar Panda, *Making of India's Foreign Policy: Prime Ministers and Wars* (Delhi, 2003), p.78

45) As regards India's eastern frontiers with China, the British Indian Government reached an arrangement with the then Tibetan Government. Accordingly, the alignment was tentatively fixed along McMahon Line that roughly reflected the watershed in the boarder area.

46) Panda, n.44, p.87

foreign policy. His aspirations on the foreign policy were rooted in the principle of realism and practicality.⁴⁸⁾ However, he had only a brief tenure as Prime Minister and was succeeded by Indira Gandhi in 1966. She was a pragmatist and not an idealist.⁴⁹⁾ It was enough for her to accept facts, adjust to them, and seek to use them to advantages. The conflicts with China (1962) and Pakistan (1965) and their aftermaths altogether convinced her that reason and idealism had to be tempered by practicality and political realism in the conduct of India's foreign policy.⁵⁰⁾

The General Assembly established the United Nations Conference on Trade and Development (UNCTAD) in 1964.⁵¹⁾ Though UNCTAD is a subsidiary organ of the GA, it has not been given its due prominence in obtaining equitable trade preferences for the developing countries. At the very first session, 77 of the developing countries formed the 'Group of 77' to take care of monetary and financial negotiations of the Third World Countries. The Joint Declaration of the Group-77 adopted in June 1964 referred to the UNCTAD as 'an event of historic significance.'⁵²⁾ Thus the UNCTAD acted as the main forum for global discussions on development issues, for the coming years. It became the focal point of the activities of the Group of 77.

The United Nations Development Program (UNDP) was created in 1965, merging the Extended Program for Technical Assistance (EPTA) and the UN

47) Lal Bahadur Shastri took Prime Ministership in 1964-65 (by January 1966), and Indira Gandhi in 1966-77 and 1980-84.

48) J. N. Dixit, *Makers of India's Foreign Policy* (New Delhi, 2004), pp. 98-100

49) Surjit Mansingh, *India's Search for Power: Indira Gandhi's Foreign Policy 1966-1982* (New Delhi, 1984), p.2

50) Dixit, n.48, pp. 116-122

51) Sud, n.14, p.81

52) Karl P. Sauvart, *The Group-77 Evaluation, Structure, Organization* (New York, 1984), p.2

Special Fund. It has since become the main channel of multilateral, technical and development cooperation. The UNDP works with the government and the people of a country to resolve national development problems. Its activities are concerned with almost every sector of the economy. Besides providing the necessary funding, it serves as a monitoring and evaluating agency to ensure the efficient execution of projects and their completion within the planned time frame. India is one of the largest recipients of the UNDP assistance, besides being an important contributor of funds and personnel for its top positions. India is also actively engaged in the exchange of technological expertise, training facilities and equipment for the UNDP program in other countries. Since the Rio Environment Summit of 1972, the UNDP in collaboration with the Environment Program and the World Bank, is involved in the Global Environmental Facility (GEF) designed to help developing countries meet global environmental goals. A number of Indians have served the UNDP. C.V. Narsimha served as Deputy Administrator of the UNDP from 1969 to 1971. I. G. Patel served in the same capacity in 1972. K. P. Geeta Krishnan served as Vice President of the UNDP in 1986.⁵³⁾

In 1965, Pakistan mounted a military offensive in Jammu and Kashmir to secure a military solution of its liking or at least to reopen afresh the Kashmir question which had not been taken up by the SC since December 1957 in spite of its efforts. By the time, the Kashmir issue came to a deadlock and India realized that its diplomatic strategy had not been relevant to the international system and yielded no satisfactory fruits.⁵⁴⁾ India saw another effective way of diplomatic endeavor. Though Krishna Menon's speech in 1957 was the longest

53) Sud, n.14, p.96

54) Usha Thakkar and Mangesh Kulkarni, eds., *India in World Affairs: Towards the 21st Century* (Mumbai, 1999), p.249

speech in the UN debate history, it did not prevent the adoption of a resolution which rejected India's position. But corridor diplomacy and effective use of diplomatic processes by the Indian team in the Security Council in 1965 succeeded in burying Pakistan's claim on Kashmir and it was kept out for three decades.⁵⁵⁾

The Bangladesh war in 1971 witnessed disappointment of India's diplomatic effort in the United Nations. In the Security Council, India insisted that the discussion on the issue should not only refer to the war but to the causation that led to the war. India refused to accept any resolution that did not reflect the 'realities of the situation' and also did not provide for an immediate political settlement in favor of East Pakistan. The Soviet Union backed up India, but meetings were adjourned for informal consultations, and draft resolutions were introduced one after another. As the matter reached a procedural deadlock, some Council members got the matter transferred to the General Assembly. India could not appropriately deal with it because wide membership and various interests of the Assembly required greater participation and use of special skills of diplomacy. The General Assembly adopted a Cease-fire Resolution (Resolution 2793/XXVI, 7th December 1971) with 104 members voting in favour and ignoring India's objections.⁵⁶⁾ A little preparedness on the part of India would have got the issue prolonged at the Assembly, and given it a chance to get collective legitimization of its action in the war, which was to the Indian opinion a humanitarian action and a very successful operation.

Although its initial efforts to achieve common positions did not produce

55) Saksena, n.22, p.388

56) <http://www.un.org/documents/ga/res/26/ares26.html>

cohesion, by 1971 the G-77 had become the dominant coalition. It was often supported by the Eastern European states as the Soviet Union took advantage of opportunities to escape its minority position and accuse the West of being responsible for the problems of less developed countries. For more than a decade the G-77, though it ultimately could not enforce compliance with its demands, but it could bring attention to them and impressively argue for their rectitude. There could be a North-South debate in the UN because there was also a 'South' in the form of a solid bloc of Asian, African and Latin American countries standing together for development via global economic reform.⁵⁷⁾

In 1974, in the wake of India's peaceful nuclear explosion at Pokhran, Pakistan put forward her proposal in the UN General Assembly's 29th session for the establishment of a Nuclear-Weapon-Free-Zone (NWFZ) in South Asia.⁵⁸⁾ What Indian diplomats did was emulating Pakistani move by registering a counter proposal and casting a negative vote to Pakistani proposal. India also tabled a draft in the 29th session of the GA which became Resolution 3265 A (XXIX). It emphasized that the initiative to create such a zone in an appropriate region of Asia must come from the regional states through consultations, taking into account the zone's special features and geographical extent.

Pakistan was not sincere when it put forward a proposal for establishing the NWFZ in South Asia, because Islamabad was pursuing ever increased nuclear projects from 1972, right after it was defeated by India.⁵⁹⁾ On 20 January 1972, President Bhutto announced the formation of a separate ministry

57) Karen A. Mingst and Margaret P. Karns, *The United Nations in the Post-Cold War Era* (Oxford, 1995), pp.54-5

58) *Dawn*, August 21, 1974

59) "The Nuclear Policy of India and Pakistan", NIDS (National Institute for Defense Studies) Security Reports, no.4, March 2003, p.64

for Science, Technology and Production. In April 1972, Pakistan started a programme for prospecting and extracting uranium in the country. Pakistan Atomic Energy Commission (PAEC) also set up a plan to start the second nuclear power plant of 500 megawatt capacity in the northern region of west Pakistan. In May 1972, PAEC sources, with its large deposits of uranium, announced a plan for setting up two atomic reactors in the country.⁶⁰⁾ Pakistan's effort for establishing NWFZ was reiterated for a number of consecutive years up to early 1980s.

After the Nuclear Non-Proliferation Treaty (NPT) 1968, which India did not sign, the UK, the US and the Soviet Union in 1977 initiated negotiations on CTBT. Years of negotiations did not yield any result. India's position was clear that it believed in total nuclear disarmament, but opposed any agreement that was discriminatory in nature.⁶¹⁾ Despite India's strong objections against discrimination and not taking into account security interests of countries like India, the CTBT was pushed through. India refused to sign it, because the treaty (CTBT) would in reality legitimize a new qualitative arms race. This treaty, like the NPT, will be a license to proliferate vertically without effectively banning horizontal proliferation. Thus India, after having been actively engaged in the negotiations for two and a half years, could not become a party to CTBT precisely because the issues of non-proliferation, global disarmament and India's concerns for its national security and strategic autonomy were ignored.

Some salient features of the 'Phase 2' can be summarized as follows:

60) See *The Hindu* (New Delhi), 21 January 1972; *The Guardian* (Rangoon), 21 April 1972; *The Radio Pakistan*, 13 April 1972

61) S. Rajen Singh, "India's Response to Nuclear Non-proliferation Measures", *India Quarterly* (New Delhi), Indian Council of World Affairs, vol.18, no.384, July-December 2002, p.61-62

- i) During this period, India saw some disappointing diplomatic performance in such cases as the Kashmir issue, the Bangladesh War and Pakistan's NWFZ proposal.
- ii) India's internal political settings, especially the aftermath of Indo-China War in this period, overcast shade to its capacity for global interaction.
- iii) India was awakened from the idealistic optimism to realism under the maneuvering realpolitik of the international framework as New Delhi went through setback in its diplomatic course of action, including the Kashmir issue.
- iv) India has been frequently on the receiving end against its laborious diplomatic endeavors in the international organization.
- v) More could have been fulfilled in the lobbies and corridors than by eloquent speeches and contentious debates. Corridor diplomacy in case of the Kashmir issue had proven to be effective.

PHASE 3 (1978-89)

This phase is covered by two major figures - Indira Gandhi and her son, Rajiv Gandhi. The former was more concerned with the concrete than the moral side of foreign relations. She did not engage in long philosophical discourses with those who interviewed her, or with those who represented India abroad.⁶²⁾ The latter's prime ministership lasted only one term, but he fashioned a foreign policy regardless of its historical burden or predetermined ideological considerations. He demonstrated a matter-of-fact approach to political affairs and event. He also believed in making policy decisions on the

62) Mansingh, n.49, p.27

basis of objectively determinable information and data.⁶³⁾

Internationally, this period saw the second phase of the Cold War. It was revived with the Soviet military intervention in Afghanistan in 1979. The superpowers of the world started arms race again, putting aside all the arms control treaties.

In 1979, Bangladesh, Bolivia, Czechoslovakia, Jamaica, Gabon, Kuwait, Nigeria, Norway, Portugal and Zambia occupied the non-permanent membership on the Security Council and six out of them were Non-Aligned nations.⁶⁴⁾ The solidarity among them became a factor to be reckoned with in the political process of the Council. In case of no negative vote by one or more of the permanent members on substantive matters, these six could pass any draft resolution on which they agreed, with the support of three other members in the Council. The cumulative strength of the Non-Aligned group in the Council was in fact characterized as yet another version of the hidden veto. This was something which essentially helped curtail the freedom that the permanent members, particularly the Soviet Union and the United States, would have wished to enjoy.⁶⁵⁾

The seventh NAM Conference in New Delhi in 1983 focused exclusively on the New International Economic Order (NIEO). The NAM community attempted to unite other developing countries with the Non-Aligned nations on the road of economic decolonization, creating the basis for cooperation between the Non-Aligned Group and the Group 77, which was an instrument of the developing countries' economic policy at the UN.

63) Dixit, n.48, pp. 185-188

64) Elected Members of the Security Council: 1946-Present, <http://www.globalpolicy.org/security/membership/mem2.htm>

65) Richard L. Jackson, "The Role of the Nonaligned in the UN Security Council: A Western Perspective", *The Nonaligned World* (New Delhi), vol.1, no.4, 1983, pp.464-82

The Soviet military intervention in Afghanistan took place in December 1979. When the Afghanistan issue was vetoed by the Security Council and transferred to the General Assembly, it was also a time of political change in India. Following a general election, Indira Gandhi's party had returned to power. She had not by then formed her Cabinet, so there was obviously no time to discuss and comprehend long term implications of this issue. Without adequate consultations or deliberations, the permanent representative of India to the UN read out a text sent to him. The Indian statement in part read:

"The Soviet government has assured our government that its troops went to Afghanistan at the request of the Afghan government, and we have been further assured that the Soviet troops will be withdrawn when requested to do so. We have no reason to doubt such assurances from a friendly country like the Soviet Union, with whom we have many close ties."⁶⁶⁾

The Indian proposition that military occupation of a nation by a superpower [the Soviet] was no threat to peace and to the integrity of the occupied country [Afghanistan] because of assurances and friendship [between India and the Soviet] was not appealing at all and invited sharp criticism.

This period witnessed the second phase of the Cold War. Arms race between the superpowers escalated in an unprecedented way. In the 1982 Session of the General Assembly, member states agreed that no question was more important than that of ensuring the peace and safety of the world by averting the threat of a nuclear war. In 1983, Prime Minister Mrs. Gandhi

66) K. P. Mishra, ed., *Afghanistan in Crisis* (New Delhi, 1981), pp.101-119

demanded at the UN that the superpowers should "stop the production of nuclear weapons, reduce their stockpiles and eventually destroy them totally."⁶⁷⁾ The third countries in general felt that the superpowers were seeking to perpetuate a nuclear condominium. These countries were also concerned about the huge resources being spent on arms by the superpowers, while there were so many developmental needs to be met by the poor nations. India continued to play a leading role in the sphere of disarmament, and as the spokesman of the Third World voiced its objection to the Nuclear Non-Proliferation Treaty, which was discriminatory.

From the late 1970s onwards, the issue of Apartheid (South Africa) and the issue of Palestinian Rights came into spotlight in the United Nations. In both these issues India performed a positive role. The UN special committee on Palestine consisted of India, Iran, and Yugoslavia. These three countries voted against the partition of Palestine. After decades of organization and struggle, the Palestinian Liberation Organization (PLO) found recognition in the late 1970s, when it was invited to participate in the General Assembly. India favoured every resolution passed by the UN condemning the Israeli action against the Palestinian people.⁶⁸⁾

India overlooked the South African issue initially but later it endeavored a concerted efforts. India supported UN Security Council's stringent measures against South Africa such as arms embargo and economic sanctions. Several Non-Aligned conferences held in Lusaka, Algiers, Havana and New Delhi gave momentum gradually to the UN measures. In 1986, a special declaration on South Africa was adopted in the Harare Summit of the Non-Aligned nations. It

67) T. C. Bose, "Arms Control and Global Security: An Indian Perspective", *The Indian Journal of Political Science*, vol.46, no.3, July-September 1985, p.309

68) Thakkar and Kulkarni, n.54, p. 252-3

was to provide assistance to the frontline states, in order to enable them to withstand the effects of sanctions. The African Fund was also created in 1987, under the chairmanship of the Indian Prime Minister Rajiv Gandhi, with its contributors being Algeria, Argentina, Congo, India, Nigeria, Peru, Yugoslavia, Zambia and Zimbabwe.⁶⁹⁾

In 1987, the permanent members of the Security Council collaborated over the Iran-Iraq War, sponsoring a Chapter VII resolution demanding a cease-fire, establishing a process by which to settle outstanding issues, and threatening the use of sanctions against either party if it did not comply with the cease-fire demand. The United Nations Iran-Iraq Military Observer Group (UNIIMOG) was sent in 1987. It was financially supported by a special account of the UN. India supplied observers for this Observer Group.⁷⁰⁾

The United Nations Angola Verification Mission (UNAVEM) was created in 1989 for the purpose of verifying the re-deployment northwards, and the phased and total withdrawal of Cuban troops from Angola, in accordance with the time table agreed upon between Angola and Cuba. India contributed observers to it from January 1989.⁷¹⁾

The main function of the United Nations Transition Assistance Group in Namibia (UNTAG) was to assist the special representative of the Secretary General to ensure the early independence of Namibia through free and fair elections under the supervision and control of the UN. It operated from April to March 1990. India was involved in providing the operation with military observers, police, monitors and electoral supervisors. India's Lieutenant General

69) Ramesh Thakkar, ed., *Past Imperfect, Future UNCertain: The United Nations at Fifty* (Hampshire, 1998), p. 253

70) India's Participation in Peacekeeping Activities at a Glance, http://www.indianembassy.org/policy/Peace_Keeping/participation_india_UN_peace_keeping.htm

71) Sud, n.14, p.133

Dewan Prem Chand was a Command designate from January 1980 to March 1989 and a Force Commander in UNTAG from April 1989 to May 1990.⁷²⁾

Some salient features of the 'Phase 3' can be summarized as follows:

- i) India's role was steadily strengthened in the international society, along with the growing status of the Non-Aligned nations in the United Nations. India saw the potential of caucusing groups in the decision-making process of the United Nations, such as the NAM, G-77 of which India is an important member.
- ii) Realism and pragmatism marked one of the salient features in this period. More diplomatic efforts were directed to promote India's national interests rather than win the controversy for the sake of idealism.
- iii) A few cases witnessed India's consorted diplomatic performances tempered by the valid perception, especially in the issue of Apartheid (South Africa).
- iv) India made a distinctive contribution to the UN peacekeeping activities by sending its commanders, observers, police and monitors to Iran/Iraq, Angola and Namibia.

PHASE 4 (1990-present)

Narasimha Rao (1991-96) and Atal Behari Vajpayee (1998-2004) have led India in this period as Prime Minister respectively. The former left one of the most effective and creative influences on the foreign policy of India after Jawaharlal Nehru. He was 'manager of the transition.'⁷³⁾ The latter has

72) India's Participation in Peacekeeping Activities at a Glance, http://www.indianembassy.org/policy/Peace_Keeping/participation_india_UN_peace_keeping.htm

73) Dixit, n. 48, pp. 225-8

managed India's foreign and security polities in a critical period and his performance introduced several drastic changes to India's foreign policy orientation.⁷⁴⁾ For example, he declared that India and the US were 'natural allies', which was a breathtaking departure from India's traditional foreign policy moorings of non-aligned and anti-American and anti-Western orientation. During his tenure, India conducted two rounds of nuclear tests on 11 and 13 May 1998. Again he revised India's policy of not engaging Pakistan after Kargil. Indian invitation to Musharraf in May 2002 broke the nearly two-year political stand-off that followed the war in Kargil.

In the 1990s and 2000s, the world saw dramatic changes - starting from the disintegration of the Soviet Union (1991) which also resulted in the end of the Cold War, to unprecedented events, such as 9/11 terrorist attack on US (2002), war on Iraq (2004) etc.

From late 1980s onward, the non-aligned nations in general and India in particular have raised questions on the democratization of the UN system. In the Harare Summit (1986) of the Non-aligned nations, they stated that "the democratization of international relations is an imperative necessity, the decision-making on issue of vital concern to all countries of the world can no longer be the prerogative of a small group of countries, however powerful they may be."⁷⁵⁾ India's case was that conscious efforts should be made to strengthen the UN through democratization of its structures and procedures, as members and activities of the UN have drastically increased compared with those of its establishment. This was reflected at the Summit level meeting of the Security Council on 31st January, 1992, which stated:

74) Mohan, n.8, pp.7-14, 49-50, 173-6

75) Thakkar and Kulkarni, n.54, p.255

"The International Community therefore faces new challenges to play a central role at this crucial stage. The members of the Council stress the importance of strengthening and improving the UN to increase its effectiveness."⁷⁶⁾

The most important step in the democratization process, is to democratize decision-making in the Security Council. The significance of this issue is clear in the background of the role of the Security Council in a crisis, such as, the Iraqi's annexation of Kuwait (1990) and the genocide in Rwanda (1991-1994), where there was an utter lack of transparency in the decision-making of the Council and its working methods. In the past formal meetings of the Council were frequently marked by votes on procedural and non-procedural matters. From early 1990s, votes on procedural matters have become very rare; those that do take place are pre-cooked in informal consultations. One procedural vote that routinely took place was on the invitation to the PLO to participate in a meeting, but even that ceased in February 1994.⁷⁷⁾ In the past there would be frequent votes on the adoption of the agenda: nowadays agendas are always agreed in advance in informal consultations. Resolutions are still normally adopted by vote, but most are discussed beforehand.

The prevalence of informal consultations of Council meetings has tended to undermine the transparency of decision-making process, leaving public meetings as short formalized events. The debates take place behind closed

76) Annual Report of the Secretary General on the Work of the Organization, 11th September 1992, *UNDOC*, A/471/1, p.6

77) Michael C. Wood, "Security Council Working Methods and Procedure: Recent Developments", *International and Comparative Law Quarterly* (Glasgow), vol.45, January 1996, p.155

doors in a side room and it is here that the deals are finalized that form the UN resolutions. The representatives to the Security Council only enter into public session to vote resolutions and to make set speeches. Throughout the genocide in Rwanda, the Security Council was in almost constant secret sessions. For example, on 5 April 1994, the ambassadors filed from the room at the back of the Council chamber where their secret deliberations were held. In a informal and open meeting they unanimously agreed a compromise and voted a resolution stipulating that unless the transitional institutions provided for within the next six weeks then the UN Assistance Mission in Rwanda (UNAMIR) would pull out completely.⁷⁸⁾ In case of Iraq-Kuwait conflict, the Council which was meeting every other day till the issue of authorization for the military campaign, was not allowed to meet for weeks after the commencement of the military action, in spite of legitimate requests from a formal meeting, surrendering before the overwhelming military strength of the United States and other leading powers. Malone puts it,

"The hermetic nature of its working methods excited greater attention at a time when its decisions were proving genuinely important. In an era marked by P-5 [Permanent Five] cooperation and a P-5 tendency to impose decisions on the remainder of the Council, resentment of the Permanent Members grew. This resentment focused largely on their possession of the veto."⁷⁹⁾

78) See Linda Melvern, "The Security Council: Behind the Scenes", *International Affairs* (London), vol. 77, no. 1, January 2001, p. 106-7

79) David M. Malone, "The Security Council in the 1990s: Inconsistent, improvisational, indispensable?" in Ramesh Thakur and Edward Newman, eds., *New Millennium, New Perspectives: The United Nations, Security, and Governance* (Tokyo: United Nations University Press: 2000) p. 39

Thus the Gulf War (1991) and its aftermath has given a momentum to the issue of democratization of the Security Council. The core of the issue was the expansion of the Council on its membership to provide it with an equitable representation. The Tenth Summit of the Non-aligned countries in Jakarta in September 1992 addressed the problem and proclaimed NAM's determination "to play a leading role in contributing to the revitalization, restructuring, and democratization of the UN system."⁸⁰ On 9 November 1992, as a non-permanent member of the Security Council, Indian Ambassador to the UN strongly disagreed with the view of Western powers that the expansion of the Council would affect the efficiency and effectiveness of the Organ. He said, "The reality is otherwise. If the Council was paralysed in the past, it was due to ideological confrontation. The size had nothing to do with the effectiveness and efficiency."⁸¹ In this way, India has made strong pleas for expanding the size of the Security Council, so as to enable the Council to play an effective role and to reflect the expanded UN Membership. India also sponsored a resolution in 1992 in the General Assembly, on the question of equitable representation and increase in the membership of the Security Council.

From that time on, the issue of expansion of the Security Council gained momentum and the Working Group on reform of the Security Council was established by General Assembly resolution in 1993 to discuss it in depth.⁸² This Open-ended Working Group (meaning open to all Member States) had

80) Satish Kumar, ed., *The United Nations at 50: An Indian View* (New Delhi, 1995), p.208

81) Satish Kumar, "Toward a Stronger and More Democratic United Nations: India's Role", *International Studies* (New Delhi), vol.30, n0.2, April-June 1993, p.8

82) This Working Group is the Open-ended Working Group on the question of equitable representation and increase in the membership of the Security Council and other matters related to the Security Council. See GA Resolution 48/264 (3 December 1993), <http://www.un.org/documents/ga/res/48/ares48>

met frequently since 1993 and had since published annual reports, each of which was taken note of by the General Assembly. Extensive consultations had been held on two thematic "clusters" - enlargement (cluster 1) and working methods (cluster 2). The 'Enlargement Cluster' was to deal with the changed size and composition of the Council, while the 'Working Methods Cluster' the reform procedures and transparency of the Council. Numerous opinions on both these topics have been submitted by individual member states and both Chairpersons of the group. The spring of 1997 saw the submission of the only comprehensive proposal for the reform of the Security Council., the so-called "Razali Plan",⁸³⁾ which led to a crystallization of the group's work. The details on UNSC reform proposals and India's case are to be discussed in Chapter 3.

The Millennium Summit was held in New York between September 6-8, 2000. The Summit was jointly presided over by the Presidents of Namibia and Finland. Most developing countries used the opportunity to center stage issues of concern to them, including the need for reform and restructuring of the UN Security Council. Over 155 countries made a specific reference to the need for reform and restructuring of the Security in their statement at the Millennium Summit or Assembly.⁸⁴⁾

In 1995, the discriminatory NPT of 1968 came up in the SC for an indefinite extension. Argentina introduced a draft resolution in the SC which if passed would have made the SC a super-body on treaties. This resolution was aimed at giving the US and other major powers full authority to decide global security issues. Prakash Shah, the Permanent Representative of India to the

83) It was named after the then Malaysian President of the General Assembly Razali. This proposal remains the only, and most promising solution for a reformed Security Council that a majority might accept.

84) *Annual Report 2000-2001*, Ministry of External Affairs, Government of India, New Delhi, p.80

UN wrote a letter to the President of the Security Council Gerardo Martinez Blanco, opposing it. He stated that the issues under consideration in the proposed draft resolution transcend the question of the implications of the proliferation of weapons of mass destruction and impinge directly upon the role of, and relations between the principal organs of the UN as well as what are the obligations deriving from the NTP, the Chemical Weapons Convention, and the Biological Weapons Convention.⁸⁵⁾ He also circulated a letter among the Nonaligned Member Countries to mobilize opposition on the Argentinean resolution. The NAM caucus in the SC, because of the strong feelings expressed by India and others, decided to ask for a postponement. Finally the adoption of the resolution was postponed by the SC. Thus despite not being a sitting member of the SC, India was able to keep the SC from becoming a super organ of the UN.

In fact, the NPT is a half-measures treaty which cannot be a substitute for permanent security. In the event, that a nuclear attack or threat of attack is directed against a non-nuclear weapon state, that is also a signatory of the NPT, the Permanent Members of the SC promise to do no more than to bring it to the attention of the Council with the aim of swift action.

In 1998, India conducted two rounds of nuclear tests on 11 and 13 May. Doubts were raised in international community about India's commitment to disarmament. India, however, had made it clear that these tests were conducted in the context of national security and prevailing international situation. India has declared that it will maintain a minimum credible nuclear deterrent and will not engage in an arms race. India has also declared a no-first-use of nuclear weapons.

⁸⁵⁾ *Hindustan Times* (New Delhi), 17 July 1995

Since then, India has been hard pressed by the nuclear powers to come under the nuclear non-proliferation measures, such as, the NPT and the CTBT. Especially the United States indicated its strong resolve to promote the non-proliferation order. The UN Security Council resolution 1172, adopted on 6 June 1998, is considered as the most significant and the most formal expression of international condemnation.⁸⁶⁾ It condemned the nuclear tests and urged India to exercise minimum restraint, resume dialogue, stop its nuclear weapons development programmes, to refrain from weaponization, and to cease development of ballistic missiles.

In confrontations with the powers, India managed to defend itself by showing flexible stance. From being a cynical protestor against discrimination in the nuclear order, India expressed itself as a nation that was ready to support the existing order, calling for its gradual reform. Commenting on the CTBT after the Nuclear test, Prime Minister A .B. Vajpayee said, in his address to the UN General Assembly on 24 September 1998,

"India, having harmonized its national imperatives and security obligations and desirous of continuing to cooperate with the international community is now engaged in discussion with key interlocutors on a range of issues, including the CTBT. We are prepared to bring these discussions to a successful conclusion, so that the entry into force of the CTBT is not delayed beyond September 1999."⁸⁷⁾

86) The UNSC resolution 1172 On International Peace and Security, <http://www.un.org/Docs/scres/1998/scres98.htm>

87) Address of the Prime Minister of India to the 53rd UN General Assembly, *Strategic Digest*, vol. XXVIII, no.11, November 1998, p.1801

This was the first time that an Indian Prime Minister articulated to the global community at the UN that India which had long been projected as an intransigent state on nuclear matters, would now be willing to enter into a cooperative dialogue with key interlocutors. There is little doubt that this change of attitude has come about because of the confidence that the May 1998 tests have induced. This is consolidated by a certitude that India is now a nuclear weapon state which is able to address its deeper WMD insecurity based on its own capabilities. The heaped tension that had been lingering for India was somewhat eased by the US Senate's rejection of the CTBT at the end of 1999.⁸⁸⁾

At the initiative of the British delegation, on 31 January 1992, a special one-day meeting of the Security Council was decided at the summit level. The main interest of the British was that the meeting would give high profile publicity to Prime Minister John Major who would preside over the meeting, since it was the UK's turn for presidency in January. The Permanent Members also tried to expand the agenda of the SC to new areas. A draft statement prepared by the British was problematic with India in terms of weapons of mass destruction and International Atomic Energy Agency (IAEA) safeguards. India asked that the statement should demand not only the prevention of the spread of such weapons but also the elimination of the existing stocks of such weapons. India also could not agree to a blanket ban on the spread of all technology related to the research for such weapons, since much of the technology had civilian application also. Regarding IAEA safeguards, India could not agree with the language which conferred competence on the Security Council to deal with cases of violation of safeguards. On both these points,

88) See Mohan, n.8, pp.15-18

there was no support for India from any of the other members.⁸⁹⁾ The permanent members is the exclusive nuclear club and would not wish to allow any exception in this matter.

The NAM Summit was held in Kuala Lumpur in 2003, and the NAM countries made a few pertinent proposals for the reform of UN peacekeeping operations in the present context of international relations: i) the primary responsibility for maintenance of international peace and security resides with the United Nations; ii) the Organization must avoid selectivity and double standards in establishing UN peacekeeping operations, especially in Africa; iii) peacekeeping operations should not be used as a substitute for addressing the root causes of conflict; iv) there is a need to plan and manage operations effectively, taking fully into account their individual complexities; v) the voluntary nature of funding of peacekeeping operations should not influence UN Security Council decisions to establish peacekeeping operations or affect their mandates; vi) consultations between the troops-contributing countries and the Council should be institutionalized, and the Council should ascertain the views of their countries before and during the formulation of mandates for the operations; vii) planning of operations to be more and effective, the troops-contributing countries should be consulted at all stages of a mission; viii) the UN should help many troops-contributing NAM countries in overcoming any difficulties they may face logistically or equipment-wise; ix) the NAM emphasizes the critical importance of timely, efficient, transparent and cost-effective procurement of goods and services in support of peacekeeping operation.⁹⁰⁾

89) Chinmaya R. Gharekhan, *The Horseshoe Table: An Inside View of the UN Security Council* (New Delhi, 2006), pp.39-41

90) V. S. Mani, "Reform of the UN" in C. Uday Bhaskar, et.al., *United Nations:*

The comprehensiveness of proposals such as these highlights the urgent need for expansion of the Security Council membership, as a prerequisite to ensure legitimacy of the Council's decisional processes. Decisions of the Council on collective security, peacekeeping and humanitarian action, to be acceptable to the international community must fulfil the basic criterion of legitimacy. Even as the membership of the Organization has steadily expanded to 191, that of its executive organ has remained static at 15, leaving a huge number of the third world under-represented, if not unrepresented, in the Council.

Some salient features of the 'Phase 4' can be summarized as follows:

- i) In the face of dramatic changes in the world, India experienced new challenges that have been tough and turbulent than ever before. India saw some continuation and discontinuation in her diplomacy in the international framework, particularly after the end of the Cold War and 1998 Pokhran nuclear test.
- ii) Paradigm shift in the foreign policy and its implementation was evident in this period, making its priority being economics rather than politics, national interest rather than collective good of the Third World.
- iii) To play a pivotal role in a larger domain, India positively supported the UN reform proposals including the expansion of the Security Council. Diplomatic endeavors were directed and focused on India's permanent membership in the UN Security Council.
- iv) India could manage the nuclear diplomacy for its own benefit. After the Pokhran test, India's position has changed from being a cynical protestor against discrimination in the nuclear order to expressing itself as a nation

that was ready to support the existing order.

CHAPTER III

UNSC REFORM PROPOSALS AND INDIA'S CASE

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UNSC REFORM PROPOSALS AND INDIA'S CASE

Calls for the reform of the United Nations have been made at various times and levels in the life of the machinery. Criticism pertaining to its mandates, authorities, administration, and budget practices have begun almost from the inception, hence sprang up persistent voices of demand for the reform of the Organization.

It is widely perceived that reforming the Security Council is central to the reforming of the United Nations. Given the diverse political aspirations and interests of member states, however, it has never been easy task to reform the Council. According to the Charter, reform on important matters needs either two-thirds majority vote of the General Assembly members or affirmative vote of nine members including the concurring votes of the Permanent members of the Security Council.¹⁾

Above all, to acquire the support of a two-third vote of the GA along with their respective ratification has not been easily obtainable. What made it twisted was the veto power wielded by the permanent members of the Council. Without the Permanent Five's concurring vote, any reform proposal which was considered as substantial matter could not be approved. The repeated use of veto by both the Soviet Union and the United States in order to protect the interests of their partners in the Cold War era made it evident that only under exceptional circumstances would the concurrence of the great powers occur.

1) Article 108 and 109 of the UN Charter. See Appendix I.

Cheema puts it aptly, "The UN appears to be always changing, always reforming but never reformed."²⁾

Due to this reason, minor reforms took place most often through the supervisory role that member states played, but the major reforms occurred only a few cases - an expansion of the number of non-permanent members from six to ten in 1965 and two enlargements of the membership of the Economic and Social Council in 1965 and 1973 as well as a technical amendment relating to Article 109 in 1968.³⁾ Nevertheless, the reform demand has been intensified in the wake of drastic increase of member states, which inevitably resulted in the bloat of the UN bureaucracy.

REFORM PROPOSALS: A BRIEF HISTORY

BEFORE 1990

Attempts for the Security Council reform started from the first three annual sessions of the General Assembly, with its agenda including the abolition or limitation of the veto right, but of no avail. The Cuban proposals in 1946 and 1947 specifically referred to the issue of abolition of the privilege of the Security Council.⁴⁾

There were also discussions right from the beginning of the UN about

2) Pervaiz Iqbal Cheema, "Reforming the United Nations - The Case of the Security Council", in Dipankar Banerjee, ed., *Rethinking Security: UN and the New Threats* (New Delhi, 2005), p.79

3) By the General Assembly Resolution 2101 (XX), the word "seven" in the first sentence in Article 109, paragraph 1 was replaced by the word "nine". See Reinhard Drifte, *Japan's Quest for a Permanent Security Council Seat: A matter of Pride or Justice?* (Macmillan, 2000), p.156

4) Leland M. Goodrich, Edvard Hambro and Anne Pataricia Simons, *Charter of the United Nations: Commentary and Document* (New York, 1969), p.14

additional permanent Security Council members. It was contended by Australian and Canadian delegations to the Charter deliberations that they deserved a special role in the Council because of their greater military and industrial strength.⁵⁾ However these protestations were merely reflected in the Article 23 (1) where it says '[for non-permanent membership] due regard being paid, in the first instance, to the contribution of members of the United Nations.'

Proposals for convening of the Charter review conferences have been put forward by Latin American countries in 1946-48. The idea of a Charter review conference was very much tied up with the question of the veto in the Security Council. At the San Francisco conference (1945), the so-called middle and smaller powers considerably upset over the question of voting procedure in the Security Council. Those opposed to the veto, however, came to realize that the choice with which they were being presented by the sponsoring powers was, in stark terms, that of a United Nations inclusive of a veto in the Security Council, or no international organization.⁶⁾ The decision for middle and smaller powers to accept the Charter as inclusive of the veto was softened by the Charter provisions on amendment. The original Dumbarton Oaks Proposals had made no allowance for a Special Conference to review the Charter, with Chapter XI providing only for a procedure under which amendments required a vote of two-thirds of the members of the General Assembly and ratification by a majority of members of the Organization, inclusive of all five Great Powers. In addition to the general provisions on amendment (Article 108), now the Sponsoring Powers proposed a general

5) Drifte, n.3, p.157

6) Paul Taylor and A. J. R. Groom, eds., *The United Nations at the Millennium: The Principal Organs*, (London, 2000), p.69

review conference (Article 109) to pacify the middle and smaller countries. Article 109 of the UN Charter stipulates a general conference to review the Charter as follows:

- 1) A general Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each member of the United Nations shall have one vote in the conference.
- 2) Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional process by two thirds of the Members of the United Nations including all the permanent members of the Security Council.
- 3) If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

This provision was largely a US one, and the US continued to express its support for a review conference. But amendment of the UN Charter was at this stage highly unlikely due to the Soviet view that the principle of unanimity was one of the vital provisions of the United Nations Charter. The USSR believed that, if the principle was abolished or weakened, the Security

Council would be transformed into a blind instrument in the hands of the Anglo-American bloc.⁷⁾ It was not that the Western Powers would necessarily have wanted the veto removed but that, with the strength of Soviet opposition to the very idea, no other state really needed to give the question any serious consideration. Though these early proposals based on Article 109 were defeated, moves towards the Charter review have not been easily mitigated.

By the time of the tenth annual session of the General Assembly, neither the US nor its major allies keen to proceed, because they were concerned that Charter review would only provide member states with an opportunity to criticize the leadership of the big powers.

The UN saw another climax towards the end of the 1960s pertaining to the Charter review, and this time Colombia put forward an item again (1969) proposing the establishment of a special committee to discuss various proposals.⁸⁾ It faced the negative attitude of the P-5, but in 1970 with the help of Japan, succeeded partly in setting up a deadline (1 July 1972) for the member states to submit opinions on the revision of the Charter to the Secretary-General, who in turn, was asked to produce a report on it to the General Assembly. Although thirty-two countries had responded by submitting their opinion, lack of consensus bound the matter to wait for another two years, until the General Assembly has passed Resolution of 17 December 1974 to set up the 'Ad Hoc Group on the Charter of the United Nations'.⁹⁾

7) Shirley Scott, "The Failure of the UN to Hold a Charter Review Conference in the 1950s: The Future in the Past?", *Australia & New Zealand Law & History E-Journal*, <http://www.anzlhsejournal.auckland.ac.nz/Scott.pdf>

8) However Colombia withdrew its original proposal and merely tabled in December 1969 a proposal about the 'need to consider suggestions regarding the review of the Charter of the United Nations', due to pressure from the countries against review. See UN document A/7659.

9) GA Resolution 3349 (XXIX), <http://www.un.org/documents/ga/res/29/ares29.htm>

But forty-two members of this Group were divided among themselves by a fundamental difference on the necessity of Charter review. The Group was changed to 'Special Group on the Charter of the United Nations and on the Strengthening of the Role of the Organization' by the General Assembly Resolution.¹⁰⁾ Since 1995 it has been open to all members, but lost much of its importance. One delegate of a member state called it a 'pool of all unimportant questions.'¹¹⁾ Because Charter review made no much headway largely due to the negative attitude of the P-5 and the fundamental gap between the member states. For example, by December 1972, 32 countries had submitted their opinion on the Charter review to Secretary-General, but no consensus emerged. Out of 32 countries, only one country (Philippines) actually considered it advisable to proceed with article 109, that is to convene a Charter revision conference.

Other proposals to increase the number of non-permanent seats had been considered regularly by the General Assembly from 1956. As discussed previously, in 1965, the Security Council has been reformed once at the request of a group of developing countries. By 1963, the membership of the UN had more than doubled (from 51 to 113), and the Security Council revealed a lopsided membership in its composition - five permanent members (one from Asian states and all the rest from the Northern hemisphere) and six non-permanent members (three of whose term expired each year). The ratio of the membership of the Security Council to that of the organization was changed from 11:51 (in 1945) to 11:113 (in 1963). It meant that the Council membership stood at only 9.7% of the entire membership, compared to the

10) GA Resolution 3499 (XXX), <http://www.un.org/documents/ga/res/30/area30.htm>

11) Drifte, n. 3, p. 160

ratio (21.6%) at the time of inception of the Organization.

This change has prompted the member states of the UN to pass the Resolution in December 1963 which enabled the Council membership to be enlarged from eleven to the current fifteen by the addition of four non-permanent seats.¹²⁾ On 31 August 1965, the Charter Amendment finally went into effect when the US became the last of the P-5 to deposit its instrument of ratification with the United Nations. It was the only successful use of Article 108 to revise the Charter, apart from the enlargement of the ECOSOC.

By 1979, UN membership had increased to 152, from 135 in 1963, and the geographical disequilibrium in the Security Council had thus deteriorated even worse than in the 1960s which then led to an increase of the non-permanent membership.¹³⁾ In this context, some non-aligned countries including India, along with Japan submitted a draft resolution to the General Assembly proposing an increase in the non-permanent membership of the Security Council from ten to fourteen. But this item remained on the agenda of the General Assembly until the change of the international environment would have come in the early 1990s.

AFTER 1990

The changes that occurred in the world during the early 1990s, such as, the globalization of the world economy (1990), the Gulf War (1991), establishment of the Department of Humanitarian Affairs (DHA: 1991), the

12) GA Resolution 1991 A (XVIII) of 17 December 1963. Although only one permanent member (China) voted in favor of the reform, all remaining (permanent) members subsequently ratified the amendments to the Charter.

13) Drifte, n.3, p.160

disintegration of the Soviet Union (1991) and the end of the Cold War, sudden surge of new member states of the United Nations (91-92), put a great deal of pressure on the United Nations to consider additional reforms, including expansion of the Security Council, cost cutting, reductions in staff and reorganization of administrative procedures. During fall of 1992, NAM at its Jakarta Summit submitted concrete proposals for SC reform, which became the basis for the GA Resolution 47/62 (December 1992).¹⁴⁾ India played a significant role for this draft on the question of equitable representation and increase in the membership of the Security Council, as discussed in chapter 2. In December 1992, the General Assembly asked the Secretary-General to report to it on the issue of equitable representation on the Security Council.¹⁵⁾ It was considered as the first step towards the present effort on the Security Council reform that resulted in a broadly-accepted agreement. Sixty-six member states responded to the call of the General Assembly to submit their opinion on the Security Council. India forwarded its written comments to the UN Secretary General on the question of 'equitable representation on and increase in the membership of the Security Council', and supported the need for Security Council's expansion in the light of changed circumstances including a large increase in the membership of the UN which then stood at 184 as compared to 51 when it had been established in 1945.¹⁶⁾ The summary of the input is as follows:¹⁷⁾

14) Gregory O. Hall, "The United Nations Security Council in the New World Order: Reforming to Meet the New Security and Development Challenges of the Post-Cold War World", *India Quarterly* (New Delhi), 58(3-4), July-December 2002, p.14

15) Robert F. Gorman, *Great Debates at the United Nations: An Encyclopedia of Fifty Key Issues 1945-2000* (London, 2001), p.319

16) *Annual Report 1993-1994*, Government of India, Ministry of External Affairs, New Delhi, p.81

17) Drifte, n.3, p.161

- 1) to make the Security Council more representative of the UN membership
- 2) to achieve greater international status for certain states or their representatives
- 3) to augment the powers of the countries of the Southern hemisphere
- 4) to lessen, through expansion of the Council, the perceived monopoly of power by the present permanent members

In 1993, the General Assembly decided to establish an open-ended Working Group based on this opinions to consider reform and restructuring of the Council.¹⁸⁾ The Working Group on reform of the Security Council has started its work since 1993 and has since published annual reports. This was the real start of the still continuing wave of UN reform in general and Security Council reform in particular. In the Working Group activities, India was successful in generating international opinion in favour of a comprehensive reform of the UN Security Council, on the basis of criteria without any predetermined selection of countries. During his speech in the general debate at the 49th session of the GA, the leader of the Indian delegation, stated that whatever the criteria - population, size of the economy, contribution to the maintenance of international peace and security and to peace-keeping, or future potential - India deserves to be a permanent member of the Security Council.¹⁹⁾

The Working Group on Security Council reform began its deliberations in January 1994. Its work was organized around two clusters of issues -

18) See GA Resolution 48/264 (3 December 1993), <http://www.un.org/documents/ga/res/48/ares48>

19) *Annual Report 1994-1995*, Government of India, Ministry of External Affairs, New Delhi, p.81-83

enlargement (cluster I) and working methods (cluster II). The former dealt with the size and composition of the Security Council, while the latter the working methods of the Security Council, such as transparency, consultation with interested parties, information analysis capabilities etc.

On 16 July 1997, Secretary-General Kofi Annan formally proposed a series of major and fundamental reforms of the United Nations that he observed as addressed the substantial gap existing between the aspirations of UN members and their actual accomplishment. It included several administrative reforms such as the creation of a Senior Management Group and a new Strategic Planning Unit to assist him, the establishment of a new deputy secretary-general position, the revampment of UN bureaucracy, the decentralization of decision-making to the country level, substantial reductions in administrative expenses, the formation of a new UN Office for Coordination of Humanitarian Affairs (UNOCHA) etc.²⁰⁾ However, fundamental reforms of the United Nations, which would require Charter amendments, could not be easily secured, in part because one country's version of reform is another country's threat. When small or middle powers at the UN speak of reform, it is almost always with the idea of scrapping the veto privilege in the Security Council. But none of the permanent members is likely to accept such a proposal, and they may use their veto to stop any efforts to revoke that privilege.

The Razali Proposal

Given the tide of reform drive started from 1992, and stimulated by the Secretary-General's reform proposal, various proposals have been put forward

20) Gorman, n.15, pp.318-19

regarding the expansion and composition of the Security Council. In March 1997, Ismail Razali, then the Chairman of the Working Group, presented a paper ("Razali Proposal" or "Razali Plan") which had synthesized the majority view pertaining to the expansion of the Council.²¹⁾ Since 1994, an Open-ended Working Group has worked to discuss matters related to Security Council reform which was divided into two broad areas: 'Cluster I' issues discussed reforms that required Charter amendment, such as expanding the size of the Security Council and limiting the permanent members' veto power. 'Cluster II' issues discussed procedural reforms that did not require Charter amendment. After three years of debate, Ismail Razali, a representative from Malaysia and GA president for the 1997 session, introduced a framework resolution to amend the Charter in several steps:²²⁾

- 1) the Assembly would adopt a draft framework resolution to increase the Security Council.
- 2) the Assembly would vote for five candidates for the new permanent seats as follows: two from the industrialized states and one each from the developing countries of Africa, Asia, and Latin America.
- 3) two thirds of the entire General Assembly would have to approve the amendment.
- 4) two-thirds of all the member states, including the five original permanent members of the Council, would have to ratify the amendment.
- 5) ten years after ratification, the United Nations would convene a review conference.

21) See Helmut Volger, ed., *A concise Encyclopedia of the United Nations* (The Hague, 2002), p.502

22) New Security Council Enlargement Plan Unveiled, <http://www.globalpolicy.org/security/reform/razref2.htm>

His proposal envisaged increasing Council membership from fifteen to twenty-four by adding five permanent members (one each from the developing states of Africa, Asia and Latin America and the Caribbean, and two from the industrialized states - generally recognized as Germany and Japan), and four non-permanent members (one each from Africa, Asia, Eastern Europe, and Latin America and the Caribbean). The discussions followed afterwards were largely based on this proposal, though there had been variations of ideas on the veto right of the new permanent members, size of the expansion, and types of membership of the Security Council.

AGENDA FOR THE REFORM

The Veto Right

The provision of veto power to all the permanent members of the Security Council is an issue which has been plagued by controversy right from the initial deliberations leading to the UN Charter. Veto power is a power wielded solely by the five permanent members of the UN Security Council, enabling them to void any SC resolution regardless of the level of general support. This power is exercised when any permanent member enters a 'nay' vote. An abstention is allowed the measure to pass.

Following the end of the Second World War the world was bipolarized into the communist and the capitalist camps. Instead of employing veto in order to avoid injustice, the permanent powers began to use the veto power to block resolutions that were likely to adversely affect their own interests as well as their allies. The reiterant misuse of the veto power by the P-5 led to the

paralysis of the Council in several key situations which required immediate attention.

During the first twenty years of the work of the Council, the veto was considered almost entirely as Soviet obstructionism. Between 1945 and 1965, the Soviet Union blocked Council action with its veto 106 times, Britain 5 times and France 4 times. China did so once, and the US nil. With the increase of Third World countries in the 1970s and 1980s, the Western members resorted more often to the use of the veto. From 1966 to 1995, the US used the veto 70 times, Britain 29 times, the Soviet Union 15 times, France 14 times and China 6 times.²³⁾

For example, from April 1948 to 1957, the UN passed a series of resolutions, affirming the right of self-determination of the people of Kashmir, in accordance with a plebiscite to be held under international auspices. But after 1957 the UN could not pass any resolution concerning Kashmir because the Soviet Union started using its right of veto against any such resolution. Soviet Union's stance on Kashmir was based on two factors: first, it developed friendly ties with India, and second, it had a certain degree of animosity towards Pakistan, because of Pakistan's western alliances.²⁴⁾ Similarly, on 5 December 1971 when the Soviet Union vetoed a US resolution that would have the UN Security Council called upon India and Pakistan for a ceasefire and a military withdrawal. The American proposal included a proposal for the despatch of UN Observers to the sub-continent. Eleven members voted for the resolution. Britain and France abstained. The Soviet Union and Poland cast negative votes. Another resolution, this time floated by China was again vetoed

23) See Appendix IV: 'Changing Patterns in the Use of Veto in the Security Council.'

24) United Nations Resolutions on Kashmir, http://www.geocities.com/m_naumansadiq/constitution/kashmir

by the Soviet Union, which exercised its veto for the second time in 24 hours. The resolution was floated in the Security Council calling upon withdrawal of forces of both sides. India rejected the proposal as "unacceptable."

On 10 September 1972, the US also employed its veto for the second time to shield Israel. The rationale for casting the veto was explained as a new policy to combat terrorists. The draft resolution had condemned Israel's heavy air attacks against Lebanon and Syria, starting September 6, the day after 11 Israeli athletes were killed at the 1972 Munich Olympic Games in an abortive Palestinian attempt to seize them as hostages to trade for Palestinians in Israeli prisons. Between 200 and 500 Lebanese, Syrians and Palestinians, mostly civilians, were killed in the Israeli raids. Nonetheless, the US complained that the resolution had failed to condemn terrorist attacks against Israel.

Thus the veto power is identified with a 'necessary evil' by large number of member states in the United Nations. Due to the undemocratic nature of the veto in general and deviated use of the veto during the Cold War era in particular, there have been several proposals to curb the veto power of the present P-5. These proposals largely have been put forward by middle and smaller states, such as, Chile, Cuba, Colombia, Mexico, Uruguay, Malaysia, New Zealand, Italy. The summary of the proposals is as follows;²⁵⁾

- 1) To increase the number of permanent or non-permanent members so that the present P-5 can not wield the power at their disposal. India's opinion is reflected in this, because it argues that even the further increase of non-permanent members in the Council would create a greater imbalance

25) Depankar Banerjee, ed., *Rethinking Security: UN and the New Threat* (New Delhi, 2005), pp.83-84.

between the permanent and non-permanent members and would accordingly dilute the influence of the P-5.

- 2) To introduce a mechanism of rotating veto. This implies that veto power is given to various deserving powers for a period of four years. After the expiry of their tenure, the veto is given to another set of states. Italy supports the rotation of veto power.
- 3) Nobody to be invested with veto power, for it [the veto] contradicts the very essence of democratic pursuits. Chile and Sweden argue against even the consideration of veto power for new permanent members.

The recent practice of the Council in its voting, however, shows that the use of the veto has subsided dramatically. As shown in Appendix IV, there is no one who exercised the veto in 2000. From 2001 to 2004, the US used the veto two times each year, while Russia did so only once in 2004. The rest of the P-5 did not use the veto at all since 2000.

It is pertinent to mention here that some contend that the veto serves as an effective control mechanism over the Security Council. For example, Hall quotes Inis Claude's remark in this regard,²⁶⁾

"...a guiding principle for the establishment of the UN in the first place was that of *great power unity*, and ... the veto mechanism, rather than laying the groundwork for the P-5's domination of world affairs, serves as a restraint on great powers as they pursue their security interests, in fact, acting to constrain conflicts among them. In other words, the great powers, without consensus, would

26) Hall, n.14, pp.12-13

be hamstrung in any effort to use the Security Council to take military action."

However, the other side of the coin should not be taken lightly, that is, an inability of the Council to maintain international peace and security, especially when an immediate action is required at its urgent consideration. Moreover, the decreased number of the veto use by the P-5 in recent years is not indicative of the weakened veto power, because the threat of veto is enough to prevent any resolution from being put forward in the first place. In fact, the threat of veto use continues even in the Post-Cold War era. For example, in 2005, the G-4 countries have amended their proposal to expand the Security Council by postponing their veto request at least fifteen years in the wake of strong opposition to the original draft resolution from the permanent members of the SC.²⁷⁾ The decline of the public use of the veto, therefore, does not provide ground to argue that the veto as an institution has lost its significance.²⁸⁾

Equitable Representation

Equitable representation on the Security Council has always been the central issue of Security Council reform because of the growing discrepancy between the present composition of the Council, which basically reflects the world in 1945, and the tripling of the UN membership since then. The increase of non-permanent membership in 1965 went a short distance to solve the substantial problem of under-representation of small and medium states in

27) See <http://www.globalpolicy.org/security/membership/veto.htm>

28) Drifte, n.3, p.157

terms of both numbers and voting power, as the UN member states have increased greatly in the 1970s.

As mentioned above, by 1963, The ratio of the membership of the Security Council to that of the organization was 11:113 (9.7 %), and it has changed to 15: 118 (12.7%) by 1965 when the GA resolution (Res. 1991 A of 17 December 1963) came into effect. It meant that the Council membership stood at only 12.7% of the entire membership. Now the entire membership of the UN²⁹⁾ has grown up to 191 states with Switzerland and East Timor being the latest member states in 2002. However, for over forty-odd years since 1965 the SC membership has remained intact. The ratio of the membership of the Security Council to that of entire UN membership is now 15:191, which means the Council stands at only 7.9% of the entire membership. This ratio is even lower than that of 1963 when the General Assembly has passed the Resolution to enlarge the Security Council from eleven to fifteen.

Even more dramatic than the increase in the number of member states of the UN is the change in composition of the General Assembly. The overwhelming majority of the UN member states today are developing or underdeveloped countries. They are also most often the objects of the Council's actions. Such states largely lack the institutional and financial resources to deal with their problems, and understandably fear that the developed states, with great financial and military power, will try to control them. The functioning of the Council had engendered fear of domination by the Five, especially the United States, at the cost of other states' sovereignty. Similarly, the dissatisfaction among developing countries with the veto power of the permanent members has increased markedly as the non-representative nature

29) See Volger, n.21, pp.713-18 and Paul Taylor and A. J. R. Groom, eds., *The United Nations at the Millennium: The Principal Organs* (London, 2000), pp.262-65

of the Council has become more pronounced. In the present composition of the Security Council, particularly the permanent member's category, Europe-oriented states are over-represented, whereas whole other geographic areas are grossly under-represented. Africa and Latin America have no permanent representation on the Council, and Asia with its numerous demography is represented only by China, compared with two countries for the much smaller Europe. This imbalance must be redressed in an expansion of the Council, by enhancing the representation of developing countries in both permanent and non-permanent member's categories. When the UN was founded in 1945, the legitimacy derived from winning the war. However, now legitimacy is ascribed more to those who can prevent or end wars.³⁰⁾ It is argued that countries like India and Brazil who have history of important contributions to conflict prevention and peace-building must be included in the Security Council to represent developing countries in the UN system today.

Another aspect that should be considered pertaining to equitable representation is Article 23 in the Charter that stipulates the prevention of immediate reelection of the non-permanent members on the expiration of their terms. In this regard, the Permanent Representative of Romania, Ambassador Ion Datcu, pointed out at the UNITAR (United Nations Institute for Training and Research) seminar that he calculated his country's eligibility for election as a non-permanent member of the Council to occur about once every 16-18 years. Having been a member of the Council in 1976-1977, his country could not look forward to serving there again until the mid-1990s.³¹⁾ It happens because non-permanent members are selected by the GA for two-year terms to

30) Bruce Russett, *The Once and Future Security Council* (Hampshire, 1997), p.156

31) Davidson Nicol, *The United Nations Security Council: Towards Greater Effectiveness* (UNITAR, 1982), p.4

represent pre-determined regions - five from African and Asian states; one from Eastern European states; two from Latin American states; and two from Western European and other states.³²⁾ They are not eligible for immediate re-election upon retirement. Therefore, if a country belongs to a region where it has relatively fewer allotted seats yet many contenders for non-permanent membership, the chance to sit as a non-permanent member in the Council inevitably goes less frequent.

Of course there are varying combinations of factors that influence on the desired frequency of a state to be reelected as a non-permanent member of the Security Council such as, the size of the group of countries, support from other caucus groups in addition to the support of the members of the particular geographic group concerned etc. Nevertheless, it shows that the question of equitable representation on the Security Council is complicated by the different value sets of member states.

Though the most common meaning given to representation is on the basis of the different regions of the world, that is, regional representation, there are different values or interpretations of 'equitable representation.' It could mean:³³⁾

- 1) the interest of one's constituents in which a country when elected acts as representative of a particular constituency concerned.³⁴⁾
- 2) population distributions in which case India's claim to permanent

32) See GA Resolution 1991-A (XVIII), <http://www.un.org/documents/ga/18/ares18.htm>

33) Ramesh Thakur, "How One Council Can Speak for the World", *The Japan Times*, 3 November 2004

34) For example, under this interpretations, Australia and New Zealand, when elected to the Council, could act more as representatives of Asia-Pacific than of Western Europe to which they are attached in the UN system of groupings.

- membership would be greater than that of any other states.
- 3) economic status on the basis of which Germany and Japan are included in most lists.
 - 4) major cultures, religions and civilizations of the world - for example, on this interpretation Egypt, Indonesia, Nigeria and Pakistan become the major contenders because there is no Islamic permanent member at present.
 - 5) democratic credentials in the nature of the regimes and in the dealing with human rights.
 - 6) the most dynamic regions in world affairs, which today are East Asia and Latin America, providing with the contention against the dominance and over-representation of the Western countries.
 - 7) military power of states, though the problem with this is what philosophers and economists call 'moral hazard', but hardly deniable is that all the present P-5 are nuclear powers.
 - 8) contributions to the military activities of the UN, principally participation in peacekeeping operations, and on this interpretation India and Sweden might have better claims than Germany and Japan.

This is why UN reform is held hostage to the self-centeredness of the nations. Each country put forward values on its own terms for equitable representation in the UN. While there is consensus on the need for reform, the agreement breaks down as soon as any one particular formula or package is proposed.

Larger Security Council raises the question of effectiveness and efficiency. This has connotations of democracy, ability to arrive at decisions, and ability to carry out decision. The US has been most insistent on this issue that a larger number would slow down the decision-making process and reduce the

efficiency of the Security Council. However, during 1990s, it was pointed out that effectiveness and efficiency should not be used interchangeably.³⁵⁾ The former is related to producing result that is wanted or intended, while the latter doing things with no waste of time or energy. A larger number of permanent members might create a fairer representation of the international community. If that greater justice is translated into a greater willingness of member states to carry out Security Council decisions, an enlargement would enhance the effectiveness of the Council, thus producing result that is intended.

Finance

Many proposals for UN reform deal with restructuring the UN's funding. The core UN budget includes the Regular Budget, the Peacekeeping Budget, the International Tribunals Budget and the Capital Master Plan Budget³⁶⁾ The main source of funds is the contribution of member states. Each nation's contribution is assessed on a scale approved by the General Assembly. The basic criterion used is an assessment of each nation's capacity to pay.³⁷⁾ This is determined primarily by their relative shares of GNP, though adjustments are made according to the level each member state is classified to. In 2000, the General Assembly adopted new regulations for the financing of peacekeeping operations and 10 levels of contributions were introduced: The P-5 form a separate level A; all discounts resulting from level C through J shall be borne on a pro rata basis by them, whereas the industrialized countries (level B) continue to pay 100 % of their shares to the regular UN

35) Drifte, n.3, p.164

36) It is introduced in 2003 to fund much needed renovation of the UN headquarters in New York.

37) See UN Financial Crisis, <http://www.globalpolicy.org/finance/index.htm>

budget. In the levels C-J the discounts range from 7.5 to 90%.³⁸⁾ The regular Budget and costs of the Peacekeeping Operations represent the bulk of the core budget, while the International Tribunals and the Capital master Plan only represents a small share.

The UN has experienced significant financial crises in its history. The first financial crisis took place during the course of financing the first UN Emergency Force (UNEF I) to resolve the Suez conflict because there were three different groups of payment withholder.³⁹⁾ The worsened financial situation began to threaten the very existence of the Organization when the UN intervened in the Congo conflict on 14 July 1960. By the end of 1964, the UN had unpaid commitments to the tune of \$129.7 million, and unpaid assessments of the order of \$145.3 million. Cost of the Congo military operations ran as high as \$114 million.⁴⁰⁾ In addition, there were recurring expenses on account of UNEF in the middle east and UNFICYP in Cyprus. Thus the bonds sold by the UN in the '60s to meet the deficits in peacekeeping expenses represented a liability for payment of principal as well as interests. But servicing of the bonds was also hindered due to objection of several members which went on withholding the corresponding part of their financial dues to the UN. Only through the high amount of voluntary contributions made by the US, could the Secretary-General keep the financing

38) Ibid.

39) These three groups were: i) member states which interpreted the UNEF Resolution of the GA as a break of with the provisions of the Charter (the USSR and its allied Eastern Bloc states); ii) member states which, although recognizing the competence of the General Assembly to act also in questions of international peace and security, nevertheless disapproved of the financing arrangements for UNEF I (the Arab and the Latin American states); iii) member states which, because of their economic situation and lack of convertible currencies, were not in the position to pay their obligatory shares of the relatively high costs.

40) Radharaman Chakrabarti, UNO: A Study in Essentials (Calcutta, 1998), p.152

gap within tolerable limits.

Another financial crisis took place when the US demanded zero real growth for the regular budget for 1982-83, i.e. the budget should only increase by the amount of the rate of inflation. However, the majority of the GA in 1981 approved the regular UN budget for 1982-83, against the vote of the US, approving an increase of 12%. As a reaction, the US Congress decided to retain certain amounts owing by them for UN programmes which the US did not support politically. During the second half of the 1980s, the overdue obligatory contributions of the US rose drastically from 35% (1985) to just under 80% of the overdue assessed contributions of all Member States.⁴¹⁾ The operational capacity of the UN was severely jeopardized accordingly. The US not only threatened to stop its contribution but actually withdrew from the UNESCO in 1985 along with the UK and Singapore. The UN financial crisis prolonged as the US continued to withhold its obligatory contributions.

The Open-ended Working Group was established in 1994 to address the long-standing financial crisis caused by the non-payment of assessed dues by the member states and to identify ways to ensure a sound and viable financial basis for the Organization. The Working Group has focused on ways to ensure payments of arrears and outstanding contribution, accompanied by discussion on introduction of payment schedules and the stricter application of Article 19 of the Charter.⁴²⁾ The Group has also been discussing incentives to member states who pay on time and disincentives for those with overdue contributions, as well as issues related to capacity to pay and methods of calculating scales

41) Volger, n.21, p.139

42) Article 19 stipulates that a member state with arrears in the payment of its dues amounting to two years or more of assessment shall have no vote in the General Assembly

of assessments.

Given the fact that the funding system based on nations has been unravelling, 'alternative funding system' for the UN started to be sought in order to make the Organization a stronger global institution, intensively in the late 1990s.⁴³⁾ Many experts have proposed alternative funding schemes, by and large, based on global taxes or fees.⁴⁴⁾ Alternative funding proposals include: fees for commercial use of the oceans and the atmosphere, for parking of satellites in earth orbit, for commercial use of the airwaves, and for commercial use of the seabed; taxes on the arms trade, on tobacco products, on fossil fuels and nuclear energy, on forest products, and on mining of minerals; taxes on currency exchange and other financial markets, fines on ocean dumping and other forms of environmental pollution; and taxes on international air and sea travel. Though these ideas were worth considering and advocated by several governments including Sweden, Australia, Austria and Malaysia, but faced sharp criticisms from the US and oil-producing countries. Therefore any possibility for global taxes was dismissed.

According to the Fifth Committee report on October 2004,⁴⁵⁾ unpaid assessments for the two 'Tribunals' (both Rwanda and the former Yugoslavia) had doubled between 2002 and 2003 to almost \$88 million. By 15 October 2004, that amount had been only slightly lower at \$80 million. While some significant payments were anticipated by the end of December, the shortfall would still remain at an unacceptably high level. Of the \$80 million

43) Alternative Financing for Global Peace and Development,
See <http://globalpolicy.org/finance/alternat/analysis.htm>

44) The proposal is known as the Tobin Tax, after economist James Tobin of Yale who first proposed it in 1972.

45) UN Press Release on 22 October 2004. See Appendix V.
See also <http://www.globalpolicy.org/finance/docs/unindes.htm>

outstanding at 15 October, the US accounted for \$31 million, Japan for \$19 million, Brazil for \$10 million, Argentina for \$5 million and Mexico \$3 million, with the balance of \$12 million owed by other 108 member states. No fewer than 113 member states still had assessed contributions outstanding for one or both Tribunals as of 15 October, and 13 countries had made no payments of their dues for the two courts since their inception. Most of these debtors usually postponed to pay their dues to the last moment of the calendar year. Or they largely manipulated Article 19 of the Charter, and managed the amount of their arrears not to equal or exceed the amount of the contributions due from them for the preceding two full years so that they might not lose the right to vote in the General Assembly.

For the 'regular budget', an amount of over \$725 million was still outstanding, ~~exceeding~~ the previous year's late dues by over \$35 million. Of that total, \$530 million was owed by the US, \$75 million by Brazil and \$29 million by Argentina. Though the major contributor would make a payment of \$300 million shortly, but the continuing high level of outstanding assessments still had clear and negative implications for the activities of the United Nations: A number of UN meetings will have to be reduced; The Criminal Justice system cannot conduct itself; Salaries might not be paid in full or on time. UN might have to borrow from peacekeeping missions or freeze purchases to close a potential shortfall.⁴⁶⁾

Unpaid 'peacekeeping assessments', as of October 2004, totalled more than \$2.5 billion, as compared with \$1.5 billion in 2003. Of the \$2.5 billion debt, the US owed \$881 million, Japan owed \$567 million, and Ukraine owed \$153 million. Projections for the amount remaining in the accounts in the accounts

46) UN Financial Crisis, <http://www.globalpolicy.org/finance/action/call.htm>

of closed operations could be as little as \$27 million, which could restrict the option of cross-borrowing. Payment owed to the UN by all member states as of December 31, 2004 touched over 2.9 billion.⁴⁷⁾ The financial crisis forced the UN to resort to such emergency measures as cross-borrowing, which means to borrow funds from another Budget, usually from the 'Peacekeeping Budget' which is the biggest among the four UN Budgets. It hampers, in return, the ability of the UN to pay member states for troops and contingent-owned equipment.

There has been contention from big financial contributors that 'taxation without representation' is unreasonable. In fact, it was contented by the Australian and Canadian delegations in the early General Assembly sessions and the same slogan was picked up by Japanese government in the reform discussion in the 1990s.⁴⁸⁾ Chakrabarti points out a couple of reasons why the US backed up Germany and Japan for their permanent membership in the Security Council,⁴⁹⁾

"Originally an American brain wave, the idea had a two fold objective: (a) to rope in the two most economically powerful nations viz, Germany and Japan till now outside the charmed circle of the UN, understandably to fill its near empty coffers and (b) to lure the ambitious among the third world nations to the possibility of a finger in the pie, raising of course no definite hope for any particular candidate(s)."

47) United Nations: Status of Contributions to the Regular Budget, International Tribunals, Peacekeeping Operations and Capital Master Plan (as at December 31, 2004)
See <http://globalpolicy.org/finance/tables/core/debt04.htm>

48) Drifte, n.3, pp.157-64

49) Radharaman Chakrabarti, *UNO: A Study in Essentials* (Calcutta, 1998), p.165

On 6 April 2005 , the US Senate voted to decrease US contributions to UN peacekeeping costs from 27.1 percent to 25 percent of the total peacekeeping budget.⁵⁰⁾ As shown above, what makes the UN on the verge of financial crisis is largely because of the big financial contributors to the UN, such as the US and Japan. The level B countries (industrialized countries) also make their payments only to the extent that they can exercise vote in the Organization in terms of the Article 19 of the Charter. The obdurate position of the US in this regard is not likely to change easily. It is also notable that the Working Group once proposed a new category of the Council membership, that is, 'financial permanent membership', which would be based on substantial contribution to the UN budget.⁵¹⁾

Administration

Accusations also abound of improper management practices, over-manning, fraud and waste within the Secretariat, the Specialized Agencies and in field operations. The large number of semi-autonomous specialized agencies created significant problems of co-ordination and invited duplication, inter-agency rivalry and inefficiency. The ECOSOC, which is supposed to help co-ordinate this system of autonomous specialized agencies, is not up to this task. The Secretary-General also finds it difficult to provide a sense of common purpose. He cannot appoint or dismiss the heads of these agencies or set their agendas.⁵²⁾ They also have independent budgets. Horizontal integration can

50) <http://www.globalpolicy.org/security/peacekpg/finance/2005/0223us.htm>

51) Hall, n.14, p.15

52) Stephen Ryan, *The United Nations and International Politics* (Houndmills, 2000), pp.168

therefore be very difficult.

Comprehensive proposals for the reform of the Secretariat have been put forward. These include simplifying the chain of command, providing the Secretary-General with an Executive Office, and reform and reorganization of departments. In 1995, the Commission on Global Governance identified several key reform ideas for the UN. It suggests *inter alia*: an enlarged Security Council with a possible phasing out of the veto; a revitalized General Assembly; a redirection of the work of the trusteeship Council so that it would take over responsibility for the global commons; the creation of a forum of civil Society to meet before each General Assembly session; and the creation of an Economic Security Council.⁵³⁾

None of this will be easy given the way that the specialized agencies jealously guard their autonomous status. In the middle of 1997 Kofi Annan met fierce resistance over proposals to establish greater unity of purpose within a co-ordinated development group made up of UNDP, UNICEF, some economic departments in the Secretariat and the UN Fund for Population Activities. A proposal to close the Department of Humanitarian Affairs and to give its functions to the UNHCR also had to be shelved.

On 20 December 2002, the GA adopted Resolution 57/300 by consensus, allowing the Secretary-General to implement most of his reform initiatives. Secretary-General Kofi Annan announced that the overarching theme of these proposals would be doing what matters most to member states.⁵⁴⁾ The reform proposals included a major review of the Department of Public Information, as well as the creation of regional information hub centers to improve the flow of

53) Our Global Neighborhood, <http://www.sovereignty.net/p/gov/gganalysis.htm>

54) GA Resolution 57/300, See <http://www.un.org/documents/ga/res/57/ares57.htm>

information and achieve efficiency savings, such as by consolidating some offices. The Secretary-General also committed to implementing better evaluations of programs; establishing a more efficient, streamlined budget and programming process; and instituting management improvements to improve policy planning in the Department of Economic and Social Affairs, strengthening management in the office of High Commissioner for Human Rights, and facilitating earlier planning in the Department of General Assembly and Conference Management. Therefore, improper management practices, over-manning, fraud and waste in the Specialized Agencies and in field operations are continual questions that should be addressed to enhance the efficiency of the activities of the Security Council.

PROPOSALS FOR THE SC REFORM

The issue of expanding the Security Council has been on the UN agenda for more than two decades. But member states have so far failed to agree on how big the Council should get and which other nations should be given veto powers. Various proposals have been advanced but no single proposal has ever won majority support. Key reform issues have been hanging around the size of expansion either or both of permanent/non-permanent membership, new permanent member's status in terms of veto right, and some other miscellaneous discussions.

The Razali Proposal

The Razali Proposal was the first most promising plan for a reformed Security Council that a majority might accept.⁵⁵⁾ The fact that the intensive

reform debate has so far failed to produce results is not owing to a shortage of legitimate candidates but that of majority consensus. The proposal outlined before a Working Group of the 185-member Assembly by Razali Ismail of Malaysia, aimed to break the deadlock on Security Council reform after more than three years of discussions failed to produce agreement on the number of new members and on the veto issue. The Razali Plan envisaged a three-stage agreement on expansion;⁵⁶⁾

- 1) a framework agreement spelling out the principles, criteria and procedure for expansion: The proposal for a framework agreement envisaged that the Council membership should be increased from 15 to 24 by adding five permanent and four non-permanent members; that the composition of the new permanent members will be two from industrialized countries (Germany and Japan, which have been campaigning for permanent Security Council membership with US support, are not mentioned by name although Razali recommended that the industrialized countries enter as permanent members) and one each from the developing states of Africa, Asia and Latin America and the Caribbean.
- 2) the General Assembly voting for the election of the new permanent members: The new permanent members will be elected by a vote of two-thirds of the members of the Assembly; and that the voting will continue until all the five new members are elected.
- 3) adoption by the Assembly of the consequent amendments to the UN Charter: Two-thirds of the entire General Assembly would have to approve

55) Volger, n.21, p.502

56) Shefali Misra, "Treading a Tortuous Path", 20 July 1997
<http://expressindia.com/ie/daily/19970720/20150613.htm>

the amendment. Two-thirds of all the member states, including the five original permanent members of the Council, would have to ratify the amendment. All the three phases are to be completed within one year.

Indian Perspectives

The Razali Proposal provided India with great hope and expectancy on its pursuit of the permanent membership for the following reasons;⁵⁷⁾

1) India's contest will be only with a developing country or countries of Asia.

The Razali proposal recommends regional composition that among the five new permanent members, two will be from industrialized countries and one each from the developing states of Africa, Asia, and Latin America and the Caribbean. Therefore India is to compete with countries of Asia only.

2) Even if the seat available to India will be regional, the voting constituency will be global. The Razali plan did not require two-thirds approval of the entire Assembly during the voting for five candidates for the new permanent seats. In the General Assembly, each member state has one equal vote, and India can be chosen to the permanent seat on the basis of majority vote.

3) The idea of rotation among a selected group of developing countries from each region for sharing the seat allotted to it does not figure in the Razali proposal. Nor is it likely to be revived during voting because of the provision that voting will continue until all the five new members are elected.

57) Muchkund Dubey, "Membership of the UN Council", *World Focus* (New Delhi), October-December 1997, p. 31

In spite of the positive features of the Razali Proposal, there have been still problems with it. Then the US position that it was prepared to accept candidates for permanent membership from the developing countries by name was indeed encouraging. But the US had not ruled out the occupation of developing countries' seat by rotation. Besides, there is possibility of immense pressure for the acceptance of the principle of rotational membership from countries such as Italy, Egypt, Pakistan and even Malaysia. Another problem was the difference between the Razali proposal and the US position on the size of the expanded Council. The US preferred it to be 20-21 and it would leave little room for additional non-permanent members. A vast number of small and medium size countries, including India, would be difficult to accept the package. There was also a difference in terms of the veto rights on the new and old permanent members,⁵⁸⁾ but it could be deferred for the time being and on which India need not adopt a strong position until its acquisition of permanent membership.

Though the Razali proposal was regarded as the most promising plan for the Council reform, it could not make its headway in the face of the US opposition. However, there was a definite view in the Indian foreign policy establishment that a delayed UNSC expansion would help India's prospects.⁵⁹⁾ If expansion were to happen immediately, India's chances would be uncertain and that was not a risk many wanted to take. In five to ten years, though, India legitimate claim to a permanent seat could be for greater in economic and regional power terms.

58) David M. Malone, *The UN Security Council: From the Cold War to 21st Century* (London, 2004), p.346

59) Dubey, n.57, p.32

Other proposals

Besides the Razali proposal, several other proposals on enlarging the Security Council have been submitted in the course of the discussions. These proposals can be grouped under the following categories;⁶⁰⁾

- 1) **Retaining the status quo:** This implies that there is nothing wrong with the existing structure of the UN Security Council. The incumbent model has five permanent members with veto powers and ten non-permanent members that are elected after every two years. In this system the geographical representation is lopsided especially in permanent membership (four Europe-oriented states : the US, UK, France, Russia vs. one Asian state: China). The disadvantage of this proposal is that it maintains an outdated Council format, thus disappoints the aspirations of prospective member states over the last two decades. The present permanent members support this proposal.
- 2) **Selective enlargement:** This is based on American Ambassador Bill Richardson's proposal, which implied the addition of another five permanent members (One seat each to Germany and Japan; and three seats to be shared among Africa, Asia, and South America). The primary purpose of this proposal was to secure the admission for both Germany and Japan as the permanent members of the Council. It is less likely to invoke strong reactions from the present permanent members, but the disadvantage of this proposal is that it would certainly retain the undemocratic character of the Council.
- 3) **Enlargement of non-permanent members only:** Enlarging the Security

60) See Volger, n.21, p.503 and Barnerjee, n.25, p.85-86

Council to a minimum of 21 and a maximum of 26 members by adding non-permanent seats only. The disadvantage of this proposal is that it is in line with the interests of the Western permanent members and large parts of the developing world, thus nullifying the contentions of the developing nations of the Southern Hemisphere. The UFC group, including Pakistan, put forward this proposal.

- 4) **Introduction of semi-permanent membership:** Enlarging the Council by ten 'semi-permanent' seats, which will be rotated between some 30 states.⁶¹⁾ The disadvantage of this proposal is that it would introduce a new category of seats according to almost indefinable criteria, and cause unclear division of responsibilities. Advantages of this proposal are: i) it promotes more equitable representation; ii) The small to mid size countries would have greater opportunities to serve on one of the ten current elective seats; and iii) the 5 permanent members would benefit from a more equitable sharing of the burden for peacekeeping operations. Italy proposed this plan on the occasion of the United Nations' fiftieth anniversary.
- 5) **Introduction of non-governmental membership:** Given the ever-increasing international role of non-governmental organizations (NGOs), there have been proposals to give a non-permanent seat to a 'global civil society actor'.⁶²⁾ Another proposal similar to this sprang up to bestow permanent or non-permanent seats to regional organizations such as the Association of Southeast Asian Nations (ASEAN), the European Union(EU), the Gulf Cooperation Council (GCC), the Organization of American States

61) *The Reform of the Security Council: An Italian Proposal*, The Italian National Committee for the Celebration of the United Nations Fiftieth Anniversary in Collaboration with the Staff of Il Cigno Galileo Galilei (Rome, 1996), p.12

62) Hall, n.14, p.17

(OAS), the Organization of African Unity (OAU).⁶³⁾ Especially the latter proposal serves to pacify not only overheated competition among the candidate states within the respective regions but criticism from the southern hemisphere states caused by Germany which is considered as a most prospect for the permanent seat in the Security Council, thus making the composition of the machinery more lopsided by developed northern hemisphere states. However these proposals seem to be unfeasible owing to lack of strong supporters in case of the former, and fierce opposition from the regional organizations in case of the latter.⁶⁴⁾

Recent Development

The momentum for reform ground to a halt until after the Iraq war. A breakthrough appeared in the Council reform proposals, when UN Secretary-General Kofi Annan, in September 2003, appointed a panel of internationally respected politicians and diplomats with a remit to analyze the major threats to global security and make recommendations on institutional reform by the end of 2004.⁶⁵⁾ Satish Nambiar, the former Lt General in the Indian Army and Force Commander of the UNPROFOR (United Nations Protection Force) was one of the members the Panel. This High Panel undertook three important tasks in fulfilling its mandate:

63) This proposal was put forward by Chilean government. See Malone, n.58, p.349

64) For example, a European seat would only be attainable if France and the United Kingdom were willing to give in so as to combine the two seats they have at present in the Security Council – that is unfeasible. And if there were a permanent EU seat, none of the 15 EU partners, who together provide almost 40% of the UN budget, could stand for election to a non-permanent seat for their own. In the General Assembly too, the 15 EU votes would have to be reduced to only one. The present of Europe would thus be curtailed rather than elevated.

65) UN High Level Panel, <http://www.un.org/apps/news/infocusRel.asp>

- 1) Examining today's global threats and provide an analysis of future challenges to international peace and security, including the connections between them.
- 2) Identifying clearly the contribution that collective action can make in addressing these challenges, and assess existing approaches, instruments and mechanism.
- 3) Recommending the changes necessary to ensure effective collective action, including but not limited to a review of the principal organs of the United Nations.

The panel presented two alternative models in their report entitled "A More Secure World- Our Shared Responsibility." Based on the report of the High Level Panel, in March 2005, Kofi Annan produced a Report called "In Larger Freedom." In this report he supported the position set out in the report of the High-level Panel on Threats, Challenges and Change (A/59/565) concerning the reforms of the Security Council, namely:⁶⁶⁾

- (1) They should increase the involvement in decision-making of those who contribute most to the United Nations financially, militarily and diplomatically.
- (2) They should bring into the decision-making process countries more representative of the broader membership, especially of the developing world.
- (3) They should not impair the effectiveness of the Security Council.
- (4) They should increase the democratic and accountable nature of the body.

66) In Larger Freedom, <http://www.un.org/largerfreedom/chap5.htm>

Especially in terms of strengthening the Security Council, he urged member states to consider the two options - model A and B, or any other viable proposals in terms of size and balance that have emerged on the basis of either model.

'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:

Table III-1. Security Council reform: models A and B

Regional Area	No. of States	Permanent seats (continuing)	Proposed new permanent seats	Proposed two-year seats (non-renewable)	Total
Africa	53	0	2	4	6
Asia& 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

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

Source: In Larger Freedom, <http://www.un.org/largerfreedom/chap5.htm>

'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 above:

- 1) 'Plan A' provides for six new permanent and three new non-permanent seats, all without the power of veto. This takes into consideration the African calls for two permanent seats for the region.
- 2) 'Plan B' envisages no new permanent and only one new non-permanent seat. In addition, it creates a new category of eight four-year renewable-term seats (currently non-permanent seats are for a non-renewable two-year term), which would rotate among medium-sized states selected according to specific criteria.

India, Japan, Germany, Brazil and South Africa are supportive of 'Model A' which is similar in many respects to the Razali Plan, while the UFC group of 40 mid-size countries led by Italy, Pakistan, Argentina, Mexico, South Korea, and Spain is supportive of 'Model B.'

Alongside of the development of the reform discussions in the international society, India reached agreements of mutual support with the other three main aspirants - Brazil, Germany and Japan. These were announced during their visits to India in 2004, by President of Brazil in January, German Foreign Minister in July, and Japanese Foreign Minister in August respectively.⁶⁷⁾ This is reiterated at the highest levels during the Summit held on 21 September 2004 in New York, on the sidelines of the 59th UN General Assembly, of the leaders of Brazil, Germany, India and Japan. These countries began to be called by others as the 'Group of Four (G-4)'.

67) *Annual Report 2004-2005*, The Government of India, Ministry of External Affairs, New Delhi, p.107

G-4 Draft Resolution

Together with Brazil, India, Japan and some 30 other states, Germany has submitted the so-called G-4 draft for a framework resolution on reforming the Security Council to the General Assembly on 6 July 2005.⁶⁸⁾ This draft envisages enlargement of the Council to include six new permanent seats (two each for Africa and Asia, one for the Western states and one for Latin America and the Caribbean), and four new non-permanent seats (one each for Africa, Asia, Latin America and the Caribbean, as well as Eastern Europe). Whether the new permanent members will be granted a power of veto is to be discussed and decided at a review conference to be held 15 years after the entry into force of the Charter amendment. This decision was made largely in the wake of the United States' opposition to the Group of Four's demand of veto. G-4 proposal should win the approval of two-thirds of the members of the General Assembly as required by the UN Charter.⁶⁹⁾

The G-4 draft resolution is similar to the Razali proposal. Differences are found in i) the number of new permanent member category and ii) demand of veto power:

- 1) The G-4 draft envisages 'six' new permanent seats in consideration of African aspirants (out of six, two new seats for African countries), while the Razali proposal favors 'five' new permanent seats (out of five, only one new seat for African countries).
- 2) The G-4 draft resolution delays veto demand fifteen years, but the Razali proposal eliminates the veto power from new permanent members.

68) Reform of the United Nations Security Council, http://auswaertiges-amt.de/www/en/aussenpolitik/vn/vereinte_nationen/reform/dt-reform.html

69) Article 108 of the UN Charter. See Appendix I

INDIA'S CASE

CASE FOR MEMBERSHIP

India officially announced her candidature for permanent membership of the Security Council during the 49th General Assembly in 1994.⁷⁰⁾ A resolution moved by India seeking equitable representation on, and increase in, the membership of the Security Council was adopted by the General Assembly in December 1992. By 1993, the US had reluctantly agreed two permanent seats being given to Germany and Japan, the two emerging economic giants. But there were supporters also for India, Brazil and Nigeria. As yet no country has been elevated to the status of permanent members.

Reiterating India's claim for permanent membership of the Security Council, Pranab Mukherjee, the leader of the Indian delegation, to the 49th Session of the United Nations General Assembly, said on 3 October 1994,

"The Security Council is not a corporate board, where equity shares determine the voting power. Nor can it be likened to the Bretton Woods Institutions which reflect the wealth of nations. The UN is based on the principle of sovereign equality of nations. Its primary objective remains maintenance of international peace and security. These must find expression in the composition of the Council which must be able to address the challenges of the 21st century."⁷¹⁾

70) India's role in the United Nations with Particular Reference to Her Claim for Permanent Membership of UN Security Council, Third Report, Standing Committee on External Affairs (1999-2000), Ministry of External Affairs, 25 August 2000, p.9

71) Ibid.

He stressed the necessity of expanding the Council to give its decisions greater legitimacy, more authority and political effectiveness. The Prime Minister reiterated India's candidature during 53rd UNGA session in 1998. In his address, the Prime Minister Atal Bihari Vajpayee stated,

"The Security Council does not represent contemporary reality; it does not represent democracy in international relations. Following the end of the Cold War, it has acquired the freedom to act but experience shows that the Council has acted only when it was convenient for its permanent members... The Security Council must be made representative of the membership of the United Nations. Developing countries must be made permanent member. It is a right to which the developing world is entitled. Presence of some developing countries as permanent members is inescapable for effectively, discharging the responsibilities of the Security Council particularly when we see the Council acts almost exclusively in the developing world."⁷²⁾

India has constructively and consistently participated in the activities of the UN from the inception of the Organization. India regards the UN as an invaluable platform for global deliberations, negotiations and diplomacy. In the General Assembly sessions, India voiced strongest opposition to imperialism, colonialism and apartheid. In 1954, India took a leading part in securing political sanctions against the racialist regime of South Africa. In 1965, it supported fully the UN sponsored economic boycott of Rhodesia. It gave full

72) See Third Report, Standing Committee on External Affairs, n.70, p.9-10

support to the Angolan liberation movement and to the cause of independence of Namibia. India also played an active role in setting up of the United Nations Conference on Trade and Development (UNCTAD) and calling for the creation of a New International Economic Order (NIEO). India led a group of developing countries whose support proved valuable in getting eighteen countries admitted in 1955.⁷³⁾

India has strongly pleaded for the expansion of the Security Council to give it equitable representation which reflects the changed realities today. India's case on the candidature for permanent membership in the Security Council is based on its contribution to the UN peacekeeping efforts, regional power, population, world's largest democracy, and growing economy.

Contribution to International Peacekeeping Efforts

India's case gets strengthened when considered the fact that it is one of the founding members of the UN, and has enthusiastically participated in all initiatives and organs of the organization, ranging from peace keeping to public health, and from the World Health Organization (WHO) to International Labor Organization (ILO).

Host of nations have stated that peace-keeping contributions should be counted as an objective criterion for the UNSC permanent membership. India has taken part in the UN peace-keeping operations in four continents.⁷⁴⁾

The most significant contribution of India has been in maintaining peace and stability in Asia and Africa. India provided a paramedical unit to facilitate

73) See Chapter 2, India and UN Security Council: Historical perspective, p.43

74) India's participation in UN peacekeeping operations includes four different continents - Africa (Congo, Yemen, Somalia, Rwanda, Angola), Asia (Korea, Vietnam, Sinai, Cambodia, Lebanon), Central America (Haiti), and Eastern Europe (Yugoslavia, Bosnia).
See Appendix VI: India's Participation in Peacekeeping Activities at a Glance.

withdrawal of the sick and the wounded in Korean war (1952-53). The UN operation in Namibia is considered one of the success stories of the United Nations.⁷⁵⁾ Lt. Gen. Prem Chand of India was the Force Commander. Indian military observers in Namibia were responsible for the smooth withdrawal of foreign troops, elections and subsequent handing over of the authority to the government. India provided a contingent comprising one infantry battalion and support elements to the UN assistance mission in Rwanda to help ensure security for the refugees, and to create conditions for free and fair elections. After successful completion of the assignment Indian contingent repatriated in April 1996.⁷⁶⁾

India also contributed to peace in the Middle East. The United Nations Emergency Force (UNEF) was there in 1956 following cessation of hostilities between Egypt and Israel. For over 11 years from 1956 to 1967, India provided two force commanders and 11 infantry battalions to take part in UNEF.⁷⁷⁾ Indian Army also provided a Force Commander and observers for the Observer Mission in Yemen, 1963, and three force commanders in Cyprus 1964 onward s.⁷⁸⁾

Countries which participate in UN peace-keeping Operations have to provide not only the military expertise but also they have to be politically acceptable. The range of sensitive peace-keeping operations India has participated in, is a testimony to India's political image in large parts of the world.⁷⁹⁾ Until 2003, India was ranked as the third largest troop contributing

75) A History of Indian Participation in UN Peacekeeping Operations

http://www.indianembassy.org/policy/Peace_Keeping/history_india_UN_peace_keeping.htm

76) Ibid.

77) See Appendix VI: India's Participation in Peacekeeping Activities at a Glance

78) See n.75, A History of Indian Participation in UN Peacekeeping Operations

79) From 1987 to 1990, Indian Peacekeeping Force (IPKF) intervened Sri Lankan ethnic

country to the UN by deploying 2,735 Indian troops in peacekeeping missions mandated by the Security Council.⁸⁰⁾

India presently contributes troops to eight of the sixteen ongoing UN peacekeeping operations. It is involved in the UN Mission in the Democratic Republic of Congo (MONUC), the UN Interim Force in Lebanon (UNIFIL) and the UN Mission in Ethiopia and Eritrea (UNMEE) and has a major civilian police component in the UN Mission in Kosovo (UNMIK). It has also provided military personnel to the UN Missions in Burundi and Cote d'Ivoire, as also police officers to UN Missions in Sierra Leone and Cyprus.⁸¹⁾ Presently two senior positions in the field and at UN Headquarters are held by Indians. Gen. Randhir Kumar Mehta was appointed to the prestigious post of the Military Adviser to the Department of Peacekeeping Operations of the UN Secretariat on 29 January 2005⁸²⁾

Regional Power

India occupies a central place both geographically and in terms of socio-cultural continuities and economic infrastructure in South Asia. The other countries of the region, like Pakistan, Nepal, Bangladesh, Bhutan and Sri Lanka have individually and separately more in common with India than with each other. India also occupies a dominant power position in population, growth potential, military strength and viability of constitutional, political and

conflict between the majority Sinhalese and minority Tamil (LTTE). This peacekeeping activity was marred when IPKF sided with one of the party in the violent conflict.

80) Pakistan was the largest contributor (4,245 troops), while Nigeria came second with 3,316 troops. See <http://www.hinduonnet.com/2003/06/08/stories/2003060801920900.htm>

81) *Annual Report 2004-2005*, Government of India, Ministry of External Affairs, New Delhi, p. 108

82) Ibid.

administrative structures.⁸³⁾

India has extended its Aid Programmes to the countries in need for the balanced development of this region. Aid to Bhutan accounts for 58% of India's total aid budget. Other important destinations for Indian aid programs include Nepal 5%, Bangladesh 4%, Sri Lanka 1%, Bangladesh, Maldives and Myanmar 1 %, African countries 8% and other countries 27% as shown in Table III-2. The Government of India has extended loans to the Governments of Bangladesh and Bhutan to assist in the implementation of developmental projects. During 2004-2005, the loans extended to the Governments of Bangladesh and Bhutan amount to Rs. 18.87 crores and Rs. 280.00 crores respectively.⁸⁴⁾

Table III-2. India's Aid Programme

Aid to Countries	Rs. in Crores
Bhutan	768.65
Bangladesh	3.30
Nepal	66.17
Sri Lanka	15.30
Myanmar	6.21
Maldives	3.20
African Countries	106.84
Other developing countries	356.72

Source: *MEA Annual Report 2004-2005*, Government of India, Ministry of External Affairs, p. 177

India's sphere of influence is not confined to this region but has expanded over the years to cover extended areas such as Africa, Middle East,

83) Mohammed Ayoob, ed., *Conflict and Intervention in the Third World*, (London, 1980), p. 39

84) *Annual Report 2004-2005*, Government of India, Ministry of External Affairs, New Delhi, p. 177

Central Asia, and even East Asia,⁸⁵⁾ having found itself a front-runner in the international activities. Be it vociferously supporting decolonization, apartheid and racial discrimination in Africa and Asia or leading the Non-Aligned countries into a full-fledged movement of asserting an alternative voice in the global paradigm.

For example, the Non-Aligned Movement participated actively in the Open Meeting of the Security Council on Iraq, convened on 26-27 March 2003. Condemning the unilateral military action in Iraq as a violation of the principles of international law and the UN Charter, NAM asked for an immediate halt to the war.⁸⁶⁾ In April 1997, India played a significant role in the NAM when its 12th Ministerial conference adopted declaration related to Security Council reform. The declaration stated that there shall be no partial or selective increase in the membership of the Security Council, against the interests of the developing countries. It also urged caution against a hasty decision and opposed quick-fix.⁸⁷⁾

India participated at the Ministerial Meeting of the NAM Committee on Palestine held at Putrajaya, Malaysia in May 2004 which decided to establish a Ministerial delegation to interact with the Quartet (UN, EU, US and Russia) and the P-5, to facilitate forward movement in the Middle East peace process. India also supported adoption, by the General Assembly, of the NAM resolution entitled "Reaffirming the central role of the United Nations in the maintenance of international peace and security and promotion of international

85) India's interaction with the ASEAN expanded when New Delhi become a sectoral dialogue partner with the ASEAN and a full dialogue partner 1996.

86) *Annual Report 2003-2004*, Government of India, Ministry of External Affairs, New Delhi, p. 106

87) *Annual Report 1997-1998*, Government of India, Ministry of External Affairs, New Delhi, p. 101

cooperation" on 5 August 2004.⁸⁸⁾

India has been a great exponent in Non-Aligned concept. Out of 112 NAM countries none has the permanent seat. Therefore, major section of the world is deprived of being represented in the Security Council as its permanent member.

Population

As of July 2005, the population of India was estimated to be 1,080,264,388.⁸⁹⁾ With its annual growth rate of 1.4%, according to Washington-based Population Reference Bureau (PRB), India is considered to overtake China as the world's most populous nation by 2050, while some countries will shrink by nearly 40%.⁹⁰⁾

Given the fact that most of the UN member states unanimously interpret 'equitable representation' on the basis of population and regional power, India's case for its permanent membership in the Security Council gains wider approval from them. In fact, one of the UN reform proposals even contest that representation needs to be based more on population vote to enhance a democratic nature, rather than the present strict one-state-one-vote principle.⁹¹⁾ Generally this principle is considered a key aspect of democracy, but an Assembly where Liechtenstein (population is only 33,987 and total area is 160 Km²) has the same voting power as the People's Republic of China (population

88) *Annual Report 2004-2005*, Government of India, Ministry of External Affairs, New Delhi, p. 110

89) <http://www.cia.gov/cia/publications/factbook/geos/in.html>

90) India's Population to be Biggest, http://news.bbc.co.uk/2/hi/in_depth/3575994.stm

91) See Security Council Reform, <http://www.nationmaster.com/encyclopedia/Reform-of-the-United-Nations#Security-Council-reform>

is 1,313,979,713; total area is 9,596,960 Km²) is far from equal representation. Of course, implementation of population-based UN voting also raises the problems of diversity of interests and governments of the various nations. The nations in the UN contain representative democracies, absolute dictatorships and every shading in between. Allowing large powers to vote their population's interests en bloc raises the question whether they really represent the interests and desires of their individual citizens and the world community. In this way, giving the UN any kind of actual governance power raises the question of how these powers could be carried out. If the veto power were progressively limited while also basing the weighting of the General Assembly more on population, large and small nations might be more trusting of the system to assign more authority to the votes of the General Assembly.

Democracy

Democratic credential is also one of the criteria for the new membership of the Security Council upon which most of the developed countries agree. And for most developed democracies across the world, it is agreeable that India is neither a theocratic military dictatorship nor a totalitarian government. India is a longstanding multi-party, federal, parliamentary democracy with a bicameral parliament.⁹²⁾ While so many countries around the world, especially countries in Asia and Africa experience political interruptions and discontinuations by military coups and/or dramatic changes in their constitution, India has esteemed the core values of democracy - the sovereignty of people, constitutional limits of government, free and fair elections, guarantee of basic human rights, equality before law, and social, economic & political pluralism

92) See <http://www.state.gov/g/drl/rls/hrrpt/2005/60707.htm>

etc.

And over the years India has been involved in a process of nation building that seeks to accommodate the aspirations of its entire citizenry. In a world torn by ethnic and religious conflicts, India, for all its flaws, is showing the world that it is possible for people of different religions, regions and ethnic backgrounds to live together.

India signed the UN Convention Against Torture on October 14, 1997. With this, India has now become a signatory to all the six core human rights conventions - Covenant on Civil and Political Rights; Covenant on Economic, Social and Cultural Rights; Convention on the Elimination of Racial Discrimination; Convention on the Elimination of Discrimination Against Women; Convention on the Rights of the Child; and the Convention Against Torture. India also finalized and submitted its initial report under the Convention on the Rights of the Child and Convention on the Elimination of Discrimination Against Women same year. The resolution moved in the General Assembly by India on 'National institutions for the promotion and protection on human rights' was adopted this year with 54 co-sponsors, more than twice the number of co-sponsors in 1995 when the resolution was last moved.⁹³⁾ In fact, India had taken an active part in the draft of the Universal Declaration on Human Rights. Hansa Mehta, A Gandhian social worker, who had led the Indian delegation had made important contributions in the drafting of the Declaration, especially by highlighting the need for reflecting gender equality.⁹⁴⁾

93) *Annual Report 1997-1998*, Government of India, Ministry of External Affairs, New Delhi, p. 94

94) Standing Committee on External Affairs, Third Report, Ministry of External Affairs, 25 August 2000, p.3-4

Growing Economy

India has adhered to a socialist approach for most of its independent history, with strict government control over private sector participation, foreign trade, and foreign direct investment. Since the early 1990s, India has gradually opened up its markets through economic reforms by reducing government controls on foreign trade and investment.⁹⁵⁾ Privatization of public-owned industries and opening up of certain sectors to private and foreign players has proceeded slowly amid political debate.

India's economy has achieved an excellent average growth rate of more than 6.8 percentage since 1994, reducing poverty by about 10 % point.⁹⁶⁾ Recent statistics shows that India's purchasing power parity touched \$3.36 trillion with real growth rate being 8.1 percentage.⁹⁷⁾ It means the economy of India is the fifth-largest in the world measured by purchasing power parity. PPP is a method used to calculate an alternative exchange rate between the currencies of two countries. India exported \$76.23 billion f.o.b. (2005 estimated) including commodities such as textile goods, gems and jewelry, engineering goods, chemicals, leather manufactures, having its partners and percentage to be US (17%), UAE (8.8%), China (5.5%), Hong Kong (4.7%), UK (4.5%), Singapore (4.5%).⁹⁸⁾

India's economy shows a positive prospect for it has primarily relied on a self-reliant, domestic industry-led method of organic economic growth rather than China's primarily FDI and export driven advancement. Especially the

95) C. Raja Mohan, *Crossing the Rubicon: The Shaping of India's New Foreign Policy* (New Delhi: 2003), pp. xviii-xix

96) See n.89

97) See UNSC Membership Reform, http://en.wikipedia.org/wiki/Economy_of_India

98) See n.89

emergence of India as a major player in the software and IT has raised India's economic profile, and it is now being seen as an economic power in the making.

In October 2003, Goldman Sachs & Company diagnosed that BRICs (Brazil, Russia, India and China) would overshadow the economic might of the seven leading industrialized nations of today in forty years.⁹⁹⁾ The table-5 shows China is likely to surpass the US as the world's largest economy, and India marked the 3rd standing taking over Japan. Instead of simply extrapolating current growth rate, the whole process of demographic change, capital accumulation, and diminishing returns with development has been considered for this forecast. It makes the finding more reliable, though the main requirements such as sound macroeconomic policies, reasonably open trade and domestic policies, relatively stable political system and political transitions should be sound.

Table III-3. Estimate of World's Largest Economies in 2050

Trillion of Dollar

China	44.45	Russia	5.87
U.S.	35.16	Britain	3.37
India	27.80	Germany	3.60
Japan	6.67	France	3.15
Brazil	6.07	Italy	2.06

Source: Goldman Sachs & Co., *Business Week*, 27 October 2003, p. 68

As discussed in Chapter 2, India was one of the proponents of the UN Conference on Trade and Development (UNCTAD), one of the subsidiary bodies

⁹⁹⁾ Andrew Lichtenstein, "The BRICs are Coming Fast", *Business Week* (New York), 27 October 2003, p.68

of the UNGA at the Belgrade Conference in 1961. The existence of UNCTAD has been to make a relevant contribution to the tasks of fostering growth, reducing inequality and building its capacity to make a difference to people's lives.¹⁰⁰⁾ This has been especially true in the case of those who need UNCTAD most, the least developed countries. As a leading member of the G-77, the largest Third World coalition in the United Nations, India has provided the means for the developing world to articulate and promote its collective economic interests and enhanced its joint negotiating capacity on all major international economic issues in the United Nations system.¹⁰¹⁾

CASE FOR REFORM PROPOSALS

In the early 1990s, India advocated the democratization of the UN by expanding the size of Security Council for its effective role and equitable representation. Because more than three decades, there has been no change in the size and composition of the Council, and the decision-making has increasingly been made behind the scene.

At last in 1997, the Razali proposal has gained fairly large support from the UN member states. India welcomed it, because it best fitted its pursuit of Security Council membership. Razali said two of the permanent seats should go to two industrial countries which are obviously Germany and Japan. Indeed, the whole debate about UNSC expansion began vigorously as then the UN saw its 50th anniversary approaching, with the US anxious for other rich countries

100) Rubens Ricupero, Secretary-General of UNCTAD in his Report to UNCTAD IX (TD/366). See <http://www.unctad.org/Templates/webflyer.asp?docid=3622&intItemID=2298&lang=1>

101) See Group of Seventy-Seven at the United Nations, <http://www.g77.org/main/main.htm>

to share the Organization's financial burdens, Germany and Japan internationally more assertive about a high-profile international role.

The US opposed to an expanded UNSC with a total membership of more than 21, convinced that a large number would mean a too unwieldy body. Razali, however, proposed three more permanent UNSC seats besides the two permanent seats for industrial countries, one each for Asian, Latin American and African countries expanding the total number of UNSC members, permanent and non-permanent from 15 to 24. Now India could compete on the regional basis, not with industrialized countries. Because the Razali proposal envisages regional composition that among the five new permanent members, two will be from industrialized countries and one each from the developing states of Africa, Asia, and Latin America and the Caribbean. Moreover, the Razali plan did not require two-thirds approval of the entire Assembly during the voting for five candidates for the new permanent seats. This gave India a great hope and expectation on its bid for a permanent seat in the Security Council.

Basically India supports the expansion of the Security Council both permanent members and non-permanent members because the latter is the only means for the vast majority of member states to serve in the Security Council. Based on the Razali proposal, India prefers a fairly large expansion of the Council to have at least 24 seats in total, because with such expansion the Council will be much more balanced in its composition and the views of the developing countries will be better heard than before. Indian Prime Minister Manmohan Singh, in his address to the 59th General Assembly, emphasized the need to reform the United Nations system, including through expansion of the Security Council, in both permanent and non-permanent categories, to

make it a truly representative body.¹⁰²⁾ India believes that any expansion of permanent members' category must be based on an agreed criteria, rather than be a pre-determined selection. It particularly stresses the importance of the population size and contribution to the UN for peace-keeping effort of a given country.¹⁰³⁾

India opposes the 'regional rotation scheme' or 'semi-permanent membership proposal' as discriminatory because only developing countries shall be submitted to this position. India also denounces any argument which supports the idea of the 'expansion of the Security Council on the basis of consensus,' because seeking a consensus effectively implies postponing a decision altogether, and the need for reform becomes captive to the need for unanimity.¹⁰⁴⁾

India is not inclined to share the seat to which it feels entitled with other states of the region, or to seek their support for obtaining and keeping this seat. India's effort for the acquisition of the permanent membership is globally-oriented rather than regionally-limited so far.¹⁰⁵⁾

Now India, campaigning in the Group of four (Brazil, Germany, India, Japan), shares common cause with them for the permanent membership of the Council. At first India strongly denied a permanent seat without veto. It had been India's position that there should be no discrimination between the

102) *Annual Report 2004-2005*, Government of India, Ministry of External Affairs, New Delhi, p. 106

103) Press Briefings on the visit of UN Secretary General Mr. Kofi Annan, 27/04/2005
See <http://meaindia.nic.in/pbhome.htm>

104) Press Briefings by Official Spokesperson on EAM's Meeting with UN Secretary General, 21/04/2005. See <http://meaindia.nic.in/pbhome.htm>

105) However the strategy basically adopted by Indian government is to take up India's case in all high-level bilateral interactions. See Rajya Sabha Unstarred Question No. 2516. 25/3/2005

current permanent members and the new permanent members. This has been stated in Parliament.¹⁰⁶⁾ However its position seems to have changed along with the other states in the group to bury the issue for now and focus on the acquisition of permanent membership first. The veto power would be considered 15 years after the entry into force of the Charter amendment.

LATEST OUTCOME

G-4 resolution has failed to gain the two-thirds approval in the latest UN discussions and it ended up with no agreement in sight.¹⁰⁷⁾ The 191 members has concluded two days of debate on its most contentious reform issue in vain the same way as all previous sessions. The question of adding more permanent Council members is the subject of a long-running dispute.

At least three proposals were put forwarded in the 59th General Assembly.¹⁰⁸⁾

- 1) **The G-4 Draft:** G-4 countries submitted the so-called G-4 draft to the General Assembly on 6 July 2005. This draft envisages enlargement of the Council to include six new permanent seats (two each for Africa and Asia, one for the western states and one for Latin America and the Caribbean) and four new non-permanent seats (one each for Africa, Asia, Latin America and the Caribbean). Whether the new permanent members will be granted

106) See Rajya Sabha Unstarred Question no. 4536 (Security Council Seat Without Veto Power), 05/05/2005 and Question No. 351, 03/03/2005

107) Voice of America, Security Council Reform Debate Ends Without Agreement, <http://www.voanews.com/english/2005-11-12-voa2.cfm>

108) http://www.auswaertiges-amt.de/www/en/aussenpolitik/vn/vereinte_nationen/reform/dt-reform_html

a power of veto is to be discussed and decided at a review conference which is to be held 15 years after the entry into force of the Charter amendment.

- 2) **The African draft:** The African states introduced their own draft resolution on 14 July 2005. The key points are identical to those in the G-4 resolution. But it calls for the power of veto for new permanent members, as well as a second additional non-permanent seat for Africa.¹⁰⁹⁾ The compromise considered in London on 25 July 2005 by the Foreign Ministers of the G-4 and representatives of the AU (power of veto in keeping with the G-4 resolution; creation of a 26th non-permanent seat rotating between Africa, Asia and Latin America and the Caribbean) was not endorsed by the subsequent special summit of the African Union
- 3) **The UFC Draft:** A third proposal from the Uniting for Consensus group, which envisages enlargement of the Security Council to include ten new non-permanent seats, as well as the lifting of the ban on re-election, was submitted to the General Assembly on 21 July 2005.

However, the debate that followed was so divisive that the question was set aside for next Assembly. When formal discussions resumed, the United States and China served notice that, as far as they are concerned, those old proposals are dead.¹¹⁰⁾ Washington wants to support what it calls a modest expansion of the Council. A group of countries, seeking to avoid any decision

109) The compromise considered in London on 25 July 2005 by the Foreign Ministers of the G-4 and representatives of the African Union (power of veto in keeping with the G-4 resolution; creation of a 26th non-permanent seat rotating between Africa, Asia and Latin America and the Caribbean) was not endorsed by the subsequent special summit of the AU.

110) See Voice of America, n.107

on this matter, take refuge on claims for consensus and on allegations on the disruptive nature of the issue. Their actions, though, contribute to the perpetuation of current inequalities in the structure of the organization, and to the frustration of the aspirations of all members, for a more balanced distribution of power in the work of the Security Council. The differences appear too great to bridge.

The G-4 draft resolution which had been set aside in the 59th Session of the General Assembly, was re-tabled by Brazil, Germany and India on January 5th, 2006.¹¹¹⁾ But Japan did not join them. The objective of re-tabled the G-4 resolution is not to call for an immediate vote in the near future but to instil positive dynamics into the process of Security Council reform and to further explore the potential of joining hands with all member states who support structural reform of the Council.

On the other hand, Japan has compiled an outline of a new proposal for UNSC reform.¹¹²⁾ Under the new idea, Japan seeks the expansion of the Council membership from the current fifteen to twenty-one (instead of twenty-four it used to insist). The new resolution idea calls for increasing the number of seats in the Council by six, including permanent members and so-called semi-permanent members. The status of new permanent member would be given to countries that stand as candidates and win the support of at least two-thirds of UN membership, that is 128 countries, but they would

111) On Re-tabled of G-4 Resolution on Security Council Reforms by Brazil, Germany and India, 06/01/2006. Ministry of External Affairs, Government of India, <http://meaindia.nic.in/searchhome.htm>

112) Japan Explains Idea for New UNSC Reform Resolution, January 28, 2006, <http://www.tmcnet.com/usubmit/-japan-explains-idea-new-uns-c-reform-resolution-/2006/01/28/1322374.htm>

not be given veto power. Other candidates would become semi-permanent members with terms longer than two years, which is the tenure of current non-permanent members. Current non-permanent members cannot serve more than one term consecutively but the semi-permanent members would be allowed to. Of the six new seats, under the idea, two each would go to Asia and Africa and one each to Latin America and Europe.

After G-4 failed to have their resolution passed by the General Assembly last September, Japan had talks with the US on UN reform as Washington was against the resolution sought under the G-4 framework. The United States, however, has not given full support to Japan's new resolution idea. It is uncertain at this stage of time whether or not Japan will continue its joint endeavor with the rest of the former G-4 countries (Germany, India and Brazil) for the permanent membership in the Security Council.

CHAPTER IV

PROSPECTS FOR AND OBSTACLES TO INDIA'S UNSC MEMBERSHIP

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Perceived widely by all member states of the United Nations has been the need for UN reform, especially that of the Security Council, which has been grossly lopsided in favor of the industrialized North. The Security Council has increasingly become undemocratic and anachronistic in its structure and functioning.¹⁾ There is a rough consensus that a new revamped UN Security Council must reflect the political, economic, military and demographic realities of the 21st century world, if it is to deal with new threats to international security. Hence the issue of expanding the Security Council has been on the UN agenda for more than two decades.²⁾ However, member states have so far failed to agree on the size of the expansion and eligibility of the permanent membership for the Council. Various proposals have been put forward but no single proposal has ever drawn majority support.

The candidacy of India, Japan, Germany and Brazil has been mentioned most often among the countries that could assume permanent membership in the Council when it is enlarged. However, their inclusion into the Security Council is largely dependent on the current Permanent Five who wield veto power. Because reform debates among member states have been so divisive that two-thirds majority vote of the General Assembly is not likely obtainable easily by the aspirants of the SC membership. In fact, besides the concurring

1) C. S. Jha, Fifty Years of UN and the Future, *India Quarterly* (New Delhi), Indian Council of World Affairs, vol.13, no.1-2, January-June 1997, p.2

2) Helmut Volger, ed., *A Concise Encyclopedia of the United Nations* (The Hague, 2002), p.501

vote of the P-5, this is almost the only possible way for the realization of the UNSC reform through which member states can impose heavy pressure on the veto powers to yield. Therefore, in the discussion of prospects for and obstacles to India's UNSC membership, precedence ought to be given to Permanent Five's position on the Council reform agenda.

India, in its bid for the permanent membership on the Security Council, has not only been backed by the United Kingdom, France and Russia but also has definite credentials such as contribution to the UN peace-keeping effort, improving economy, democratic credentials, emerging regional power status and population.³⁾ Yet there are still major obstacles India ought to tackle carefully for the admission into permanent membership on the Security Council - such as its undemocratic social structure; poor contribution to the UN budget; lukewarm attitude towards Kashmir issue; non-signatory to nuclear treaties, uniting for consensus movement; and the US and China hurdles.

POSITIONS OF P-5 ON THE COUNCIL REFORM

The attitudes of the great powers on UN reform proposals should be taken into account because whether or not the reform involves formal Charter amendments, the concurring votes of the present P-5 matter substantially. All great powers agree upon the overall need for UN reform, but each state expresses its own stance.

3) *Annual Report 1997-1998*, Ministry of External Affairs, Government of India, New Delhi, p.88-89 See also J. N. Dixit, "India: A Candidate for UN Security Council" in *Indian Foreign Policy and its Neighbors* (New Delhi, 2001), pp.119-120

The United States

The United States announced its position on UN reform when Kim Holmes, US Assistant Secretary for International Organization Affairs remarked on the subject before the Council of Foreign Relations on 21 October 2003.⁴⁾ According to Holmes, any UN reforms must be guided by principles to make it practical, and to this end, there are at least seven guiding principles: i) responsibility, ii) accountability, iii) effectiveness, iv) stewardship, v) modernization, vi) credibility, and vii) freedom. Among these, noteworthy are the second and sixth principles;

"...Whether permanent or elected members of the Council, 'accountability' ideally demands that membership go to those who shoulder the burdens. ...[In terms of 'credibility'] Members of all UN bodies should reflect the purposes of those bodies. It means that a regime that threatens neighbours, supports terrorism, and abuses the rights of its citizens should be ineligible for Security Council membership."

In keeping with these principles, the United States favors permanent membership for Japan. Japan is regarded as economically potent democracy that it is expected substantially to share the burden US has to carry in the post-Cold War world. However, the Bush administration refrained from supporting Germany, since it opposed the Iraq War which began in March 2003. US Secretary of State Condoleezza Rice, in June 2005, refused to

4) The Challenges Facing the United Nations Today: An American View, <http://www.state.gov/p/rls/rm/2003/25491.htm>

endorse the German bid for UNSC membership and mentioned that the only country that it unequivocally supports is Japan owing to the latter's special role in the UN and support for the UN.⁵⁾

The United States has strictly opposed the idea of granting any developing country the right of veto. The US announced in July 1997 that it endorsed the proposal of giving three new permanent seats to developing countries.⁶⁾ How these seats would be filled was left for the regions themselves to decide. On the other hand, it is opposed to an expanded UNSC with total membership of more than 21, convinced that a larger number would mean a too inefficient body, especially in the face of urgent need of decision-making.⁷⁾

The United Kingdom

The United Kingdom, together with France, were initially negative of accepting the idea of additional permanent seats. It was clear that any such addition would cost a relative loss of global power of the United Kingdom and might also increase Germany's regional influence in Europe. This also meant to solidify the perceived imbalance that had been brought about by Germany's reunification in 1990.⁸⁾ However, in the 1990s UK, in line with US, became supporters of candidacies of Germany and Japan for permanent membership, though the US later changed its position on Germany in terms of the Iraq War.

The UK also supports India in its bid for the permanent membership on

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- 5) See UNSC Membership Reform, <http://www.nationmaster.com/encyclopedia/UN-Security-Council>
- 6) David M. Malone, ed., *The UN Security Council: From the Cold War to the 21st Century* (London: 2004), p. 347
- 7) Treading a Tortuous Path, <http://expressindia.com/ie/daily/19970720/20150613.htm>
- 8) Malone, n. 6, p. 346

the Security Council.⁹⁾ The UK Prime Minister Tony Blair has described India as a strategic partner. In a December 2003 Government White Paper titled 'UK International Priorities: A Strategy for the FCO [Foreign and Commonwealth Office]', it identified India as one of four key countries (the other three being Russia, China and Japan) with which the UK wishes to build a stronger strategic partnership. The Paper described India as an important democratic power in Asia, with increasing potential to exert global political and economic influence and with particular strength in leading growth sectors.¹⁰⁾ Foreign Secretary Straw also declared in a press conference on 31 October 2002 that the UK has strongly supported, and continues to support, the proposal that India should join the UN Security Council as a permanent member, along with Japan and Germany.¹¹⁾

Yet the United Kingdom is not in favor of a bigger and more representative Security Council, as claimed by African countries, because enlarged members will not make it easier when making tough choices that the machinery has to face so frequently. The UK believes that the most important ingredient is the political will and determination of the members of the Council to take effective action.¹²⁾

9) *Annual Report 2003-2004*, Ministry of External Affairs, Government of India, New Delhi, p.78 See also "India's Role in the United Nations with Particular Reference to her Claim for Permanent Membership of UN Security Council", Ministry of External Affairs, Third Report of Standing Committee on External Affairs to Thirteenth Lok Sabha, (Lok Sabha Secretariat, New Delhi), 25 August 2000, p.15

10) Full version of the 'White Paper' is available at <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1067970612699>

11) *Annual Report 2002-2003*, Ministry of External Affairs, Government of India, New Delhi, p.64

12) C. Uday Bhaskar, et.al., *United Nations: Multilateralism and International Security* (New Delhi: 2005), p. 495

France

France along with the United Kingdom were initially reluctant to accept the idea of additional permanent seats. However in the later years, it explicitly called for a permanent seat in the UN for Germany. French President Chirac said in a speech in Berlin in 2000, "Germany's engagement, its ranking as a great power, its international influence - France would like to see them recognized with a permanent seat on the Security Council."¹³⁾

France advocates that there should be no differences in status among the permanent members of the Security Council in respect to their rights and obligations.¹⁴⁾ Given the fact that the present status and privileges bestowed upon France shall not be affected in any manner by the expansion of the number of permanent members. This implies France is supportive of another new members to be included in the Council in order together with them to curb the US' unipolar drive. It wants a multipolar world where there is the counter-weight to American political and military power. President Jacques Chirac views that any community with only one dominant power is always dangerous and provokes reactions.¹⁵⁾ Addressing the General Assembly on 23 September 2003, he said,

"Multilateralism is crucial, because it ensures the participation of all in the management of world affairs. It is a guarantee of legitimacy and democracy, especially when decisions must be made with

13) <http://www.nationmaster.com/encuclopedia/UN-Security-Council>

14) Ramesh Thakur, ed., *Past Imperfect, Future UNCertain: The United Nations as Fifty* (Hampshire, 1998), p. 156

15) Julie M. Newton, *Russia, France, and the Idea of Europe* (Houndmills, 2003), pp.237-45. See also Michael F. Glennon, "Why the Security Council Failed", *Foreign Affairs* (New York), vol.82, no.3, May-June 2003, p.19

respect to the use of force or to the laying down of universal norms."¹⁶⁾

Unlike US and UK, with an emphasis on multilateralism, France asserts that new permanent members of the Council should include, besides Germany and Japan, some leading countries of Asia, Africa and America. France is also supportive of the increase in the number of non-permanent members. Given the above backdrop comes Paris' support for India's bid for permanent membership in UN Security Council. On 13 February 2004, the former French Foreign Minister Dominique de Villepin said at the Joint Press Conference in New Delhi,

"A number of initiatives remain to be launched to improve the efficiency of those instruments [UN organs]; one of them is enlargement of the Security Council. You know how much we are in favor of inclusion of India as a permanent member of this body. We are deeply convinced that India has great role to play on the world stage."¹⁷⁾

During the media interaction in India, the present French Foreign Minister Michel Barnier reiterated France's support for India and said,

"India because of its history, its size, the size of its population, its political determination and also its outlook on the world is and will

16) See UN Doc. A/58/PV. 7, pp. 14-17

17) Avtar Singh Bhasin, ed., *India's Foreign Relations-2004* (Ministry of External Affairs: New Delhi, 2005), pp.1303-5

be truly a genuine strategic partner for France... The world needs more balance and that is exactly what we must work together in the UN. An approach that it would be more respectful of civilizations, cultures, and continents across the world. And that is precisely the reason why we in France feel that India has a rightful place to discuss these issues, to establish a dialogue on these issues in the UN precisely because the UN is the locus for international debate on international law."¹⁸⁾

Russia

Russia's statements on the subject continue to be fairly muted. In January 1998, Russia once joined the 'Coffee Club'¹⁹⁾ initiated by Italy in favor of delaying a decision on the expansion of the Security Council prompted by the 'Razali Proposal' in particular.²⁰⁾ In a more recent Russian pronouncement, Germany and Japan were not mentioned, but India was called 'a strong and worthy candidate' for permanent membership. The Joint India-Russian Federation Declaration issued on the occasion of the visit of President Vladimir Putin on 3 December 2004 asserts,

"India and Russia emphasize that the expansion of the UN Security Council is an urgent imperative to make the Security Council more representative and effective. In this framework, the Russian

18) Media Interaction by External Affairs Minister K. Natwar Singh and Foreign Minister of France Michel Barnier, New Delhi, 27 October 2004, *India's Foreign Relations Document 2004* (New Delhi), Ministry of External Affairs, Government, p.1312-13

19) See n. 59 on the 'Coffee Club'

20) Reinhard Drifte, *Japan's Quest for a Permanent Security Council Seat: A Matter of Pride or Justice?* (Macmillan: 2000), p. 185

Federation reiterates once again that it regards India as an influential and major member of the international community. The Russian Federation reaffirms its support to India as a deserving and strong candidate for the permanent membership in an expanded UN Security Council."²¹⁾

At the Joint Press Conference, Putin confirmed that India, as a new member [in the Security Council], should have the full rights of permanent membership, including the right to veto. He said that if India achieves a permanent seat in the Security Council, it cannot be a permanent member of a second rank.²²⁾

Russia additionally wants: i) the Security Council's Anti-Terrorism Committee to be a real and practical instrument for effectively fighting the terrorist threat; ii) strengthening of the UN peacekeeping and peace enforcement mechanisms so that the operations could be deployed more quickly and efficiently; iii) countering the proliferation of Weapons of Mass Destruction, by universalization of the existing non-proliferation regimes; strengthening of international verification instruments; and introduction of safe technologies in nuclear energy production.²³⁾

What should be noted is that Russia supports India. Yet it has also called for consensus - broadest agreement among the UN member states. This stance is likely in line with the UFC movement of which Pakistan is an active advocator. Therefore, it is fairly ambivalent. Russian Ambassador Vyacheslav I. Trubnikov said that the decision about the United Nations reform should be taken by consensus and it would make India's position in the Security Council

21) Bhasin, n.17, p.1357-8

22) Bashin, n.17, p.1365

23) Bhaskar, et.al., n.12, p. 494

more legitimate and stronger.²⁴⁾

China

The People's Republic of China presents itself as a representative of the developing countries. Repeatedly China declared that at the present time, the main reform task should be the increase, as a priority, of membership of the developing countries in the Council in accordance with the principle of equitable geographical distribution.²⁵⁾ Under this criterion, it is not clear whether India and Japan as Asian countries, are both eligible or just one of them is eligible for permanent seat in UN Security Council. However, another principle says this matter should be consulted in regional groupings for final consensus.

According to still another Beijing's principle for UNSC reforms, more opportunities should be given to middle and small-sized countries so that they can join in the decision-making of the UN Security Council. By this, India's candidature for a permanent seat would gain affirmative nod. However, Western capitalist states would find it difficult to win China's support for any inclusion into the elevated position of the Council.

China opposes, in particular, Japan's bid for a permanent membership in view of the serious differences over the issue of history - largely over the

24) The interview with Russian Ambassador was telecast on DD-India on 4 September 2005. See http://www.india.mid.ru/sp_55_e.html

25) China's principle for UNSC reform has been unveiled in the authoritative Beijing Review (May 13, 2004) by Chinese Foreign Ministry think-tank analyst, Wu Miaofa. It lays out five principles: i) an equitable geographic distribution in the Security Council; ii) the legitimate wish of developing countries to be met in the permanent membership; iii) the Council's expansion within ceiling or restriction; iv) the need of closed-door consultations in regional groupings for final consensus; v) the examination and approval of the UN in accordance with pertinent clauses of the Charter. See "United Nations: China holds India at bay." <http://news.indiamart.com/news-analysis/united-nations-china-7613.htm>

World War II atrocities committed by Japanese troops. Japan has refused to make any formal apologies to its World War II atrocities. The Prime Minister of Japan, Junichiro Koizumi, visits annually the controversial Yasukuni Shrine (靖國神社) which is located in Tokyo, where 14 'Class A' war criminals convicted by an Allied war tribunal are honored with Japan's 2.5 million war dead. In late April 2005, large anti-Japan protests broke out in China. Chinese Foreign Ministry spokesman Liu Jianchao said recently, "What we are opposed to is Japanese leaders' paying homage to the Yasukuni Shrine and Japan's absurd attitude on the history issue. The history when Japan brought scourges to other countries cannot be glossed over or denied."²⁶⁾

China is unwilling to back up G-4 resolution allegedly accusing that a hasty resolution without regional consensus is detrimental to the process of UN reform.²⁷⁾ However, the idea of consensus as the only basis for expansion of Security Council is not obtainable due to diverse aspirations of the member states. In fact, the strength of developing countries is their numbers and to deny their 'majority' vote by advocating 'consensus' would mean taking away their main weapon. China also said that it would only accept UN reforms if India quit G-4 and pursued its permanent membership in the UNSC independently because of its anti-Japan sentiment.²⁸⁾ Without turning down the Chinese proposal, India in consultation with Japan, advanced the idea of bringing the US into discussions, because the US has openly supported Japan's entry into the UNSC.

26) "India joining hands with Japan for UNSC problem for China". <http://www.allindiannews-papers.com/india-national-news/india-news-june/2005061202>

27) "China opposes 4-Nation Resolution on UNSC", 18 May 2005, http://www2.chinadaily.com.cn/english/doc/2005-05/18/content_443486.htm

28) "Prime Minister: China opposes 'Immature' UN Reform", <http://china.org.cn/english/2005/jun/131551.htm>

DIFFERENT REGIONS: DIVIDED INTERESTS

Smaller countries were generally less disturbed by possible changes in the UN Security Council with some of developing military and economic powers ascending to a promoted status, of which they clearly cannot count themselves. Some 60 states advocated permanent membership for Japan, Germany, India and Brazil in favor of a better representation of expanded UN membership today.²⁹⁾

The industrialized states in the North, mainly prompted by the US, rather disliked the idea of creating new permanent seats for developing countries. They argued that the more actors there would be the less efficient and effective the work of the Council would be. This position has however changed, particularly in the face of the firm position of the African states, without which a majority necessary for Charter reform cannot be obtained.³⁰⁾ The UK declared to be supportive of additional seats for Asia, Africa and Latin America and the Caribbean. The US announced its position of giving three new permanent seats to developing countries.

The view of the developing countries with regard to the number of increased permanent seats on the Security Council is most controversial. Though these countries basically agree that the expansion of the Security Council should be determined on the basis of the principles of equitable representation and sovereign equality of states as enshrined in the Charter, the interpretation of the principles is as wide ranging as their ambitious aspirations are. Views on the principle of representation vary from population

29) Siddharth Varadarajan, "Security Council Reform: a Bridge too far?", *The Hindu* (Delhi), 28 May 2005

30) Malone, n.6, p. 347

distributions to economic status, from peacekeeping contribution to democratic credentials, from regional division to major cultures and religions.³¹⁾ Especially the question of permanent membership and veto power is highly contentious. Some developing countries, including Pakistan and Italy, wish the category of permanent membership, and the veto power it entails, to be abolished altogether because it has an anachronistic character.³²⁾ Other countries, among them Mexico, dismiss the idea of additional permanent seats.

Therefore, the question of reform of the United Nations Security Council is viewed, in a sense, as a North-South issue for there are some incompatibilities between industrialized states (the North) and developing states (the South). The industrialized states of the Northern hemisphere acknowledge that the reform of the Security Council should take place. However, they want largely to limit an increase in the overall membership of the Council in fear of any restraint on their influence, though there is exceptional case like of France who advocates large expansion of the Security Council. They remember how some of developing countries in the 1960s, as non-permanent members, had played the Permanent Members off against one another, greatly amplifying the voice and enhancing the apparent influence of the Non-Aligned Movement within the Council.³³⁾

On the other hand, the developing nations of the Southern hemisphere advocate a stronger increase in the Council's membership for their equitable

31) See Interpretations of Equitable Representation in Chapter 3, pp.89-90

32) For example, Pakistan is not for enlargement of the United Nations Security Council as it feels that it is against the principle of sovereign equality of nations. The High Level Panel's report said that as a whole the veto had an anachronistic character in an increasingly democratic age. See "Panel on UN Reforms has called Veto 'Anachronistic'", *The Hindu* (Delhi), 5 December 2004

33) Ramesh Thakur & Edward Newman, ed., *New Millennium, New Perspectives: The United Nations, Security, and Governance*, (Tokyo: 2000), p.22

representation on the machinery. Especially the non-aligned countries feel that they are largely under-represented in the Council and this under-representation must be corrected by increasing the membership of the Council.

OBSTACLES TO INDIA'S PERMANENT MEMBERSHIP

Undemocratic Social Structure

One of India's strong cases for the UNSC membership is that it has been the largest democracy in the world. The Constitution of India provided for a representative democracy in a liberal frame work. India is neither a military dictatorship nor a totalitarian government. It boasts of a longstanding multi-party, federal, parliamentary democracy with a bicameral parliament. Without experiencing political interruptions and discontinuations by military coups and/or dramatic changes in its constitution, India has esteemed the core values of democracy - the sovereignty of people; constitutional limits of government; free and fair elections; guarantee of basic human rights; equality before law; and social, economic and political pluralism etc.³⁴⁾

However, Indian democracy is not a flawless system. India has not been able to acquire a stable national unity and the political system has not been able to fulfill the aspirations of all groups, sections, and classes.³⁵⁾ In this area, India still needs to step up its endeavor to win a better recognition of the international community by enhancing its law enforcement and justice system and veritable religious freedom including the reversal of anti-conversion laws.³⁶⁾

34) A. S. Narang, *Democracy in India: Issues and Challenges*, (New Delhi, 2003), p.1-2

35) *Ibid.*, p.3-5

36) Anti-conversion laws have been in effect in Madhya Pradesh and Orissa since the

India has suffered bad reputation world-wide owing to communal riots and religious marginalization in the wake of the demolition of Muslim temple, Babri Masjid (1992); attacks on properties and believers belonging to minority religions, including the burning alive of a Christian missionary and his two sons in Manoharpur, Orissa (1999); and the recent communal riot in Ahmadabad, Gujarat (2002).

On 6 December 1992, thousands of Hindutva activists brought in by the Hindu nationalist Vishwa Hindu Parishad (VHP) razed the three domes of the Babri Masjid. It sparked nationwide riots between Hindus and Muslims that killed more than 2,000 people in the worst sectarian violence since the killing of Sikhs after the assassination of Prime Minister Indira Gandhi in 1984.³⁷⁾ On 23 January 1999, a Hindu mob attacked, setting fire to the jeep in which Graham Stains and his two sons, Phillip (11 years) and Timothy (6 years) were sleeping. They were all burnt alive. Stains had spent 34 years working with leprosy in Orissa. Extreme nationalist group Bajrang Dal was believed to be behind the killings.³⁸⁾ Gujarat riots were triggered on 27 February 2002 by an alleged Muslim mob's attack on a passenger train passing through the town of Godhra. Part of the train passengers were the Kar Sevaks returning from the destroyed Babri Masjid site located in Ayodhya. The widespread riots were carried out by various Hindu militant organizations, including the VHP and Bajrang Dal, with tacit support of the BJP state government.³⁹⁾ More than

1960s, and laws against forcible conversions exist also in Andhra Pradesh and Arunachal Pradesh. Chhattisgarh retained the anti-conversion law from Madhya Pradesh when it separated from that state. In 2002-2003, the states of Tamil Nadu and Gujarat passed anti-conversion laws. See International Religious Freedom Report 2004.

<http://www.state.gov/g/drl/rls/irf/2004/35516.htm>

37) "The destruction of Babri Masjid", <http://www.muslimsonline.com/babrimaq.htm>

38) "India orders Inquiry into Missionary's Killings", The New York Times, 29 January 1999, http://topics.nytimes.com/top/reference/timestopic/subjects/r/religion_and_belief/index.html

1,000 people, mostly Muslims officially died in the riots.

Especially the so-called 'Anti-conversion Laws' are apparently against the spirit of religious freedom enshrined in the Constitution of India which stipulates "freedom of conscience and free profession, practice and propagation of religion,"⁴⁰⁾ though these laws offer an absurd commentary such as "what the article [article 25] grants is not the right to convert another person to one's own religion, but to transmit or spread one's religion by an exposition of its tenets."⁴¹⁾ It is out of all reason because free propagation of religion inevitably results in conversion. Moreover, there is a very crucial but largely neglected aspect in the perception of mass conversion.

The reason why Dalits embrace other religions than Hinduism (in most cases Buddhism) is not because of conversion movement from other religions, but discrimination based on the caste that is inherent in Hinduism. For example, when nearly 50,000 Dalits embraced Buddhism in November 2003, they shouted slogans against the upper caste hegemony of Hinduism, polity, and society. In an interview, Dalit leader Udit Raj, who had converted to Buddhism answered the main reason behind the conversion of Dalits,

"Ostracism is one. Inhuman treatment of Dalits is another. In many parts of rural India, Dalits are still not allowed to enter the village temple or draw water from the village well. How long can anyone tolerate this kind of discrimination and ostracization in the modern era? It is not Islam, Christianity or Buddhism, but the treatment of Dalits in Hindu society that's forcing many to leave the fold."⁴²⁾

39) "Gujarat Riot Victims allege 'Communal Cleansing'", BBC News, http://news.bbc.co.uk/2/hi/south_asia/4445107.stm

40) See the Preamble and Article 25 (1) of the Constitution of India

41) Richard Howell, ed., *Free to Choose: Issues in Conversion, Freedom of Religion, and Social Engagement* (New Delhi: 2002), p. 207

It is necessary to take notice that many among those who criticize India's candidature for UNSC membership raise the question of over 200 million untouchables and 500 million oppressed lower castes. Social acceptance of caste-based discrimination, human rights violations against persons belonging to lower castes even provoked opponents to label India as 'one of converted fascist states' along with Japan, Germany and Brazil.⁴³⁾

'Country Reports on Human Rights Practices 2005' states that even under Congress-led government during 2005, serious and numerous problems have remained such as, human rights abuses by Security Force officials; excessive use of force against insurgencies in Jammu and Kashmir and North-eastern states; corruption in the government and police forces; and insurgents being engaged in widespread rape, torture and other forms of violence including beheadings, kidnapping, and extortion.⁴⁴⁾ In terms of excessive use of force against insurgencies, security force officials who committed human rights abuses were reported as those who enjoyed de facto impunity, although there had been reports of investigations into individual abuse cases as well as punishment of some perpetrators by the court system. India needs to shake off such negative report that although it has numerous laws protecting human rights, enforcement was lax and convictions were rare. In order to eradicate such criticisms, India needs to take care of main characteristics of liberal democracy, such as, human rights, freedom of religion and law enforcement

42) See "Attack on Dalit Triggers Mass Conversion", *Times of India*, September 10, 2003

43) Ahmed Sheikh, "A Passionate Case Against India Entering UNSC with the Power of Veto", http://www.satibune.com/archives/200505/P1_ash.htm

Sheikh argues that Brazil has beleaguered Aboriginal tribes and blacks numbering in the millions; Japan has persecuted minority of Koreans and committed its genocide in China; and Germany has wiped out Jews, Serbs and Gypsies in genocide in the 1930's and 40's.

44) Country Reports on Human Rights Practices 2005, <http://www.state.gov/g/drl/rls/hrrpt/2005/61707.htm>

towards the lofty doctrines of liberty, equality, social justice, and secularism.

Contribution to the UN Budget

Japan and Germany have over the half century joined the nuclear Non-Proliferation Treaty and become major world players. To their credit, the two countries' contribution to the UN budget ranked altogether 28.13 percent in 2005 - Japan 19.468 percent and Germany 8.862 percent. This contribution marks almost one-third to the UN budget and exceeds that of the P-5 combined together excluding the United States. The UK contributed 6.127 percent, France 6.03 percent, China 2.053 percent, and Russia 1.10 percent to the UN regular budget.⁴⁵⁾ Based on their contribution to UN, Japan and Germany have established a better reputation and hope to be considered for permanent membership of the UN Security Council with veto powers.

Among the G-4 countries, Brazil contributed 1.523 percent to the UN budget in 2005. India's contribution to the UN budget marked 0.421 percent.⁴⁶⁾ India's contribution to the UN budget is below the average of the other G-4 countries (Japan, Germany and Brazil), which is 9.884 percent. However, it is higher than mandatory minimum requirement, that is 0.01 percent of the regular budget.⁴⁷⁾ The majority of UN members which are regarded as poor pay at this level.

In comparison, the contributions of the following member states to the

45) Russia, in 1993 was the fourth largest contributor to the regular budget, has since pleaded bankruptcy and no longer appears among the top fifteen contributors.

See "Contributions by Member States to the United Nations regular budget for the year 2005", http://www.eyeontheun.org/assets/attachments/documents/scale_of_assessments_un_budget.doc

46) Ibid.

47) "Percentage Share of UN Regular Budget 2004-2005", <http://www.netint.org/issue375/facts.htm>

UN regular budget in 2005 outbid India: Argentina 0.956 percent; Australia 1.592 percent; Austria 0.859 percent; Belgium 1.069 percent; Canada 2.813 percent; Denmark 0.718 percent; Finland 0.533 percent; Greece 0.530 percent; Israel 0.467 percent; Italy 4.885 percent; Mexico 1.883 percent; Netherlands 1.690 percent; Norway 0.679 percent; Poland 0.461 percent; Portugal 0.470 percent; the Republic of Korea 1.796 percent; Saudi Arabia 0.713 percent; Spain 2.520 percent; Sweden 0.998 percent; and Switzerland 1.197 percent. The total contribution of the above 20 countries, who have not been named widely as eligible candidates for UNSC permanent membership comes to 26.829 percent.⁴⁸⁾

The Permanent five contributed 37.31 percent to the 2005 UN budget - the US 22.0 percent; the UK 6.127 percent; France 6.030 percent, China 2.053 percent and Russia 1.10 percent. The G-4 countries, Japan, Germany, Brazil, India who want to occupy a permanent Council seat respectively contributed 19.468 percent, 8.662 percent, 1.523 percent, and 0.421 percent to the UN budget in 2005. The rest of the world which consists of 162 UN member states contributed only 5.787 percent to the UN budget.⁴⁹⁾

One of India's cases in search for permanent membership on the Security Council is on the basis of its growing economic prowess, such as purchasing power parity, self-reliant or domestic industry-led economic growth, and cost-efficient resources. Though India does have a surging economy, its level of development in the vast majority of the land is still staggering. It still has a number of serious social and developmental issues within its own borders.⁵⁰⁾ In this sense, India needs to strike the balance between 'its claim

48) See Appendix VII: Contributions by Member States to the United Nations Regular Budget for the Year 2005

49) Ibid.

of growing economy' and 'corresponding contribution to the UN budget'. India's financial contribution has increased from 0.341 percent in 2003 to 0.421 percent in 2005. However, India's contribution to the UN regular budget still needs to be increased in comparison with other competing member states.

Regarding financial contribution to the UN budgets, however, India's explanation is different from others. Financial contribution must be considered not just in absolute terms but in relative terms. For a country with low per capita income, assessed contribution as per the United Nations scale may entail proportionately higher sacrifice. The record of timely payment also should be taken into account. Moreover, the financial contribution does not remain static for ever and India's contribution has been increasing as shown in the previous years. Therefore the crucial issue is the readiness to fulfil the obligations and not the quantum of payment at a particular point in time.⁵¹⁾

Kashmir Issue

Pakistan vehemently opposes India becoming a permanent member of the Security Council. It is, by and large, because of the fear that a permanent seat for India will hurt Pakistan's own position on Kashmir, a territory both nations claim. Pakistan does not want to create more centers of power that would adversely affect the functioning of the organization.⁵²⁾

50) "India's Main Obstacles for Membership", <http://www.mtholyoke.edu/~sskumar/iweaknesses.html>

51) Indian Deputy Permanent Representative quoted in Bhaskar Menon, "New Round of Musical Chairs", *Sunday Times of India*, 19 February 1995.
See also C. S. R. Murthy, *India in Tomorrow's United Nations* (New Delhi, 1998), p.30-31

52) Mexican Foreign Minister discusses UN Reforms with Foreign Minister, Press Release, Ministry of Foreign Affairs Pakistan, 8 March 2006, http://www.mofa.gov.pk/Press_Releases/2006/March/PR_100_06.htm

Referring to India, Pakistan usually asks as to how a country guilty of undermining the world body by violating its decisions on Kashmir would be to ascend to its coveted permanent membership. It argues that such situation will make mockery of the United Nations Security Council, because it will be the symbol of repudiation of the principles of international morality and justice.⁵³⁾ According to Pakistan's point of view, India trampled the UNSC's resolutions that called for holding of free, fair and impartial plebiscite in Kashmir to let the Kashmiri people exercise their right to self-determination to decide whether they want to join Pakistan or India in keeping with the Indian Partition Plan.⁵⁴⁾

On the contrary, India defends itself that Kashmir has been integral part of India since the Partition, reversely accusing Pakistan of being a terror-exporting country. Engaged in the Kargil War (1999) and the Parliament Attack (2001), New Delhi has argued that peace process cannot be taken place unless Islamabad puts an end to terrorism. The Kargil war was an armed conflict caused by the intrusion of Pakistani army to the Indian side of the Line of Control, which served as the de facto border between India and Pakistan. Intention behind was to induce the international intervention that might favor Pakistan.⁵⁵⁾ On 13 December 2001, six gunmen injured 22 people and killed six police officers before they themselves were killed in an attack on the Parliament buildings in New Delhi. The government blamed the attack on two Pakistan-based Kashmiri militant groups, Jaish-e-Mohammed and

53) Vishnu Prajapati, ed., *South Asia: Power and Politics*, (Delhi, 1998), vol.2, p.10-11
See also *Pakistan Times Foreign Desk Report*, 5 January 2005, <http://pakistanimes.net/2005/01/05/top8.htm>

54) *Pakistan Observer*, 30 April 2005, <http://pakobserver.net/200504/30/Editorial01.asp>

55) C. Raja Mohan, *Crossing the Rubicon: the Shaping of India's New Foreign Policy* (New Delhi, 2003), p.98-99

Lashkar-e-Toiba.

Ending terrorism first, then peace process - this position was reiterated even in 2005 by Indian Prime Minister, Manmohan Singh, when he made it clear in response to Pakistan's demand for withdrawal of troops from Jammu and Kashmir that a pullout was not possible unless violence and terrorism stopped.⁵⁶⁾ For Islamabad, the resolution of Kashmir question has been always the principal preoccupation, yet for New Delhi, Kashmir is important but only one of the issues between the two countries. Pakistan perceives that bilateral dialogue has failed to deliver results, thus has campaigned for years for a third party mediation or an intervention by the United Nations.⁵⁷⁾ But India strongly rejects it, not allowing any third party to intervene between the two countries on the basis of the Shimla Agreement.

Now as India is in search of a permanent seat on the UN Security Council, what counts is not New Delhi's own self-asserting position or justification on Kashmir issue but the evaluation by the international community. Unfortunately the international opinion is largely against India, reporting New Delhi of human rights violations in recent years with claims of tortures, and killings of thousands of civilians, stemming from the Kashmir conflict in particular.⁵⁸⁾ Since India has agreed with Pakistan a new framework which is called a 'composite and integrated dialogue' for peace process, New Delhi needs to take substantive steps in order to enhance it's national image.

56) "Consensus holds the Key", *The Hindu* (Delhi), 17 September 2005

57) C. Raja Mohan, "Ten Questions on Peace Process", *Economic and Political Weekly* (New Delhi), July 10, 2004, p. 3100

58) J. Bandyopadhyaya, *The Making of India's Foreign Policy* (New Delhi, 2000), 2nd edn., pp.291-8 See also Country Reports on Human Rights Practices 2005, <http://www.state.gov/g/drl/rls/hrrpt/2005/61707.htm>

'Uniting for Consensus' Movement

In the late 1990s, a group of middle-sized countries was formed to trip up the main stream of UNSC reform proposal and it was called by 'Coffee Club', which is reminiscent of the powerful lobby opposing the expansion of permanent membership.⁵⁹⁾ Under the leadership of Italy, Coffee Club was resurrected in February, 2005 as 'Uniting for Consensus' movement and called for a consensus before any decision being reached on the form and size of the Security Council.⁶⁰⁾ Its main argument is that the UN reform should be implemented under the consensus of the member countries and should not be done in haste with a fixed time frame. This claim is obviously aimed at curbing G-4' movement which tries to put its proposal to the General Assembly vote in 2005 - to win the two-thirds majority, not consensus. Comprised of 40 heterogeneous middle-sized countries, headed by Italy, the Republic of Korea, Pakistan, Argentina and Mexico, this club has two sub-clubs:

- i) a group of second regional contenders who oppose their regional rival's bid for the permanent membership on the Council. Italy and Spain are against the German drive; the Republic of Korea is uneasy with the Japanese aspiration; Pakistan strongly opposes the Indian move; Argentina blocks the

59) In March 1997, so-called 'Razali Proposal' was prepared with imposed time frame, calling for expansion of the Security Council by five permanent and four non-permanent members. It alarmed those most opposed to the expansion of permanent membership because of their own ambition for membership - Italy, Pakistan and Mexico. Italy formed a group of states in reaction to Razali's meetings which were being held between April and September 1997 to win support for the proposal. This group was referred to as 'Fulci's Coffee Club' because of the Italian ambassador's leadership.

60) About forty of like-minded countries adopted the document entitled 'United for Consensus' on 16 February 2005. See Press Release, GA/10371, Fifty-ninth General Assembly 115th Plenary Meeting, 26 July 2005, Uniting for Consensus Group of States introduces Text on Security Council Reform to General Assembly, <http://www.un.org/News/Press/docs/2005/ga10371.doc.htm>

Brazilian campaign.

- ii) a group of middle sized developed countries are edgy with Brazil, India and several African contenders' permanent membership on the Security Council. Developed middle powers have challenged Brazil, India, and several African aspirants' bid, pointing to their scanty contribution to the UN budget.⁶¹⁾

The above five countries oppose any increase in permanent members and instead advocate an alternative proposal to increase the number of non-permanent members in the Security Council. Italy is incensed that it is being shut out of the Security Council despite it has an equal or even a better claim for permanent membership than Germany. As a result, Italy has expressed its strong reservations about Germany's candidacy for permanent membership in the Security Council. Implicitly referring to Germany, the 'Italian proposal on the reform of the Security Council' asserts,

"As for the European Union, the insertion of new permanent national seats in the Security Council would hamper progress toward a unified European presence in the world through a common foreign and security policy."⁶²⁾

The Republic of Korea is critical of Japan's wartime past, and is currently in a dispute with Tokyo over a historically symbolic island midway between the two nations.⁶³⁾ Argentina and Mexico are peeved that their claims to represent

61) Ibid.

62) *The Reform of the Security Council: An Italian proposal*, the Italian National Committee for the United Nations Fiftieth Anniversary (Rome, 1996), p.11

63) "UN Security Council Reform in Clash", Kyeong-Hee University (Seoul, Korea), 13 March 2006, http://media.khu.ac.kr/khu_eng/english_sub.asp?nclass=004&idx=65

Latin America have been overtaken by Brazil, the front-runner from that region. Pakistan, a longtime rival of neighbouring India, does not want to see New Delhi elevated to the ranks of a permanent member, because of the fear that a permanent seat for India will hurt Pakistan's own position on Kashmir. Pakistan does not want to create more centers of power that would adversely affect the functioning of the organization. Although it is not publicly opposing India, Pakistan is against the expansion of permanent membership.

China factor cannot be neglected in this regard. China has maintained its position in terms of UNSC reform that all UN member states need to find consensus via consultation. In fact, the UFC is supported by China which advocate middle and small-sized countries to participate in the decision-making of the UN Security Council.⁶⁴⁾

Not all of the countries in the UFC group have objection to India's inclusion into the Security Council. They basically oppose a neighboring regional rival. However, as a group, it opposes to any expansion of permanent membership on the Council. Here rises the question for India whether the campaigning together with other G-4 countries is effective or not. For example, Korea has no direct reason for opposing India to become a UNSC permanent member, unless India is one of the G-4 countries.

The UFC group has proposed that expansion should be only in the non-permanent category by addition of 10 members, in contrast to the G-4 resolution which calls for addition of six permanent and four non-permanent members. It is said that the UFC only needs 60 member states to vote against the move or to abstain from voting to derail the G-4's efforts to expand permanent membership of the Security Council.⁶⁵⁾ They do not need a majority

64) Cheng Ruisheng, "China and India: Challenges and Opportunities for the Transformation of Ancient Relations in the Future", *China Report* (New Delhi, 2002), vol.38, no.1, p.91

and its lobby is powerful.⁶⁶⁾

The United States

The US is non-committal to India's bid for the UNSC membership. Washington has long said it would oppose a large increase from the current fifteen seats on the UN Security Council. US Ambassador to the UN, John Bolton recently said "nineteen or twenty seats would be the limit of any possible expansion, with two or so permanent, and then two to three non-permanent members... Ideally, one alternative is that just Japan joins the Security Council."⁶⁷⁾

In a leaked memorandum, US Secretary of State, Condoleezza Rice recently said one guideline for restructuring the Security Council should be that no 'non-democratic state' should become a permanent member. She also said the principle of allocating jobs in the UN via geographic distribution was a 'disgrace'.⁶⁸⁾

These comments give indications of some of the fundamental considerations of Washington on the UN Security Council expansion. The US is not in favor of the reform proposal put forward by G-4 countries. Germany,

65) At least 64 negative votes are required to block the two-thirds approval in the General Assembly voting, but there are already 5 strong advocate countries in UFC group. See "Analysis: US Cool to India's UN Bid", <http://washingtontimes.com/upi-breaking/20050415-031224-1905r.htm>

66) In April 2005, the UFC group launched a vigorous campaign to counter efforts of the Group of Four by inviting all UN members to a general meeting to explain its position that the expansion should be only in the non-permanent category. Organizers said 119 member states attended the meeting, as against 150 states that attended a meeting of the Group Four.

67) "Bolton Negative on Japan move to expand UNSC". 2 February 2006, <http://www.asahi.com/english/Herald-asahi/TKY200602010434.html>

68) "Rice Rejects Germany's UNSC Bid", International Relations and Security Network (ISN), 19 May 2005, http://www.isn.ethz.ch/news/sw/details_print.cfm?id=11311

Japan, India and Brazil proposed to the UN General Assembly that the Security Council be expanded by adding six new permanent seats and four non-permanent seats. India, as part of the G-4, advocates larger expansion of the Council membership, while the US strongly opposes it. The US concerns about inefficiency when the Security Council is expanded largely. Moreover, Washington thinks that there have to be reforms to strengthen the institution itself first - the creation of a human rights council, of a peace-building institution, of a convention on terrorism, and especially the strengthening and reinforcing the budget. Only once those reforms are made, the US would be willing to look at the question of UNSC expansion.⁶⁹⁾

However, Indian Prime Minister Manmohan Singh said, in a Press Briefings at the end of his visit to the US in July 2005;

"I discussed this matter with the President [Bush], the President did not deny that countries like India have a legitimate claim to being in the Security Council...But he did tell me that he felt the priority of reforms should be elsewhere, that the reform of the Security Council should be a later process, and, therefore, the fact that the US is not supportive of G-4 does not necessarily imply the US rejection of India's claim to the Security Council."⁷⁰⁾

India's UNSC bid is likely to wait for UN reform first. However, it is evident that India has created conditions in which the US would be probably on its

69) Joint Press Conference by External Affairs Minister Natwar Singh and US Secretary of State Dr. Condoleezza Rice, 14 April 2005, <http://meaindia.nic.in/mihome.htm>

70) Transcript of End of Visit Press Conference by Prime Minister Dr. Manmohan Singh, Washington, Press Briefings, 20 July 2005, <http://meainida.nic.in/>

side, when time comes to expand the Security Council.

PROSPECTS FOR INDIA'S PERMANENT MEMBERSHIP

For more than a decade, India has asserted that its claim for permanent membership on the expanded UNSC is natural and legitimate as it is the world's largest democracy, a rapidly growing economic power and willing to share the burden of peacekeeping for the maintenance of international peace and security. However, the 59th UN General Assembly last year disappointed Indian diplomatic efforts endeavored so long for the UNSC membership.

Because the expansion of permanent membership is beset with a number of uncertainties, some permanent members like the US and China refused to commit themselves to specific support of India for permanent membership. It is possible that for the same reason other countries may endorse India's candidature knowing full well that there is not much chance of the reform proposals getting through.

Given the Washington's position which prefers UNSC reform in the context of broader UN reforms (rather than merely the expansion of the UNSC), India needs to reevaluate and correct its course of strategic move in terms of the UN Security Council membership. Instead of becoming confident of India's credentials on its own terms, New Delhi needs to be attentive to divergent aspirations of the nations stemming from their respective national interests, giving top preference to that of the current Permanent Five, especially of the US. Because what India argues for the permanent membership is fairly theoretical proposition which would not be acceptable to the world powers.⁷¹⁾ For example, India claims to be the world's largest democracy, but

does it mean that India has been a politically acceptable ally to the Western powers? Again India is growing economy, but does it mean that India has been a major financial contributor to the UN budget to the extent of the P-5's expectation? Eventually lack of an appropriate assessment on the discrepancy between India's theoretical proposition and world powers' acceptability is likely to bring about another disappointment to India on its way to the permanent membership in the Security Council.

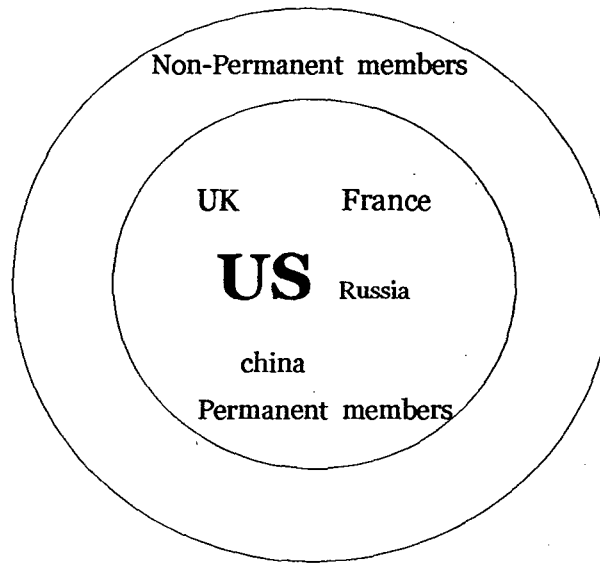
Alignment with the United States

Prospects for India's UNSC membership can be found, first of all, when India makes effort to obtain Washington's back up of New Delhi's bid for a permanent membership on the Council. In international relations, a state's power originates in various degrees from its economic strength, military capabilities, diplomatic skill, command of information and ideological legitimacy etc. There is no doubt today that the US, for the achievement of most of its goals, would be the most powerful state in the international system. Its status as a permanent member of the Security Council, and so its capacity to influence decisions of the UN, adds to this ability. It is especially true when the world witnessed the emergence of a unipolar power after the disintegration of the Soviet Union in 1991. Washington can often persuade other members of the Council to vote with it from common principles of ideology and world order, or through rewards of side payments, or by implicit or explicit threats of punishment.⁷²⁾ Its unique position is evident even in the Security Council as shown in Fig IV-1.

71) J. N. Dixit, *Indian Foreign Policy and Its Neighbors* (New Delhi, 2001), p. 120

72) Bruce Russett, ed., *The Once and Future Security Council* (London: 1997) p. 157-58

Fig IV-1. Two-tier Structure of the UN Security Council



Given the power in the present composition of the permanent members of the Security Council, the US is most influential state in the decision-making of the Council. Chakrabarti puts it,

"...the Security Council as it stands today has not one but two inner structures. The outer ring of non-permanent members surrounds the inner circle of permanent members who again hardly act independent of the United States. Ultimately therefore, the choice of new permanent members, if at all necessary, will be determined principally by the US and dittoed by others."⁷³⁾

In recent years, India and the US have certainly come a very long way over a reasonably short period of time. In January 2004, India and the US announced so called the 'US-India Next Steps in Strategic Partnership (NSSP)', which was a basic framework of the agreement on high technology cooperation

73) Radharaman Chakrabarti, *UNO: A Study in Essentials* (Calcutta: 1998), p. 165

between the two sides. Many expressed concerns about it arguing that the NSSP had been 'hyped' and lacked substance.⁷⁴⁾ But it was actually the first time that the contours of Washington's opening the door for high technology cooperation with India.

On 2 March 2006, the US and India announced an unprecedented agreement that would provide the US nuclear power assistance to India while allowing New Delhi to substantially step up its nuclear weapons production.⁷⁵⁾ Under the agreement, India is to separate its civilian and military nuclear programs over the next eight years in order to gain the US expertise and nuclear fuel to meet its rapidly rising energy needs. Its significance lies in the fact that the US is rewarding one of only three countries (two others being Israel and Pakistan) that refused to sign the NPT. The BBC news called it a "strategic re-alignment".⁷⁶⁾

India too revealed a similar diplomatic course when New Delhi voted against Iran at the IAEA Board of governors on 25 September 2005. No one had foreseen that India would not abstain along with the Non-Aligned bloc.⁷⁷⁾ India's move against Iran invited hot debates - some accused the government of abandoning of its foreign policy; Others focused on the costs of foreign policy from the growing engagement with America; The CPI(M) worried about the effects which would adversely affect India; On the other end were those justifying India's stand as being right from the perspective of national

74) Matthew S. Borman, "NSSP: US, India interests in Action", *The Hindu* (New Delhi), 2 October 2004

75) US, India reach Deal on Nuclear Cooperation, *The Washington Post*, 3 March 2006, See also <http://www.washingtonpost.com/wp-dyn/content/article/2006/03/02/AR2006030200183.html>

76) "Strategic Re-alignment", BBC News, http://news.bbc.co.uk/2/hi/south_asia/5120782.stm

77) "India's Shameful Vote against Iran", *The Hindu* (New Delhi), 26 September 2005

interest.⁷⁸⁾ Noteworthy here is that India is now ready to abandon the traditional perspective of foreign policy. Mohan states that the willingness of India to stand firm in the perceived defence of the relationship with the US reflected a major Indian political transition.⁷⁹⁾ India is likely on the right track in the recent performance of foreign policy.

Democracy

To obtain Western powers' backup, India needs to take into account the actual criteria being advocated by them led by the US for permanent membership of the Security Council: 'democracy' (political ally to the West) and 'economy' (the capacity to financially support UN activities) are two key words that can serve the purpose. In other words, India should consider political and economic conformity with the new world in a positive manner.

India is the world's largest democracy. India has been a democratic state since its independence. However, India has been known to the world, especially to the Western world, with its brand of Non-Alignment Movement, and hardly of democracy as a political ally to the West. Because India has been at the fore-front of the Non-Aligned Movement and the G-77, Democracy was never part of Indian political discourse either at NAM or the UN.⁸⁰⁾ Thus it was difficult to obtain political acceptability from the Western powers led by the US.

78) See "India's IAEA Vote was decided in Advance", *The Hindu* (New Delhi), 26 September 2005; "India needs to stand firm", *The Hindu* (New Delhi), 16 September 2005, and "The Unravelling of India's Persian Puzzle", *The Hindu* (New Delhi), 27 September 2005

79) C. Raja Mohan, *Impossible Allies: Nuclear India, United States and the Global Order* (New Delhi, 2006), p.183

80) *Ibid.*, p.94

However, there is a green signal to this issue as Washington is in favor of New Delhi in its overall perception of democracy of India. Because of the structural changes in the international system - the rise of China and the emergence of new threats after September 11 - the US attempts to promote democracy elsewhere in the world.⁸¹⁾ This is where India's democracy rings Washington's interest to respond to its present challenges by establishing a strategic partnership with India.

But what brought real change in the relations with the US recently is India's participation in the launching of the 'UN Democracy Fund (UNDEF).' Because this was the first time that India presented itself as a democracy at the United Nations, and subsequently to the world. The UNDEF was established by 'India-US Global Democracy Initiative' to strengthen democratic values, ideals and practices of freedom, pluralism, and rule of law.⁸²⁾ At the launching of the UNDEF, Prime Minister Manmohan Singh addressed,

"As the world's largest democracy, it is natural that India should have been among the first to welcome and support the concept of a UN Democracy Fund... We are prepared to do much more, both as active participants in the Democracy Fund and in the Community of Democracies."⁸³⁾

81) In terms of democracy, President Bush's ideological commitment to democracy and its promotion around the world would become a key element of the new American strategy. The US invasion of Iraq had less to do with the presumed weapons of mass destruction capabilities of the Saddam Hussein regime than the ideological motivation to promote democracy in the Middle East.

82) India-US Global Democracy Initiative, 18 July 2005, Ministry of External Affairs, <http://mea.gov.in>

83) Remarks by Prime Minister Dr. Manmohan Singh at the Launching of UN Democracy Fund, 14 September 2005, Ministry of Home Affairs, <http://meaindia.nic.in>

In this sense, the comment of US Secretary of State Condoleezza Rice on the partnership with India is noteworthy. She gave her answer to the question, 'Does the United States support India's bid for a permanent seat in the UN Security Council?, Is the goal of the US policy to make India a global power?':

"India is becoming a global power not because the United States in making it one but because *India is a democracy* that is emerging to take on global responsibilities. It has the population, the rich, the increasing economic clout to do that. But the United States wants to be supportive of what we see as a positive trend in India's global role because *India is a democracy* and that matters to us in the global role that it is beginning to play."⁸⁴⁾

The nuance reveals that the US supports India not because of its population or its growing economy but because of its democracy. The phrase 'India is a democracy' is reiterated in her comment. India laid a crucial foundation and it must bear fruit in the further realization of the Indian foreign policy.

Economy

Economic acceptability can be more likely achieved in the near future as India is headed for market and free enterprise. Given the discussion above, principal criteria for effective representation on the Security Council are today inevitably linked to wealth, a free-market economic philosophy, and support for

84) Joint Press Conference by External Affairs Minister Natwar Singh and US Secretary of State Dr. Condoleezza Rice, 14 April 2005, Ministry of External Affairs, <http://medindia.nic.in/mihome.htm>

the Western strategic and commercial interests.⁸⁵⁾ Particularly the capacity of financial support for UN activities is what the Western powers count as a major criterion for a permanent membership on the Security Council.

In this sense, noteworthy enough is Germany and Japan almost who are unanimously being regarded as most prospective candidates for permanent members on the Security Council. The contribution of the two states to the UN budget (which was 28.13%) in 2005 exceeded that of the US (22.0%), the biggest contributor.⁸⁶⁾ Both of them are members of G-8.

It is increasingly recognized that India in the next three to five decades will be the fourth and then third largest market in the world and a major knowledge pool in the international system. The Goldman Sachs projection foretells that by 2050 India would overtake Japan with only two countries ahead of it - China and the US being first and second largest economy respectively. The Indian economy is poised to overtake Italy in 2015, France in 2020, Germany in 2025 and Japan in 2035.⁸⁷⁾ The National Intelligence Council of the US in its forecast for 2020 assessed that US, China and India would be among the first three markets of the world, giving more credit to India's political stability than China's.⁸⁸⁾

In fact, there are proposals that China and India should be included in the G-8 economic grouping and that should be expanded to 10. A UK newspaper revealed that Canada's Prime Minister Paul Martin floated the idea

85) Geoff Simons, *UN Malaise: Power, Problems and Realpolitik* (Hampshire: 1995), pp. 185-86

86) See Appendix VII: Contributions by Member States to the United Nations Regular Budget for the Year 2005.

87) "The BRICs are Coming Fast: A Goldman Economist talks about Rapid Growth in Brazil, Russia, India and China", *Business Week* (New York), Asian Edition, 27 October 2003, p.68

88) Mohan, n.79, pp. 77-81

of a G-20 summit, in addition to the annual G-8 meeting. Italy's Prime Minister Silvio Berlusconi went further and said the leaders were considering inviting China and India into the G-8 fold. He said, "It doesn't make much sense for us to talk about the economy of the future without two countries that are protagonists on the world stage."⁸⁹⁾

For this reason, India becoming a member of an expanded G-8 can seize a higher priority than becoming a permanent member of the UN Security Council. If so, New Delhi's campaign for permanent membership on the Council would win rather easy consensus from international community. In any case, India needs to seek more positively the way it can contribute financially to the UN activities being it commensurate with its growing economy. Incidentally, the High Level Panel has recommended that members of the Security Council should meet certain criteria such as financial, military, and diplomatic contribution. It is also suggested that developed countries should have achieved or made substantial progress towards achieving the internationally agreed target of 0.7 percent of GNP for Official Development Assistance.⁹⁰⁾

Flexibility on the Veto

India needs to take a flexible attitude on the veto power. It is highly controversial whether or not such membership without the veto will enhance India's political clout to influence the working of the UN or to safeguard India's interests on which the UN activities may impinge. The US has warned four nations campaigning jointly for permanent seat on the UN Security

89) "China and India groomed for G-8 Membership", *The Guardian* (London), 11 June, 2004

90) Chinmaya R. Gharekhan, *The Horseshoe Table: An Inside View of the UN Security Council* (New Delhi, 2006), p.314-5

Council that Washington will not support their cause unless they agree not to ask for the veto power that the five current permanent council members hold.⁹¹⁾

Yet the G-4 draft resolution submitted to 59th session of the General Assembly had a clause which stated "new permanent members should have the same responsibilities and obligations as the current permanent members", implying that they too should have the veto power.⁹²⁾ According to diplomats who attended an informal G-4 meeting held at Germany's permanent UN mission, this provision was included in the resolution at India's insistence and it saw disappointing result.

Faced with opposition from several UN members, the G-4 countries have dropped their demand for veto power in an expanded Council for fifteen years if they are accepted as permanent members of the Body. This reveals that G-4 countries still regard the veto as integral part of the permanent membership. However, the insistence on veto, in effect, amounts to a perpetual self-denial ordinance, because there is absolutely no possibility of the P-5 agreeing to an additional veto-wielding member. India will deny to itself the possibility of acquiring permanent seat on the Council. The other route to eliminate discrimination by abolishing or even diluting the existing veto rights will also not work. In fact, veto is becoming increasingly irrelevant, it has been exercised most infrequently in recent years. The Security Council, in the coming years, will be dealing with a wide range of issues of concern to developing countries, therefore, it is important for them to obtain seats on the Organ first.⁹³⁾

91) Joel Brinkley, US Resists Expanding UN Veto Power, *The Hindu* (New Delhi), 16 May 2005

92) A Draft UN Resolution by G-4, *The Hindu* (New Delhi), 18 May 2005

Independent Campaigning

India should bring G-4 campaigning to an end - grouping itself with Germany, Japan and Brazil. Of course at the initial stage of campaigning for a permanent seat on the Council, there has been synergy as India works together with the other G-4 countries. But as revealed above, the US' latest stance is against Germany's bid for UNSC membership in the wake of Berlin's objection against the Iraq War. Washington's position on Germany is not likely to be changed in the near future. China is not in favour of Japan becoming a permanent member of the Security Council owing to the past history. China's stand that it would only accept UN reforms if India quits G-4 and pursued its permanent membership on the UNSC independently is a serious condition before India⁹⁴⁾ If China were to exercise its veto against Japan's admission it is hardly likely that India and others in G-4 will be made permanent members to the exclusion of Japan.

The number of countries with a strong preference for the G-4 resolution did not exceed sixty. Germany wielded influence among the East Europeans,⁹⁵⁾ but so did the US. Latin American and Caribbean states did not find the G-4 proposal attractive and there was strong opposition in parts of West Europe as well. Japan's influence in Asia was negative.⁹⁶⁾ To make matters worse, high-profile campaigning of G-4 drew attention and concern of the 'Coffee Club' and brought about the strong 'Uniting For Consensus' movement in

93) Gharekhan, n.90, p.313-4

94) Foreign Minister Spokesperson Qin Gang's Press Conference, 12 April 2005, Embassy of the People's Republic of China in the United States of America, http://www.china_embassy.org/eng/fyrth/t191585.htm

95) In G-4 draft resolution, a non-permanent seat was allocated to East Europe. The inclusion of an additional seat for East Europe was proposed by Germany, which felt this was the only way to win the backing of the 20-odds states in the region.

96) See Varadarajan, n. 29

February 2005, which produced at least forty-odd adversary countries united together against the aspiration of G-4.

Therefore, India should strike a balance between group campaigning and independent campaigning before New Delhi pursues its further endeavor for permanent membership. A reference can be drawn from the new step Japan has taken recently. Tokyo did not join the G-4 when the rest three countries (Germany, India and Brazil) tabled their draft resolution again on January 5th, 2006. India's campaign should be balanced and low-key and must avoid the kind of hype that one sees in the Indian media and pronouncements of the Indian politicians.

Concerted Diplomatic Efforts

India needs to make an effort to improve relations not only with its neighbouring countries but regional organizations in different blocs of the world. Fortunately, India's relations with China and Pakistan are making headway; India and China agreed on the guiding principles for the settlement of the boundary question in April 2005.⁹⁷⁾ The peace process is regarded as irreversible since New Delhi started the first round of talks under a new framework with Pakistan in June 2004.⁹⁸⁾

Still India needs concerted efforts to develop relations with regional organizations. For example, Japan has shown its efforts by sending a large delegation at NAM summit meetings to galvanize opinion in the Third World

97) Agreement between the Government of the Republic of India and the Government of the People's Republic of China on the Political Parameters and Guiding Principles for the Settlement of the India-China Boundary, 11/04/2005, <http://meaindia.nic.in/searchhome.htm>

98) Joint Statement: India-Pakistan, Ministry of External Affairs, 18/04/2005, <http://meaindia.nic.in/jshome.htm>

since Tokyo became an official guest in 1995. Especially Japan sent a very strong delegation to the New Delhi conference of the NAM in April 1997.⁹⁹⁾

In the same way, India can mobilize opinion of regional blocs such as AU (African Union) and ASEAN (Association of Southeast Asian Nations). With 53 members, the African bloc is especially important group in the United Nations. For 59th UN General Assembly a handful of African countries had agreed to co-sponsor the G-4 resolution. However, African diplomats in Delhi were disappointed with India's track record on delivery of promises. For example, a Team 9 (a group of eight energy-rich African states and India) meeting in March 2004 pledged \$500 million worth of lines of credit;¹⁰⁰⁾ more than a year later Africans complained that not a single line of credit was in place. There has been tardy implementation of the NEPAD (New Partnership for Africa's Development) commitment of \$200 million made in July 2003. Five months after tractors and similar material were promised to a few African nations, including Congo, there is yet no sign of delivery.¹⁰¹⁾ India needs to make concerted diplomatic efforts in order to avoid diplomatic loss that undermines the performance of Ministry of External Affairs.

Media Appeal

There is a great need to appeal to the media, which are now the great movers and shakers of public opinion. The UNSC reform proposals that culminated in the 'Razali proposal' could take shape in 1997 because the issue came into the spotlight before and after the fiftieth anniversary of the UN. Of

99) Drifte, n. 20, pp. 145-6

100) "India pledges \$500m to West African Nations", *The Hindu* (New Delhi), 2 May 2004

101) New Partnership for African Development, <http://mepad.org/2005/files/headstates.php>

course, the changes that occurred in the world during the early 1990s put a great deal of pressure on the United Nations to consider additional reforms.

Today not only public media but also internet communications play significant role in arousing public opinion more than one can ever expect or imagine. For example, a study of cyber cafes in a Colombo locality reveals that for Sri Lankan Tamils establishing linkages with the worldwide Tamil diaspora is no longer an act of mere communication but one that seeks active interaction. The internet has facilitated several alternatives that reconfigure and resist dominant assumptions and the virtual existence of Tamil Eelam does not replicate geopolitical configurations.¹⁰²⁾ It is widely known that huge volume of funds from overseas sustains LTTE (Liberation Tigers of Tamil Eelam) activities. Contributions from the Sri Lankan Tamil diaspora spread across Canada, the US, the UK, France, Switzerland, Australia, Sweden, Finland, Norway etc. It is estimated that the LTTE raises about \$2 mn from the diaspora monthly; a quarter of it comes from Canadian Tamil expatriates.¹⁰³⁾

This shows that without physical presence of diplomats, a state can do much through cyber communications linkages. India is known for its huge number of diaspora across the world. Another strength of India is well-advanced information technology. Combining the two together India can facilitate several alternatives to reconfigure the present weaknesses of its diplomatic efforts. India can defend itself by means of virtual networking.

On the web sites, one can easily find articles that oppose India's aspirations for UNSC membership. It can be persons or a group of people (for

102) Harinda Ranura Vidanage, "Cyber Cafes in Sri Lanka: Tamil Virtual Communities", *Economic and Political Weekly* (New Delhi), vol. 39, no. 36, September 4, 2004, p. 3988-90

103) N. Manoharan, "Financial Fodder - External Sources of LTTE Funds", <http://www.ipcs.org>

example, the Sikh Federation in the UK), a specific country (for example, Pakistan) or a group of countries (for example, the Uniting For Consensus).¹⁰⁴⁾ A well-organized cyber team combined with international affairs experts can counteract these antagonistic sentiments.

In a positive way, India needs to participate in various types of policy fora available on cyber spaces. A type of world wide networking can be facilitated by encouraging NRIs on the occasion of annual 'Pravasi Bharatiya Divas'.¹⁰⁵⁾ However, the key for successful maintenance of this networking is a well-organized national cyber team with a strong political will.

104) Ahmed Shekhh put his article "A Passionate Case Against India Entering UNSC, With the Power of Veto" on web the site http://www.satribene.com/archives/200505/P1_ash.htm, and the Sikh Federation in the UK put an article "No to India as UN Veto Power" on its web site, <http://www.sikhsangat.com/index.php>

105) The Government of India organized the first Pravasi Bharatiya Divas to be held during 9th to 11th January 2003. Since then it became an annual gathering.

CHAPTER V

CONCLUSION

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The United Nations was founded in 1945 with the purpose of saving the world from another devastating world war - for the maintenance of international peace and security; the development of friendly relations among nations; and the achievement of international cooperation in solving economic, cultural or humanitarian problems. To achieve these goals, the Charter of the UN stipulates basic principles of the UN, such as, sovereign equality of all its members; fulfillment of obligations assumed by member states; peaceful settlement of international disputes; and refraining from threat or the use of force against the territory of other states.¹⁾

The UN consists of several organs, including the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, the Secretariat, and dozens of Specialized Agencies. The GA is made up of all UN member states and meets in regular yearly sessions under a president elected from among the representatives. As the only UN organ in which all members are represented, the Assembly serves as a forum for members to discuss issues of international law and make decisions on the functioning of the organization.

The Security Council is the organ of the UN charged with maintaining peace and security among nations. While other organs of the UN only make recommendations to member governments, the SC has the power to make decisions which member governments must carry out under the UN Charter.

1) See Appendix I, the Preamble and Article 1 of the UN Charter.

To enforce its decisions, the Security Council has powers to apply sanctions, including military force. This makes the SC not only most powerful and prestigious but also most vulnerable to the criticism among the UN organs.

Reform Proposals

In the history of the UN, there have been many calls for reforms of the machinery. Criticism has evolved around its mandates, authorities, administration (bureaucracy), and budget practices. The range of opinion extends from as far as those who want to eliminate the UN entirely, to those who want to make it into a full-fledged world government. However, most frequent level of reform proposals has been the call for reforming the UN demand to make its administration more transparent, accountable and efficient. Another frequent demand is that the UN become more democratic and a key institution of a world democracy.

Pertaining to the Security Council, reform proposals were made towards the expansion of the membership, the weakening of the veto power, the Charter review, and the decision procedure.²⁾ Proposals for the Charter review were sometimes, in their intents, interwoven with other reform drives as listed above. However, they faced negative attitude of the P-5 and fundamental gap among member states, thus, could not make headway. Especially the P-5 were concerned that the Charter review would only provide member states with an opportunity to criticize their leadership. The introduction of veto right for the great powers overshadowed the very nature of the principle of sovereign equality of the member states. Attempts were

2) Paul Taylor and A. J. R. Groom, eds., *The United Nations at the Millennium: The Principal Organs* (London, 2000), p.88-91

made also for the abolition or limitation of the veto right, but of no use. Without the concurring vote of the permanent members, decisions on the reform could not take place.

As the decolonization of the nations progressed, the UN membership increased rapidly in the 1960s and 1970s. By 1979, UN member states had increased to be 152, from 51 in 1945. In this context, some Non-Aligned countries including India, along with Japan proposed an expansion of the Security Council. However, this proposal remained on the agenda of the General Assembly until the change of the international environment appeared in the 1990s. The end of the Cold War, disintegration of the Soviet Union (1991), and the sudden surge of new member states of the UN triggered a great deal of pressure on the UN to consider additional reforms, especially the expansion of the Security Council.

The permanent membership of the Council still remained intact from the inception of the UN. Moreover, it was greatly lopsided to the favor of the Western powers. The only change that took place in the history of the Council in terms of the membership was the addition of four non-permanent members in 1963-65. Equitable representation became the central issue on the SC reform because of the growing discrepancy between the present composition of the Council which basically reflects the world in 1945, and the surge of the UN membership since then.

In 1993, the GA decided to establish an Open-ended Working Group to consider reform and restructuring of the Council.³⁾ In the Working Group activities, India played a role in generating international opinion on the basis of acceptable criteria without any predetermined selection of countries. In

3) GA Resolution 48/264 (3 December 1993), <http://www.un.org/documents/ga/res/48/ares48>

March 1997, as a result of the Working Group activities over the years, Ismail Razali then the Chairman of the Working Group, presented a paper which was later called by 'Razali Proposal'.⁴⁾ It had synthesized the majority opinion regarding the expansion of the Council. The Razali Proposal provided India with a great expectation on its pursuit of the permanent membership. Because of the proposed regional distribution of the seats on the Council, India's contest will be only with a developing countries of Asia. Moreover the voting constituency will be global, though the seat available to India is regional. Though the Razali Proposal was regarded as the most promising plan for the Security Council, it could not make its headway in the face of the US opposition, which preferred a small size expansion of the Council.

India officially announced its candidature for permanent membership of the Security Council in 1994.⁵⁾ Since then, India has strongly pleaded for the expansion of the Council to give it equitable representation which reflects the changed realities today. India regards itself as eligible for a permanent seat on the Security Council on the basis of its contribution to international peacekeeping efforts, regional power, population, democracy, and growing economy.

India primarily supports the expansion of the SC both permanent members and non-permanent members, because it is the only means for the vast majority of member states to serve in the Security Council. Unlike the US, it also prefers a large expansion of the Council to have at least 24 seats

4) Helmut Volger, ed., *A Concise Encyclopedia of the United Nations* (The Hague, 2002), p.502

5) India's Role in the United Nations with Particular Reference to Her Claim for Permanent Membership of UN Security Council, Standing Committee on External Affairs (1999-2000), Thirteenth Lok Sabha, Third Report, Ministry of External Affairs, 25 August 2000, p. 9

in total. However, India refuses the idea of regional rotation of the seats or semi-permanent membership. It strongly denounces 'Uniting for Consensus' movement, because seeking consensus hampers the majority voting in the GA. Recently India teamed up with other promising candidates for the permanent membership in the Council and campaigned together with them. This took the shape of G-4 countries that put forward a draft resolution in the 59th General Assembly. Nevertheless, the world witnessed disappointing deadlock when the 59th General Assembly ended up with no agreement in sight on this issue. However, in the process of prolonged debate on UNSC reform, the G-4 has come up as most promising and legitimate states for the permanent membership in the Security Council.

G-4's Credentials and Obstacles

Japan believes that its anti-nuclear campaign and its contribution to the United Nations fund, which is around 20 percent, including its economic role in the world, justified it to become a new member on the UN Security Council. Tokyo has sent forces to Iraq for reconstruction purpose, and its navy is involved in blocking any ships that are considered to be carrying WMD. Japanese Foreign Ministry claims that the country has achieved support from 88 countries so far that are willing to accept Japan as member on the Security Council.⁶⁾ However, many countries that fell victims of Japan's invasions and rule in the modern history do not feel that Japan has ethical stance to be a permanent member. China, in particular, who is a permanent member in the Security Council, vehemently opposes Japan's

6) Press Releases of Permanent Mission of Japan to the United Nations, 31 March 2005, <http://www.un.int/japan/pressreleases/050331.htm>

inclusion into the group.

Germany is the third highest contributor to the United Nations, after the United States and Japan respectively, and the second largest contributor of peace-keeping forces.⁷⁾ Berlin feels that it has cleared the debt of atrocities of World War II. In recent years, Germany has been positively involved in peacekeeping efforts with 7,000 troops serving in foreign peacekeeping operations, including Afghanistan and the horn of Africa.⁸⁾ Because of the significant monetary and military contribution to the United Nations, Germany assumes that it is capable of taking on greater responsibility and thereby partaking in crucial decision-making in the Organization.

However, the US is not in favor of Germany owing to Berlin's opposition to the war in Iraq. Italy opposes Germany's bid for UNSC membership, arguing that the insertion of new permanent seats in the Security Council would hamper the progress toward a unified European presence in the world through a common foreign and security policy.⁹⁾ Whether or not there should be one permanent member for EU (the European Union) is controversial, with France and the UK unwilling to renounce their vested position in the Security Council.

Brazil is regarded as a powerhouse among South American countries, thereby an ideal representative for the region which currently lacks permanent presence on the Security Council. Brazil has contributed to the UN in maintaining peace, and has endeavored a great deal of effort to challenge the

7) See Appendix VII: Contributions by Member States to the United Nations Regular Budget for the Year 2005.

8) Peacekeeping Operations: a Bibliography, United Nations Dag Hammarskjold Library, <http://www.un.org/depts/dhl/pkeep.htm>

9) *The Reform of the Security Council: An Italian Proposal*, The Italian National Committee for the Celebration of the United Nations Fiftieth Anniversary in Collaboration with the Staff of Il Cigno Galileo Galilei (Rome: 1996), p. 11

cotton subsidies implemented by the US in the WTO for the benefit of developing countries. Brazil's economic ties with other countries, including China and EU, have been strengthened.

However, the US is not likely to be supportive of Brazil's bid for UNSC membership as it repeatedly opposes subsidies, barriers and quotas imposed by the US in the FTAA (Free Trade Area of the Americas).¹⁰⁾ A number of South American countries such as Argentina and Mexico ardently oppose Brazil being a regional power through the acquisition of permanent member status in the Security Council.

India is the largest democracy in the world and a regional power in South Asia. There are claims that India's bid has come under greater consideration for it is regarded as a highly potential means of countering China both militarily and economically.¹¹⁾ India's growing economy and contribution to the UN peacekeeping effort have won the backing of four of the five current permanent members, in addition to that of South Asian and African countries. India is also a declared nuclear power who can undertake the responsibility of maintaining international peace and stability. However, Pakistan is fiercely opposed to India's entering into the permanent membership of the Security Council reportedly because of New Delhi's refusal to comply with the UN resolution over Kashmir. Pakistan's hidden motive is to prevent India from gaining such a prestigious position on the Council. Human rights violation allegations against India, such as, marginalization of

10) "FTTA: US-Brazil Standoff dims Prospects for Miami Ministerial", Bridges: Weekly Trade News Digest, International Centre for Trade and Sustainable Development (ICTSD), vol.7, no.33, 8 October 2003, <http://www.ictsd.org/weekly/13-10-08/story4.htm>

11) C. Raja Mohan, *Impossible Allies: Nuclear India, United States and the Global Order* (New Delhi, 2006), p.73-88

minorities, tortures, killings of civilians in communal riots recent years and inherent caste conflicts are adversely and potentially affecting India's case for the UNSC membership.¹²⁾

UNSC Reform complexity

One of the reasons for rare reforms is its complex amendment system. The framers of the UN Charter made the amendment procedure so complex that only three amendments were approved in more than fifty years - two to expand ECOSOC and one to enlarge the Security Council.¹³⁾ An amendment requires the support of two-thirds of the member states, including all the permanent members of the Security Council, and the subsequent ratification by their national constitutional processes.¹⁴⁾

However, more fundamental reason for hampered UN reforms is found in member states' mutual distrust and adherence to their own national interests at the sacrifice of international peace and security which is enshrined in the Charter and thereby agreed upon by the member states. Everyone agrees on the need to reform the UN, but no one agrees on how to go about it and what measures must be taken to that end. This is attributed to the unwillingness of states to sublimate their national interest to the common interest. The UN is essentially a state-based body, therefore, theoretically UN reforms can take place when member states yield their selfish interests to a noble cause of international peace and security. But this is not likely to happen easily because it is not feasible practically to give up one's own

12) Country Reports on Human Rights Practices 2005, <http://www.state.gov/g/drl/rls/hrrpt/2005/61707.htm>

13) Volger, n.4, p.502

14) Article 108 and 109. See Appendix I: The United Nations Charter

national interests in the face of other state's well-being. Reforming the UN Security Council involves too many political considerations and too many geopolitical interests. The prospect for UN reform has darkened for lack of consensus, and the impossible consensus could be fatal to the reform.

For example, the US supports modest enlargement of the Security Council. Washington's position reflects its interests and convictions, because it believes the smaller the UN Security Council, the more effective it is. In the history of the Council, the highest UN body has often been incapable of acting as the five members who could thwart the decision of the rest of the world with a veto. What the US wants for the UNSC is not expansion but increased efficiency.

The Bush administration wants to expand the UNSC by 'more or less 2 permanent members', one of which is Japan. Germany is already excluded because of its opposition to the Iraq war. Another state that Washington supports is not clear. It could be possibly India. It is argued that Washington has aimed to balance China's influence through backing up Japan and India. A Chinese Journal, Asia Times (亞洲時報), accused Washington of seeking to construct a geopolitical environment to contain China's diplomatic, military and economic strength.¹⁵⁾ If Japan and India become permanent members, the US will greatly increase its strength in Asia to balance China's influence. China's official reason for opposing Japan's bid for UNSC membership is Tokyo's atrocities during World War II. But the hidden reason is based on Beijing's fear that Japan's inclusion in permanent membership category will eventually diminish its sole influence in the region.

From the above, it would appear that the aspirations of member states

15) Containing China: The US' real Objective, Asia Times (亞洲時報), 20 April 2006, <http://www.atimes.com/atimes/china/HD20Ad01.html>

are divergent and the reform task is extremely difficult one. The prospect for the Security Council reform in the foreseeable future is dim. It is largely perceived that for the P-5 an informal consensus has evolved to maintain the World War II era structure of the Council, but to turn to it only on an *ad hoc* basis. The reform debate may turn out to be an exercise in futility and reflect nothing other than the selfishness and hypocrisy of the major powers. The South takes note of the UN being used as an instrumentality to further the policy objectives of the great powers, and opposes this broad approach. The developing South bloc has put forward several proposals to curb the wielding power of the P-5 but of no use.¹⁶⁾

Challenges and prospects

As for India, being part of the G-4 has probably been a wise move in its initial run up to the UN Security Council. India has been recognized worldwide as one of the four promising countries in its bid for the UNSC membership. It is also believed that there would be synergy in working within the framework of the G-4 to win majority support in the General Assembly. But India should note that G-4's high-profile campaigning has brought forth a concomitant - the Italy-led UFC movement which vehemently opposes G-4's aspirations for the UNSC membership. Moreover the G-4 is a liability when it comes to winning the approval of the P-5, because no single G-4 member enjoys the support of all P-5 members.

Therefore, India needs to make minute assessment of its campaigning with the other G-4 countries. It is pertinent here to note Japan's decision - when the rest of G-4 countries re-tabled the draft resolution, Japan did not

16) Taylor and Groom, eds., n.2, p.89

join it. If India parts company from the G-4, New Delhi would be able to continue a low-key campaigning for the UNSC permanent membership, which is considered much more strategic under the twisted circumstance. It will reduce the vehement opposition of the UFC group which is united for a cause against the G-4's campaigning for permanent seats on the Security Council. It will also dilute unnecessary opposition from China which is not supportive of Japan because of the unsolved history issue. This will also ensure New Delhi to develop a balanced perspective on its own individual credentials and obstacles to tackle in a serious manner.

India also needs to align with the US and advocate democracy along with Washington's ideological strategy. After the terrorist attack on September 11, 2001, the US has launched so far a strong campaign of 'war on terrorism'. President Bush's ideological commitment to democracy and its promotion around the world became a key element of the new American strategy.¹⁷⁾

'Estranged democracies' became the metaphor for Indo-US relations for decades. The leadership of Non-Aligned Movement and the G-77 has been a trademark of India in the international community. India has been the world's largest democracy for decades, but it could not win the acceptability from the Western powers. Given the opportunities of cooperation with the US for the promotion of democracy around the world, India needs to consistently demonstrate that it is democracy - not only in its genuine nature of government but in its participation in and contribution to the world democracy. Devare says that "India has seldom used democracy as a factor in its foreign policy."¹⁸⁾

17) Mohan, n.11, p.89

However, it was a dramatic move that New Delhi joined the launching of the 'UN Democracy Fund (UNDEF) to strengthen democratic values, ideals and practices of freedom, pluralism, and rule of law.¹⁹⁾ It must not be a one-time consideration but the most strategic thinking in the relations with the US which drives India to enhance its democratic image across the world.

Lastly, India needs to forge and re-create the public opinion in accordance with the foreign policy it pursues. The challenge of India today is forging and recreating national consensus on India's foreign policy by enhancing the public participation, at least at the level of policy-makers, think-tanks and civil society, both abroad and in India.

18) Sudhir Devare, *India & Southeast Asia: Towards Security Convergence* (New Delhi, 2006), p.169

19) India-US Global Democracy Initiative, 18 July 2005, Ministry of External Affairs, <http://mea.gov.in>

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APPENDICES

APPENDIX I

The United Nations Charter

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

PREAMBLE

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

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,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER I PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER II MEMBERSHIP

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.
2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

CHAPTER III ORGANS

Article 7

1. There are established as the principal organs of the United Nations:

- a General Assembly
- a Security Council
- an Economic and Social Council
- a Trusteeship Council
- an International Court of Justice
- and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER IV THE GENERAL ASSEMBLY

COMPOSITION

Article 9

1. The General Assembly shall consist of all the Members of the United Nations.
2. Each Member shall have not more than five representatives in the General Assembly.

FUNCTIONS and POWERS

Article 10

The General Assembly may discuss any questions or any matters within the scope

of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

a. promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;

b. promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

VOTING

Article 18

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

PROCEDURE

Article 20

The General Assembly shall meet in regular annual sessions and in such special

sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V THE SECURITY COUNCIL

COMPOSITION

Article 23

1. 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.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

FUNCTIONS and POWERS

Article 24

1. In order to ensure prompt and effective action by the United Nations, its

Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

VOTING

Article 27

1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

PROCEDURE

Article 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

CHAPTER VI PACIFIC SETTLEMENT OF DISPUTES

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the

maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal,

telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII REGIONAL ARRANGEMENTS

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.
2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.
3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.
4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

CHAPTER IX

INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in co-operation

with the Organization for the achievement of the purposes set forth in Article 55.

Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58

The Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.

Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

CHAPTER X THE ECONOMIC AND SOCIAL COUNCIL

COMPOSITION

Article 61

1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

FUNCTIONS and POWERS

Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.
2. It may communicate its observations on these reports to the General Assembly.

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connexion with the carrying out of the recommendations of the General Assembly.
2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.
3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

VOTING

Article 67

1. Each member of the Economic and Social Council shall have one vote.
2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

PROCEDURE

Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may

be required for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

CHAPTER XI

DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these

territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

CHAPTER XII

INTERNATIONAL TRUSTEESHIP SYSTEM

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

- a. territories now held under mandate;
- b. territories which may be detached from enemy states as a result of the Second World War; and
- c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly shall assist the General Assembly in carrying out these functions.

CHAPTER XIII THE TRUSTEESHIP COUNCIL

COMPOSITION

Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

a. those Members administering trust territories;

b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and

c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United

Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

FUNCTIONS and POWERS

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

VOTING

Article 89

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

PROCEDURE

Article 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the

method of selecting its President.

2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

CHAPTER XIV THE INTERNATIONAL COURT OF JUSTICE

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93

1. All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from

entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

CHAPTER XV THE SECRETARIAT

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI MISCELLANEOUS PROVISIONS

Article 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.
2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.
3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

CHAPTER XVII TRANSITIONAL SECURITY ARRANGEMENTS

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

CHAPTER XVIII AMENDMENTS

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XIX RATIFICATION AND SIGNATURE

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by 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, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

Source: <http://www.un.org/aboutun/charter/index.html>

APPENDIX II

Elected Members of the Security Council: 1946-Present

Term in Council Member States

Jan 2006-Dec 2007	Congo, Ghana, Peru, Qatar, Slovakia
Jan 2005-Dec 2006	Argentina, Denmark, Greece, Japan, United Rep. of Tanzania
Jan 2004-Dec 2005	Algeria, Benin, Brazil, Philippines, Romania
Jan 2003-Dec 2004	Angola, Chile, Germany, Pakistan, Spain
Jan 2002-Dec 2003	Bulgaria, Cameroon, Guinea, Mexico, Syria
Jan 2001-Dec 2002	Colombia, Ireland, Mauritius, Norway, Singapore
Jan 2000-Dec 2001	Bangladesh, Jamaica, Mali, Tunisia, Ukraine
Jan 1999-Dec 2000	Argentina, Canada, Malaysia, Namibia, Netherlands
Jan 1998-Dec 1999	Bahrain, Brazil, Gabon, Gambia, Slovenia
Jan 1997-Dec 1998	Costa Rica, Japan, Kenya, Portugal, Sweden
Jan 1996-Dec 1997	Chile, Egypt, Guinea-Bissau, Poland, Rep. Korea
Jan 1995-Dec 1996	Botswana, Germany, Honduras, Indonesia, Italy
Jan 1994-Dec 1995	Argentina, Czech Republic, Nigeria, Oman, Rwanda
Jan 1993-Dec 1994	Brazil, Djibouti, New Zealand, Pakistan, Spain
Jan 1992-Dec 1993	Cape Verde, Hungary, Japan, Morocco, Venezuela
Jan 1991-Dec 1992	Austria, Belgium, Ecuador, India , Zimbabwe
Jan 1990-Dec 1991	Cote d'Ivoire, Cuba, Romania, Yemen, Zaire
Jan 1989-Dec 1990	Canada, Colombia, Ethiopia, Finland, Malaysia
Jan 1988-Dec 1989	Algeria, Brazil, Nepal, Senegal, Yugoslavia
Jan 1987-Dec 1988	Argentina, Germany, Italy, Japan, Zambia
Jan 1986-Dec 1987	Bulgaria, Congo, Ghana, UAE, Venezuela
Jan 1985-Dec 1986	Australia, Denmark, Madagascar, Thailand, Trinidad and Tobago
Jan 1984-Dec 1985	Burkina Faso, Egypt, India , Peru, Ukraine
Jan 1983-Dec 1984	Malta, Netherlands, Nicaragua, Pakistan
Jan 1982-Dec 1983	DR Congo, Guyana, Jordan, Poland, Togo
Jan 1981-Dec 1982	Ireland, Japan, Panama, Spain, Uganda
Jan 1980-Dec 1981	German Democratic Republic, Mexico, Niger, Philippines, Tunisia
Jan 1979-Dec 1980	Bangladesh, Jamaica, Norway, Portugal, Zambia
Jan 1978-Dec 1979	Bolivia, Gabon, Kuwait, Nigeria, Czechoslovakia

Jan 1977-Dec 1978 Canada, Germany, **India**, Mauritius, Venezuela
 Jan 1976-Dec 1977 Benin, Libyan, AJ, Pakistan, Panama, Romania
 Jan 1975-Dec 1976 Guyana, Italy, Japan, Sweden, UR of Tanzania
 Jan 1974-Dec 1975 Belarus, Cameroon, Costa Rica, Iraq, Mauritania
 Jan 1973-Dec 1974 Australia, Austria, Indonesia, Kenya, Peru
 Jan 1972-Dec 1973 Guinea, **India**, Panama, Sudan, Yugoslavia
 Jan 1971-Dec 1972 Argentina, Belgium, Italy, Japan, Somalia
 Jan 1970-Dec 1971 Burundi, Nicaragua, Poland, Sierra Leone, Syria AR
 Jan 1969-Dec 1970 Colombia, Finland, Nepal, Spain, Zambia
 Jan 1968-Dec 1969 Algeria, Hungary, Pakistan, Paraguay, Senegal
 Jan 1967-Dec 1968 Brazil, Canada, Denmark, Ethiopia, **India**
 Jan 1966-Dec 1967 Argentina, Bulgaria, Japan, Mali, New Zealand (1966 only)
 Nigeria, Uganda (1966 only)
 Jan 1965-Dec 1966 Jordan, Malaysia, Netherlands, Uruguay
 Jan 1964-Dec 1965 Bolivia, Cote d'Ivoire, Czechoslovakia (1964 only - resigned)
 Jan 1963-Dec 1964 Brazil, Morocco, Norway, Philippines (1963 only)
 Jan 1962-Dec 1963 Ghana, Ireland (1962 only), Venezuela,
 Romania (1962 only - resigned)
 Jan 1961-Dec 1962 Chile, United Arab Republic (Egypt),
 Liberia (1961 only - resigned), Turkey (1961 only)
 Jan 1960-Dec 1961 Ecuador, Poland (1960 only - resigned)Ceylon (Sri Lanka)
 Jan 1959-Dec 1960 Argentina, Italy, Tunisia
 Jan 1958-Dec 1959 Canada, Japan, Panama
 Jan 1957-Dec 1958 Colombia, Philippines (1957 only), Sweden
 Jan 1956-Dec 1957 Australia, Cuba, Iraq, Yugoslavia (1956 only - resigned)
 Jan 1955-Dec 1956 Belgium, Iran, Peru
 Jan 1954-Dec 1955 Brazil, New Zealand, Turkey
 Jan 1953-Dec 1954 Colombia, Denmark, Lebanon
 Jan 1952-Dec 1953 Chile, Greece, Pakistan
 Jan 1951-Dec 1952 Brazil, Netherlands, Turkey
 Jan 1950-Dec 1951 Ecuador, **India**, Yugoslavia
 Jan 1949-Dec 1950 Cuba, Egypt, Norway
 Jan 1948-Dec 1949 Argentina, Canada, Ukrainian SSR
 Jan 1947-Dec 1948 Belgium, Colombia, Syrian AR
 Jan 1946-Dec 1947 Australia, Brazil, Egypt (1946 only), Mexico (1946 only)
 Netherlands (1946 only), Poland

Source: <http://www.globalpolicy.org/sucurity/memberhsip/mem2.htm>

Notes: Split Terms

(1) Insofar as it formed part of Czechoslovakia until 31 December 1992, the Czech Republic also served on the Council in 1964 and 1978-79.

(2) Insofar as it formed part of the United Arab Republic until the end of September 1961, Syria also served on the Council in 1961.

(3) One year term pursuant to elections held in accordance with Article 23 (2) of the Charter.

Membership: By GA resolution 1991A (XVIII), the Assembly adopted, and submitted for ratification by Member States of the UN, amendments to the Charter provisions relating to membership of the Council (Article 23 and 27). It was decided that the 10 non-permanent members should be elected according to the following pattern: five from African and Asian states; one from Eastern European states; two from Latin American and Caribbean states; and two from Western European and Other states.

This amendments took effect in 1965, having been ratified by more than two-thirds of UN members, including all the permanent members of the Security Council. The first expanded Council was elected in 1965.

APPENDIX III

Membership & Presidency of the Security Council in 2005

Month	Presidency	Membership Term Ends
January	Argentina	31 December 2006
February	Benin	31 December 2005
March	Brazil	31 December 2005
April	China	Permanent Member
May	Denmark	31 December 2006
June	France	Permanent Member
July	Greece	31 December 2006
August	Japan	31 December 2006
September	Philippines	31 December 2005
October	Romania	31 December 2005
November	Russian Federation	Permanent Member
December	Unkted Kingdom	Permanent Member
	Tanzania	31 December 2006
	United states	Permanent Member
	Algeria	31 December 2005

Source: <http://www.globalpolicy.org/security.membership&presidency/mem.htm>

Note: The following countries began their two-year membership term on 1 January 2005: Argentina, Denmark, Greece, Japan, United Republic of Tanzania.

APPENDIX IV

Changing Patterns in the Use of the Veto in the Security Council

Table shows number of times veto was cast by country*

Period	China*	France	Britain	US	USSR/Russia	Total
2004	-	-	-	2	1	3
2003	-	-	-	2	-	2
2002	-	-	-	2	-	2
2001	-	-	-	2	-	2
2000	-	-	-	-	-	0
1999	1	-	-	-	-	1
1998	-	-	-	-	-	0
1997	1	-	-	2	-	3
1996	-	-	-	-	-	0
1986-95	-	3	8	24	2	37
1976-85	-	9	11	34	6	60
1966-75	2	2	10	12	7	33
1956-65	-	2	3	-	26	31
1946-55	(1*)	2	-	-	80	83
Total	4-5	18	32	80	122	257

Source: <http://www.globalpolicy.org/security/data/vetotab.htm>

* Between 1946 and 1971, the Chinese seat on the Security Council was occupied by the Republic of China (Taiwan), which used the veto only once (to block Mongolia's application for membership in 1955). The first veto exercised by the present occupant, the People's Republic, was therefore not until 25 August 1972.

Country* - Only a minority of vetos have been cast in cases where vital international security issues were at stake. 59 vetos have been cast to block admission of member states. Additionally, 43 vetos have been used to block nominees for Security General, although these vetoes were cast during closed sessions of the Council and are not included in the table above. Limitation of veto use to Charter VII (treats to international peace and security), as many members propose, would be a long step towards total abolition.

Appendix V

Payments owed to the UN by All Member States

1975-2004

Year	Regular Budget Arrears	Peacekeeping Operations Budget Arrears	International Tribunals & Capital Master Plan Arrears	Total Arrears
1975	61	19	n/a	80
1976	72	34	n/a	106
1977	75	49	n/a	124
1978	83	132	n/a	215
1979	96	135	n/a	231
1980	116	261	n/a	377
1981	146	214	n/a	360
1982	148	208	n/a	356
1983	171	292	n/a	463
1984	166	324	n/a	490
1985	242	262	n/a	504
1986	258	312	n/a	570
1987	353	363	n/a	716
1988	395	355	n/a	750
1989	461	444	n/a	905
1990	403	346	n/a	749
1991	439	358	n/a	797
1992	501	664	n/a	1,165
1993	478	993	n/a	1,471
1994	480	1,287	n/a	1,767
1995	564	1,724	5	2,293
1996	510	1,633	7	2,150
1997	473	1,574	15	2,062
1998	417	1,594	20	2,031
1999	244	1,482	32	1,758
2000	223	1,989	47	2,259
2001	240	1,822	44	2,106
2002	305	1,335	43	1,683
2003	441	1,066	95	1,602
2004	357	2,570	32	2,959

The table is a summary of the total debt owed by Member States to the UN. It highlights UN Member States' arrears to the regular budget, the peacekeeping operation budget, the international tribunals budget (since 1995), and the capital master plan budget (introduced in 2003).

Note:

1. Funds in \$US millions, rounded to the nearest million.
2. Figures are amounts due as of December 31.
3. The Capital Master Plan was introduced in 2003.

Sources: Regular Budget Data 1975-1990 and PKO Budget Data 1975-1992 plus 1998 & 2000 compiled by Klaus Haner Research Council, United Nations Association.

1991: United Nations: Outstanding Contributions to the Regular Budget and Peacekeeping operations (as at December 31)

1992: United Nations: Status of Contributions (as at December 31) ST/ADM/SER.B/395

1993: United Nations: Status of Contributions (as at December 31) ST/ADM/SER.B/424

1994: United Nations: Status of Contributions (as at December 31) ST/ADM/SER.B/458 & Outstanding Contributions to the Regular Budget, International Tribunals and peace-Keeping Operations (as at 31 December 1994)

1998-2002: United Nations: Status of Contributions to the Regular Budget, International Tribunals and peace-Keeping Operations (as at 31 December)

2003-2005: United Nations: Status of Contributions to the Regular Budget, International Tribunals, Peacekeeping Operations and Capital Master Plan (as at 31 December)

Appendix VI

India's Participation in Peacekeeping Activities at a Glance

Korea	1953-54	6000 Infantry
Cambodia	1954-58	Member, Supervisory Commission
Laos	1964-68	Medical detachment
Vietnam	1954-70	7000 troops to Supervisory Commission
UNEF [Sinai]	1956-67	Two Force Commanders and 11 infantry battalions
UNMOGIL [Lebanon]	1958	Observers
ONUC [Congo]	1960-64	The first multi-role peacekeeping operation - 12,000 troops
UNYOM [Yemen]	1963	Force Commanders and observers
UNFICYP [Cyprus]	1964	Three Force Commanders
DOMREP [Dominican Rep]	1965	Secretary-General's Military Adviser
UNIIMOG [Iran-Iraq]	1987	Observers
UNAVEM I [Angola]	1988	Observers
UNTAG [Namibia]	1978-89	Force Commanders, observers, police monitors, electoral supervisors
ONUCA [Central America]	1989	Observers
ONUSAL [El Salvador]	1991	Observers
UNIKOM [Iraq-Kuwait]	1991	Observers
UNOMIL [Liberia]	1991	Observers
UNPROFOR [Former Yugoslavia]	1992	The first Force Commander
UNAMIC [Cambodia]	1991	Observers
UNTAC [Cambodia]	1992	Two infantry battalions, field ambulance, observers, electoral supervisors, police monitors, staff officers & mine training teams
UNUMOZ [Mozambique]	1992	Engineers companies, staff personnel, observers
UNOSOM [Somalia]	1993-94	Infantry, brigade group
UNAMIR [Rwanda]	1994	Infantry battalions, observers and staff officers
UNAVEM II [Angola]	1991-93	Observers
UNAVEM III [Angola]	1995-97	Two infantry battalions, engineer companies, observers & staff officers
MONUA [Angola]	1997-99	Observers, staff officers and one mechanized company
UNMIH [Haiti]	1995	Paramilitary Forces
UNIPTF [Bosnia & Herzegovina]	1996	Police officers
UNIFIL [Lebanon]	1998	Infantry battalion and staff officer

Source: [http://www.indianembassy.org/policy/Peace_Keeping/participation_india
_UN_peace_keeping.htm](http://www.indianembassy.org/policy/Peace_Keeping/participation_india_UN_peace_keeping.htm)

Appendix VII

Contributions by Member States to the United Nations Regular Budget for the Year 2005

Member State	Scale of assessments 2005 (%)	Gross Contributions for 2005	Credit from staff assessment	Net contribution
Afghanistan	0.002	39,965	4,375	35,590
Albania	0.005	99,912	10,936	88,976
Algeria	0.076	1,518,658	166,231	1,352,427
Andorra	0.005	99,912	10,936	88,976
Angola	0.001	19,982	2,187	17,795
Antigua and Barbuda	0.003	59,947	6,562	53,385
Argentina	0.956	10,103,123	2,091,017	17,012,106
Armenia	0.002	39,965	4,375	35,590
Australia	1.592	31,811,895	3,482,112	28,329,783
Austria	0.859	17,164,835	1,878,853	15,285,982
Azerbaijan	0.005	99,912	10,936	88,976
Bahamas	0.013	259,771	28,434	231,337
Bahrain	0.030	599,471	65,618	533,853
Bangladesh	0.010	199,824	21,873	177,951
Barbados	0.010	199,824	21,873	177,951
Belarus	0.018	359,682	39,371	320,311
Belgium	1.069	21,361,128	2,338,177	19,022,951
Belize	0.001	19,982	2,187	17,795
Benin	0.002	39,965	4,375	35,590
Bhutan	0.001	19,982	2,187	17,795
Bolivia	0.009	179,841	19,685	160,156
Bosnia and Herzegovina	0.003	59,947	6,562	53,385
Botswana	0.012	239,788	26,247	213,541
Brazil	1.523	30,433,113	3,331,192	27,101,921
Brunei Darussalam	0.034	679,400	74,367	605,033
Bulgaria	0.017	339,700	37,183	302,517
Burkina Faso	0.002	39,965	4,375	35,590
Burundi	0.001	19,982	2,187	17,795
Cambodia	0.002	39,965	4,375	35,590
Cameroon	0.008	159,859	17,498	142,361
Canada	2.813	56,210,339	6,152,753	50,057,586
Cape Verde	0.001	19,982	2,187	17,795
Central African Republic	0.001	19,982	2,187	17,795
Chad	0.001	19,982	2,187	17,795
Chile	0.223	4,456,063	487,758	3,968,305
China	2.053	41,023,756	4,490,438	36,533,318
Colombia	0.155	3,097,264	339,025	2,758,239
Comoros	0.001	19,882	2,187	17,795
Congo	0.001	19,882	2,187	17,795
Costa Rica	0.030	599,471	65,618	533,853
Cote d'Ivoire	0.010	199,824	21,873	177,951
Croatia	0.037	739,347	80,928	658,419
Cuba	0.043	859,241	94,052	765,189
Cyprus	0.039	779,312	85,303	694,009

Member State	Scale of assessments 2005 (%)	Gross Contributions for 2005	Credit from staff assessment	Net contribution
Czech Republic	0.183	3,656,769	400,268	3,256,501
Democratic Peoples Rep of Korea	0.010	199,824	21,873	177,951
Democratic Republic of the Congo	0.003	59,947	6,562	53,385
Denmark	0.718	14,347,325	1,570,450	12,776,875
Djibouti	0.001	19,982	2,187	17,795
Dominica	0.001	19,982	2,187	17,795
Dominican Republic	0.035	699,382	76,554	622,828
Ecuador	0.019	379,665	41,558	338,107
Egypt	0.120	2,397,882	262,471	2,135,411
El Salvador	0.022	439,612	48,120	391,492
Equatorial Guinea	0.002	39,965	4,375	35,590
Eritrea	0.001	19,982	1,005	18,977
Estonia	0.012	239,788	26,247	213,541
Ethiopia	0.004	79,929	8,749	71,180
Fuji	0.004	79,929	8,749	71,180
Finland	0.533	10,650,591	1,165,808	9,484,783
France	6.030	120,493,546	13,189,157	107,304,389
Gabon	0.009	179,841	19,685	160,156
Gambia	0.001	19,982	2,187	17,795
Georgia	0.003	59,947	6,562	53,385
Germany	8.662	173,087,081	18,946,016	154,141,065
Ghana	0.004	79,929	8,749	71,180
Greece	0.530	10,590,643	1,159,246	9,431,397
Grenada	0.001	19,982	2,187	17,795
Guatemala	0.030	599,471	65,618	533,853
Guinea	0.003	59,947	6,562	53,385
Guinea-Bissau	0.001	19,982	2,187	17,795
Guyana	0.001	19,982	2,187	17,795
Haiti	0.003	59,947	6,562	53,385
Honduras	0.005	99,912	10,936	88,976
Hungary	0.126	2,517,776	275,594	2,242,182
Iceland	0.034	679,400	74,367	605,033
India	0.421	8,412,568	920,835	7,491,733
Indonesia	0.142	2,837,493	310,590	2,526,903
Iran	0.157	3,137,228	343,399	2,793,829
iraq	0.016	319,718	34,996	284,722
Ireland	0.350	6,993,821	765,540	6,228,281
Israel	0.467	9,331,756	1,021,449	8,310,307
Italy	4.885	97,613,760	10,684,748	86,929,012
Jamaica	0.008	159,859	17,498	142,361
Japan	19.468	389,016,312	42,581,510	346,434,802
Jordan	0.011	219,806	24,060	195,746
Kazakhstan	0.025	499,559	54,681	444,878
Kenya Kiribati	0.009	179,841	19,685	160,156
Kiribati	0.001	19,982	2,187	17,795
Kuwait	0.162	3,237,140	354,336	2,882,804
Kyrgyzstan	0.001	19,982	2,187	17,795
Lao People's Democratic Rep.	0.001	19,982	2,187	17,795
Latvia	0.015	299,735	32,809	266,926
Lebanon	0.024	479,576	52,494	427,082
Lesotho	0.001	19,982	2,187	17,795

Member State	Scale of assessments 2005 (%)	Gross Contributions for 2005	Credit from staff assessment	Net contribution
Liberia	0.001	19,982	2,187	17,795
Libyan Arab Jamahiriya	0.132	2,637,670	288,718	2,348,952
Liechtenstein	0.005	99,912	10,936	88,976
Lithuania	0.024	479,576	52,494	427,082
Luxembourg	0.077	1,538,641	168,419	1,370,222
Madagascar	0.003	59,947	6,562	53,385
Malawi	0.001	19,982	2,187	17,795
Malaysia	0.203	4,056,416	444,013	3,612,403
Maldives	0.001	19,982	2,187	17,795
Mali	0.002	39,965	4,375	35,590
Malta	0.014	279,753	30,622	249,131
Marshall Islands	0.001	19,982	2,187	17,795
Mauritania	0.001	19,982	2,187	17,795
Mauritius	0.011	219,806	24,060	195,746
Mexico	1.883	37,626,758	4,118,604	33,508,154
Micronesia (Federated States of)	0.001	19,982	2,187	17,795
Monaco	0.003	59,947	6,562	53,385
Mongolia	0.001	19,982	2,187	17,795
Morocco	0.047	939,170	102,801	836,369
Mozambique	0.001	19,982	2,187	17,795
Myanmar	0.010	199,824	21,873	177,951
Namibia	0.006	199,894	13,124	106,770
Nauru	0.001	19,982	2,187	17,795
Nepal	0.004	79,929	8,749	71,180
Netherlands	1.690	33,770,165	3,696,464	30,073,701
New Zealand	0.221	4,416,099	483,384	3,932,715
Nicaragua	0.001	19,982	2,187	17,795
Niger	0.001	19,982	2,187	17,795
Nigeria	0.042	839,259	91,865	747,394
Norway	0.679	13,568,013	1,485,147	12,082,866
Oman	0.070	1,398,764	153,108	1,245,656
Pakistan	0.055	1,099,029	120,299	978,730
Palau	0.001	19,982	2,187	17,795
Panama	0.019	379,665	41,558	338,107
Papua New Guinea	0.003	59,947	6,562	53,385
Paraguay	0.012	239,788	26,247	213,541
Peru	0.092	1,838,376	201,228	1,637,148
Philippines	0.095	1,898,323	207,789	1,690,534
Poland	0.461	9,211,862	1,008,325	8,203,537
Portugal	0.470	9,391,703	1,028,011	8,363,692
Qatar	0.064	1,278,870	139,984	1,138,886
Republic of Korea	1.796	35,888,294	3,928,313	31,959,981
Republic of Moldova	0.001	19,982	2,187	17,795
Romania	0.060	1,198,941	131,235	1,067,706
Russian Federation	1.100	21,980,581	2,405,982	19,575,588
Rwanda	0.001	19,982	2,187	17,795
Saint Kitts and Nevis	0.001	19,982	2,187	17,795
Saint Lucia	0.002	39,965	4,375	35,590
Saint Vincent and the Grenadines	0.001	19,982	2,187	17,795
Samoa	0.001	19,982	2,187	17,795
San Marino	0.003	59,947	6,562	53,385

Member State	Scale of assessments 2005 (%)	Gross Contributions for 2005	Credit from staff assessment	Net contribution
Sao Tome and Principe	0.001	19,982	2,187	17,795
Saudi Arabia	0.713	14,247,413	1,559,514	12,687,899
Senegal	0.005	99,912	10,936	88,976
Serbia and Montenegro	0.019	379,665	41,558	338,107
Seychelles	0.002	39,965	4,375	35,590
Sierra Leone	0.001	19,982	2,187	17,795
Singapore	0.388	7,753,150	848,656	6,904,494
Slovakia	0.051	1,019,100	111,550	907,550
Slovenia	0.082	1,638,552	179,355	1,459,197
Solomon Islands	0.001	19,982	2,187	17,795
Somalia	0.001	19,982	2,187	17,795
South Africa	0.292	5,834,845	638,679	5,196,166
Spain	2.520	50,355,512	5,511,886	44,843,626
Sri Lanka	0.017	339,700	37,183	302,517
Sudan	0.008	159,859	17,498	142,361
Surinam	0.001	19,982	2,187	17,795
Swaziland	0.002	39,965	4,375	35,590
Sweden	0.998	19,942,381	2,182,882	17,759,499
Switzerland	1.197	23,918,868	2,618,146	21,300,722
Syrian Arab Republic	0.038	759,329	82,231	677,098
Tajikistan	0.001	19,982	2,187	17,795
Thailand	0.209	4,176,310	457,137	3,719,173
Yugoslav Rep of Macedonia	0.006	119,894	13,124	106,770
Timor-Leste	0.001	19,982	2,187	17,795
Togo	0.001	19,982	2,187	17,795
Tonga	0.001	19,982	2,187	17,795
Trinidad and Tobago	0.022	439,612	48,120	391,492
Tunisia	0.032	639,435	69,992	569,443
Turkey	0.372	7,433,433	780,796	6,652,637
Turkmenistan	0.005	99,912	10,936	88,976
Tuvalu	0.001	19,982	2,187	17,795
Uganda	0.006	119,894	13,124	106,770
Ukraine	0.039	779,312	85,303	694,009
United Arab Emirates	0.235	4,695,851	514,005	4,181,846
United Kingdom	6.217	122,431,834	13,401,321	109,030,513
United Republic of Tanzania	0.006	119,894	13,124	106,770
United States of America	22.00	439,611,612	0	439,611,612
Uruguay	0.048	959,153	104,988	854,165
Uzbekistan	0.014	279,753	30,622	249,131
Vanuatu	0.001	19,982	2,187	17,795
Venezuela (Bolivarian Republic of)	0.171	3,416,981	374,021	3,042,960
Viet Nam	0.021	419,629	45,932	373,697
Yemen	0.006	119,894	13,124	106,770
Zambia	0.002	39,965	4,375	35,590
Zimbabwe	0.007	139,877	15,311	124,566
Total	100.00	1,988,234,600	170,571,077	1,827,663,523

Source: http://www.eyeontheun.org/assets/attachments/documents/scale_of_assessments_un_budget.doc

