RESTRUCTURING THE UN SECURITY COUNCIL: A CRITICAL ANALYSIS

*Dissertation submitted to Jawaharlal Nehru University
in partial fulfilment of the requirements for the award of
the degree of*

MASTER OF PHILOSOPHY

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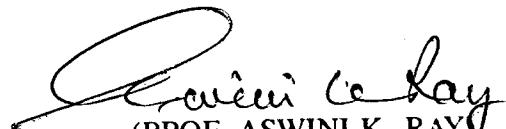JAWAHARLAL NEHRU UNIVERSITY,
NEW DELHI-110067
1997

21 July 1997

CERTICIATE

This is to certify that this dissertation entitled **"Restructuring the UN Security Council - A Critical Analysis"**, submitted by **N. Siddoji Rao** in partial fulfilment of the requirements for the award of the degree of **Master of Philosophy**, has not been previously submitted for any degree of this or any other University. This is his original work.

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ACKNOWLEDGEMENTS

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INTRODUCTION

The Security Council, which is the most important organ of the United Nations, consists of fifteen members, of which five are permanent members (big powers) having veto power and the remaining ten are elected non-permanent members. The Security Council which takes decisions that are binding on all the members of the UN is responsible for maintaining peace and security.

The nations which emerged victorious in the Second World War (the USA, Britain, France, Soviet Russia) had geopolitical, economic and cultural interests all over the world. They were the big powers who wanted to maintain their domination over the world to achieve their interests. Again, these were the countries who played key role in the formation of the United Nations. The main function of the UN, to maintain peace and security which was entrusted to the Security Council, was brought under the control of these big powers. Membership, powers, functions and the working method of the Security Council were structured according to the intentions and interests of the big powers. They got permanent membership and veto power in the Security Council. The Security Council reflects not only the intentions of big powers but also the post-World War II power realities, that is hierarchy of states structure which exists outside the United Nations. It gives legitimacy not only

to the big powers' domination but also to the activities of the big powers who want to use it for their own interests. So, the Security Council reflects the world order that exists outside the UN which is unequal power structure of the state system.

At present, there is a consensus among the members of the UN to reform the UN in general and the Security Council in particular. Again, there have been several debates and discussions going on to reform the UN. Though reform is not new to the UN, it has been gaining greater importance with increased scope since the end of the cold war, mainly due to the following reasons: the 50th anniversary of the UN which created an atmosphere to assess the past and plan for the future; the Secretary-General's (Boutros-Ghali) initiative to establish two commissions (the UN in its second half century and our Global Neighbourhood) to look into the future of the UN and his initiative in the 1992 and 1996 - Agenda for peace and Agenda for democratisation respectively in the UN for the reform; global changes; end of cold war which facilitated new world order and changes in the world; active response from the academic circles, experts in the international organisations and individuals with various capacities either in problematising the council giving suggestions to the problem of the Security Council; the USA's initiative to lead the world by reforming the UN; world wide demand especially from developing countries for reforming the UN.

There has been a lot of literature on this issue since 1990s. There are many problems expressed by the members of the UN, experts and other individuals in various capacities, with the existing structure, functions, membership and working method of the Security Council. For example: misuse of the Security Council by the permanent members; undemocratic permanent members and veto power; non-transparency in the decision-making process; non-accountability of members to their acts; practice of sovereign inequality; controversial functioning of the Council in maintaining peace and security, etc. There have been a lot of proposals which range from radical to minimal changes suggested by them to rectify the problem of the Security Council. For example: making the Security Council an elected body without permanent membership and veto power; democratisation of the Security Council by changing membership, powers, functions and working method that include various criteria for expansion of membership, removal or limited use of veto power, legitimate and transparent decision-making process, making the members accountable for their acts: division of powers between the General Assembly and the Security Council; strengthening the General Assembly to rectify imbalance in the Council; setting up UN parliamentary Assembly; involvement of the civil society in the governance of the council; cosmopolitan democracy etc.

However, there is no point in simply expressing problems and suggesting solutions without knowing the relevance of these problems and proposals. A wide variety of solutions are being suggested to solve the problem of the Security Council. The problem is itself profound, and the solutions seem untenable. Therefore, it is necessary to examine the problem as well as the suggested solutions. The objective of this study is to examine the relevance of these problems and proposals. One should examine problems associated with the existing structure of the Security Council to know whether these problems can be solved in the existing political conditions. Again, one should analyse critically what solutions we are going to get out of all these proposals to the problem of the Council and the relevance of these solutions to the present international political realities.

The proposals for reform which range from radical to minimal change are to bring a change in the power structure that exists in the Security Council; this is the essence of reform. As Even Laurd once pointed out, "the UN can never be anything but a mirror of the world as it is."[1] So, an institution always reflects world realities that exist outside the institution. Then question of changing the institution without changing the out side realities arises. This reality is the increasing gap between rich and poor countries which has a direct link with the existing hierarchy of state structure (inequality of state system).

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1   Mukherjee, Gautam, "Council for Counsel" *Telegraph* (Calcutta), 6 December 1995.

Is it possible to change the institution without changing the existing realities? Even if it is possible, is it possible to translate these proposals for reforms into practice.?

Context of the Study

Theories explain that an institution/organisation should change according to changing conditions or changing demands or changing power realities. Again, new institutions are more sophisticated and flexible than earlier ones because those institutions are either defective, inefficient, ineffective and largely irrelevant, or a combination of all of the above.

The global changes that have come about since 1945 are: the end of cold war due to fall of Soviet Union led to change in the world order; on the one hand the United States became a dominant power which wants to lead the world, on the other emergence of third world countries which demand democratic world order; hegemony, power politics and national interest are dominant features of inter-state relations; integration of some states into one and disintegration of some other states into small states; notion of security has widened in scope which led to an increased intervention in the internal affairs of countries (more); globalisation growing concern for democracy at national and international level and growing activism of civil society; developed countries lay emphasis on human rights, market economy, liberal democracy

while developing countries on sovereign equality, non-intervention and democratic order.

In fact, there is not any change in the gap between rich and poor countries and inequalities of state system in which powerful states dominate others for their own interest. Again, each and every state tries to maximise its national interest. History explains from the Congress of Vienna to the UN that powerful states called as great powers always decide what an institution/organisation ought to be according to their own perceptions, values and interests.

On the one hand, developing countries which are demanding democratisation of the Security Council are not strong enough and are not unified to fight for their demands, on the other developed countries in general and the USA in particular are still strong, in spite of the declining domination of the USA.

In this context, the proposed study intends to examine critically how the Security Council is problematised by the members of the UN, experts and other individuals, and how they want to solve the problem of the Security Council (proposals to the reform) to provide meaningful solution to the reforms in the post cold war era. This study will confine itself to reform of the Security Council in general and political aspects in particular (structures, powers, membership, functions and working methods). This study does not provide an

alternative proposal/solution to the on going debate on reforms by defining the reform/restructure in a particular way. It only describes and analyses critically the literature that already exists on the issue of reforming the UN Security Council to understand the problems and prospects of the issue.

This study is divided into 3 chapters: first chapter deals with problematisation of the Security Council; second chapter deals with proposals suggested by the experts and other individuals; third chapter deals with the proposals suggested by the members of the UN. Proposals suggested by experts and members of the UN are divided into two chapters because proposals suggested by the members of the UN are based on their national interest power politics, their intentions, their position in the world, their relation with the world in general and the UN in particular and their problems with relations to the UN. But, proposals suggested by the experts are generally based on their intention to solve the existing problem by using different approaches.

Chapter I

Importance of the Security Council, imperatives of institutional reform, global changes that demand reforms to the Security Council, link between world order, structure of the Security Council, structural, functional and other problems associated with the Security Council, controversial functioning of the

Council in maintaining peace and security, role of the Security Council in the changed notion of security, relationship between big powers and the Security Council, impact of cold war and power politics on the functioning of the Security Council and contradiction between ideals of the UN and practice of the council are critically analysed. This chapter also examines critically the difficulties that arise in solving the above problems in the light of existing political conditions. Again, implications of analysis are explained.

Chapter II

The following aspects are dealt with in this chapter: different problems expressed by different countries with relation to the Security Council; different proposals suggested by the different countries to the problem of the Security Council; reasons for different problems and different solutions; link between problems and proposals; proposals favouring status quo and reasons for that; general trend that emerges out of all these proposals and reasons for that, and relevance of all these proposals to the present international political realities. This chapter also explains the impact of national interest, power politics and existing political conditions on the reform in general, and on the proposal in particular. Again, it gathers the solutions one can get out of all these critical examinations that is the meaning of reform.

Chapter III

An attempt is to explain the following aspects in this chapter: main proposals suggested by the experts and other individuals to the problem of the Security Council and main features of these proposals; solution we are going to get out of all these proposals; if that solution is democratisation, what does it mean? if democratisation at international level is different from democracy which is working at national level, why is it so? And the meaning we are going out of these proposals to the concept of reform.

Methodology

The objective of this study is not only describing the problems but also critically analysing them. Historical perspective is used to understand the present problems. Problems associated with the Security Council and proposals suggested by the members of the UN, experts and other individuals are scrutinized by using descriptive method. Moreover, these problems and proposals are critically analysed to understand the relative relevance of them on the basis of historical facts in the light of existing political conditions. For this purpose, both primary and secondary data are used. Primary data: reports of different kind and UN documents. Secondary data: books, articles in the journals, in the magazines and in the newspapers.

Historical Background of this Reforms

In fact, the UN was not set up by the common consent of the international opinion, which, in 1945, hardly existed.[2] As early as in the 1950s, some countries in Asia and Africa had demanded the establishment of a new type of international order based on the principles of equality, mutual respect for independence, sovereignty, mutual non-aggression, non-interference in each others internal affairs and peaceful co-existence, so that they might have an equal say in world affairs.[3] There was no response from big powers and therefore that was then no more than a just demand. In 1960s, the membership of the UN had increased to 113 and therefore members of the UN decided to increase the membership of the Security Council. Amendments were made to articles 23 and 27 which were adopted by the General Assembly on 17 December 1963 and these came into force on 31 August 1965. The amendment to Article 23 enlarged the membership of the Security Council from 11 to 15 and Article 27 provides that decisions of the Security Council on procedural matters shall be made by an affirmative vote of 9 members and on

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2   Kamath, M.V., "India needs no Charity", *The Hindustan Times*, 6 November, 1995.

3   Ma Xushing, "Thoughts on the Question of Establishing a New International Order" *Review of International Affairs*, vol.43, No.1001, 1992, pp.33-34.

all other matters by an affirmative vote of 9 members including the 4 concurring votes of the permanent members.[4]

In fact, developing countries have been demanding reforms to the Security Council on various occasions and through various forums, for example New International Economic order and NAM. In the 1980s, a majority of the UN members had decided to reform the UN. Moreover, developing countries demanded structural changes and democratisation of the Security Council. The USA hijacked the whole reform agenda because any radical change/reform might affect its domination, its power position and its national interests.[5] So, the USA created a crisis by declaring its withdrawal of funds to the UN. At the same time, it came out with reforms related to financial and administrative aspects. Since developing countries had no alternative, they accepted the USA's proposals.[6] In the 1990s, especially after the end of cold war, there emerged a consensus among the members of the UN to reform the UN.

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4   Subhash, Manju, R.K. Bhardwaj and Subhash C.Gupta, *United Nations Organisation*, New Delhi, 1996, pp.322-324.

5   Trent, John E., "Foreign Policy and the United Nations - National Interest in the Era of Global Politics", in Alger, Chadwick F., Geni M, Lyons, and John E, Trint, (eds.), *The United Nations System - Policies of Member State* , Tokyo, 1995, pp.495-496.

6   Ibid., p.497.

DEFINITIONAL CLARIFICATION

1. Democracy

Democracy is a political system where people have equal rights based on the principle of 'one man' 'one vote' and elect their representatives periodically. Election gives legitimacy to the elected representatives who are accountable to the people for their acts.

2. Power

A country which is either economically or politically or militarily influential or dominant is called power in the international sphere.

3. World Order

It means a pattern of power relations among states capable of ensuring the functioning of various international activities according to a set of rules - written or unwritten.[7]

4. Reform/Restructure

The terms restructure/reform are being used quite loosely and often interchangeably. Reform/Restructure are used interchangeably in this proposed

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7   Brucan, Silviu, "The Establishment of a World Authority - working Hypothesis", in Falk, Richard A., Samuel S.Kim and others (eds.), *The United Nations and Just World Order*, Boulder: West View Press, 1991, p.546.

study also.   The general meaning of Reform/Restructure is a broader modification of UN system itself which includes institutional structures major principles and purposes, allocation of power and resources, methods of representation and possible reform of the charter.   In simple terms, reforms means changes ranging from radical to minimal in the membership, functions, powers and working methods.

CHAPTER I

REFORMING THE SECURITY COUNCIL:

NECESSITY AND DIFFICULTIES

The most important of the principal organs of the United Nations Organisation is the Security Council. One of the issues which emerged at the 50th anniversary of the UN is the restructuring of the Security Council. There is more or less consensus on the fact of restructuring the Council. But there is no consensus at all on the various aspects of restructuring/reforming among the states. Then the question why the Council is to be restructured, arises. Restructuring itself indicates that something is wrong with the existing structure of the Council. In this chapter an attempt has been made to analyse and examine this issue. The following aspects will be dealt with: Why should an institution be reformed and what are the changing conditions that demand reforms? Was there any link between the international world order and the structure of the Security Council? How did the structure, functions and powers of the Council become problematic? What is the politics of changed notion of threat to peace? How the Security Council was structured and was given powers and functions to serve the interest of powerful states? Are there any contradictions between UN ideals and the Council or gaps between ideals and practice and between procedural rules and practices? How far are the actors (States) responsible for problems of the Council?

According to some people an institution should be reformed according to changing conditions.[1] To some others an organisation/institution should reflect the changing demands of the people.[2] Yet, others feel that the Security Council should be reformed according to changed power realities.[3] Third world countries argue that the existing Security Council is undemocratic because it lacks accountability and legitimacy. So, they demand that the Council should be democratised.[4] Some view that the reforms involve changing structures, procedures, practices, policies and priorities in order to achieve greater efficiency and effectiveness.[5]

People like Erskine Childers, Oran Young and Shridath S. Ramphal have the view that historical structure (which can be conceived as a triad, linking ideas, material capabilities, and institutions) has been evolving and will continue to change-not in any predetermined direction but according to the demands and challenges of international society at any given time.[6] The

1   Jakobson, Max, "Better to Redesign a Sacred Down, Realistic United Nations". *International Herald Tribune,* Paris, 18 October 1995.

2   Raghavan, Chakravarthy, United Nations - Reforms must correct power imbalances, *Daily News* (Colombo), 9 June 1995.

3   *Hindu* (Madras), 3 September 1994.

4   Raghavan, Chakravarthy, United Nations - Reforms must correct power imbalances. *Daily News*, Colombo, 13 July 1995.

5   Murthy, C.S.R., "Reforming the UN", *National Herald*, 4 January 1996.

6   Knight, Andy W., "Beyond the UN System? Critical Perspective on Global Governance and Multi lateral Evolution", *Global Governance*, vol.1, no.2, 1995, p.242.

demands of international society in 1945 were quite different in many respects than those of today. Rosemary Righter points out that the multilateralism is "an established, ineluctable, part of our lives", that the rapid evolution of new reforms of multilateral cooperation, increasingly more sophisticated and flexible than the previous forms, has out flanked the activities of traditional global intergovernmental institutions because those institutions are either defective, inefficient, ineffective and largely irrelevant, or a combination of all of the above; that while the UN system has no doubt contributed to the rapid evolution of multilateral cooperation since 1945, its future impact on this process is in doubt and could depend on the extent to which the organisation is able to demonstrate its "relevance in dealing with the new demands of the international community."[7] All these arguments reveal that an institution should change according to changing demands or changing conditions or changing power realities or changing perceptions. Again, an institution should be democratised. That means one should see changes that have emerged since 1945 which demand reform.

Today, world is not the same as it was in 1945. There have been lot of global changes; the end of cold war due to fall of Soviet Union led to change in the world order; on the one hand the United States become dominant power which wants to lead the world, on the other emergence of third world countries

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7 Righter, Rosemary, *Utopia Lost - The United Nations and World Order*, New York, 1995, pp. 1-25.

which demand for democratic world order; continuation of hierarchy of state system; hegemony, power politics and national interest are dominant features of inter-state relations; integration of some states into one and disintegration of some other states into small states; notion of security has been widened in its scope which led to intervention in the internal affairs; globalisation, growing concern for democracy at national and international level and growing activism of civil society; world is divided into rich and poor, and existence of socio-cultural diversity; developed countries' emphasis on human rights, market economy, liberal democracy, while third world countries on sovereign equality, non-intervention and democratic order. All these tell us that reform is different to different people and there are lot of changes that have to be accommodated in the changed institution. In fact, history tells us that the dominant powers decide what the reform is, in the manner in which their interest and their role play very important role.[8]

If one wants to understand the nature of the Council, one has to go back to the Congress of Vienna (1815) which was the root of its structure, responsibilities, power and privileges. Three important feature of the nineteenth and twentieth centuries were : (i) Peace could be achieved through balance of power among the great powers in the nineteenth century and through unanimity among the great powers in the twentieth century; (ii) It were the

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8   Lowe, John, *The Great Powers, Imperialism, and the German Problem*, 1865-1925, London, 1994, pp.1-7.

great powers who decided the fate of other states in the nineteenth and to a large extent in the twentieth century; (iii) It were the great powers who assumed responsibility for the maintenance of peace and in return, received special privileges and powers.[9]

The Congress of Vienna which was clearly marked by the hierarchy of state system applied balance of power to peace settlement. It was led by the these dominant military powers who decided the destiny of Europe. The Concert of Europe, which was led by dominant powers known as "the great powers" (Russia, Prussia, Austria, and Britain), emerged for the maintenance of peace in Europe.[10] It also provided the means for resolving the problems. It was also known as a system of de-facto great powers of hegemony. In the League of Nations, the concept of great power was incorporated in the covenant of the league whose council included principal victorious nations (all great powers) of the First World War as the permanent members. The Council was responsible for safeguarding peace in the world and had to work on the basis of unanimity of opinion.[11]

For the United Nations, the war time allies insisted that it should reflect the hierarchy of the state system. The war time allies which were known as

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9 Clark, Ian, *The Hierarchy of States - Reform and Resistance in the International Order*, New York, 1989, pp.1-23.

10 Ibid, pp. 1-23.

11 Narasimhan, C.V., *The United Nations - An Inside View*, Delhi, 1988, pp.16-18.

the 'great powers', were given permanent membership and veto power in the Security Council, whose decisions are binding upon members of the organisation. Decisions on the maintenance of peace and security must be taken on the basis of unanimity of the permanent members. The UN Charter enhanced the role of the great powers, further legitimising their claim to leadership in the international politics.[12]

The Security Council consists of fifteen members, out of which five are permanent veto power members, and the ten non-permanent members elected for two years term. The main responsibility of the Council is to maintain peace and security, which is empowered to take decisions on such matters. Its decisions are binding upon all the members of the organisation. It is the Supreme decision-making body in the UN. The immediate questions which arise are; Legitimacy and relevance of the membership to the present realities; is the structure of the membership in accordance with the charter of the principle of sovereign equality? Does the decision-making have any legitimacy? Are there any problems with veto power and can it be removed? What are the problems associated with the Council in maintaining peace and security? The problems associated with membership, sovereignty, decision making process, transparency, veto power, and maintaining peace and security are analysed critically.

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12   Held, David, *Democracy and the Global Order*, Cambridge, 1995, p.87.

Membership

According to the third world countries, permanent membership in the Council is undemocratic because it does not have legitimacy, accountability and representativeness. And non-permanent membership does not reflect the increased membership of the United Nations. Developed countries feel that existing membership (Permanent and non-permanent) is ideal one for maintaining efficiency and effectiveness. They prefer limited expansion in case of any reform.

There is an argument developed that the present membership of the Council is not in accordance with increased membership of the UN. At the time of the founding of the United Nations the membership of the Council counted eleven out of 51 members or 21.6 percent of the organisation was represented. In 1963 membership was expanded to 15 out of 113 members with the percentage of representation dropping from 21.6 to 13.35 percent.[13] The present membership of the organisation is 185 and the representation in the Council remains the same as in 1963, consequently the percentage of representation in the Council falls to 8.1. This tell us that the percentage of representation in the Council has been gradually declining. In 1963, membership was expanded to fifteen to reflect the increased composition of the

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13   Narasimhan, C V., op.cit., pp.68-69.

organisation's membership, particularly more seats for Africans and Asians.[14]

Under a Gentleman's agreement, a system of geographical distribution was adopted.[15]

The ideal of universal membership was incorporated in the organisation which henceforth was open to all peace-loving states. But the recommendation for the membership has to be made by the Council whose legitimacy is questionable. During the cold war, the veto power was used to keep out opponents which was against the Charter principle of Universal membership. The problem of the permanent membership in the Security Council remains undemocratic. Do we have to accept the permanent membership or not? This discussion leads us to another debatable question, whether democratic principle works under the hierarchical state system. In fact there is a consensus among the members of the UN in expanding the membership of the Security Council (Permanent and non-permanent). But, there is no consensus on the basis of which it should be expanded.[16]

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14   Ibid, p.70.

15   Laurd, Evan, *The United Nations-How it Works and it does*, London, 1979, p.21.

16   *UN News Letter*, vol. 51, no.14, 1996, pp.1-2.

Sovereign Equality

Third world countries emphasise on sovereignty, equality and non-interference, while developed countries on intervention for security and humanitarian purpose.[17] Whether sovereignty is relevant or not is a debatable question. For large members of the UN, sovereignty is relevant and must be protected. That is why most of the members of the UN demands sovereign equality which was undermined in the case of the Council. The Charter of the United Nations states that, "the organisation is based on the principle of sovereign equality of all its members".[18] This means, that the states are not subjected to any higher authority and that all states have same rights and duties under international law.[19] Thus, the structure of the Council and the veto power of the permanent members are against the principle of 'sovereign equality'.

Military intervention, authorised by the Council, for humanitarian and security reasons, overrides the sovereignty of the countries. The council took such decision in the case of Kurdistan, Somalia, Haiti and Rwanda.[20] Big

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17   Ma Xusheng,   "Thoughts on the Question of Establishing New International Order". *Review of International Affairs*, vol.11, no. 1001, 1992, pp.33-34.

18   Snouts, Marie-Claude,   "International Organisation and Inequality among the States". *International Social Science Journal*, vol.144, 1995, p.231.

19   Loc.cit.

20   Hong, Mark,   "Small states in the UN". *International Social Science Journal*, no.144, 1995, pp.280-284.

powers will interfere for their own interest on the pretext of humanitarian and security reasons and can get legitimacy through Security Council where 'sovereign equality' is not applicable. There is a close link between intervention, big power interest, Security Council and sovereignty. That is why, third world countries demand sovereign equality and non-intervention. This is despite the fact that the sovereignty is loosing its rigidity due to globalisation, liberalisation, and security and humanitarian problems.

Decision Making Process

Decision have to be taken by a vote. The procedure for voting varies according to whether the matter is procedural or non-procedural. On a procedural matter a majority of any nine Members would suffice but on non-procedural matters a majority of nine including the concurring votes of the permanent five is required.[21] Permanent members can use their veto and prevent the adoption of a resolution on non-procedural matters. Rule 48 of the 'rules of the procedures' of the Council stipulates that the Council can conduct any number of negotiations behind closed doors; subsequently, they have to be brought before an open session of the Council and at that point the president of the Council might even read a prepared text which has been agreed upon

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21   Ross, Alf, *Constitution of the United Nations*, New York, Rinehart and Company, 1950, p.91.

behind closed doors as the decision of the Council.[22] This shows the predominance of the permanent five, and non-transparency of the decision-making process.

The Council's track-record shows that, generally all decisions taken behind the closed doors, were accepted by the non-permanent members due to their dependent relations with the influential permanent members. Thus, there is little room for the non-permanent members to express their will in the decision making process of the Council. All kinds of bargaining take place among the permanent members due to the existence of the veto powers.[23]

Legitimacy

Before discussing whether the decision-making power or structure of the Council is legitimate, we will look into what exactly constitutes 'legitimacy'. According to Sean D Murphy it means: "Acting in accordance with the technical rules governing that process, as set forth in the UN charter".[24] Other scholars go beyond this and say that, legitimacy implies not only to be in accordance with the charter but also in accordance with the expectations of the charter. For those scholars the Council's actions in Iraq, Somalia, and

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22   Narsimhan, C V., *The United Nations - An Inside View*, New Delhi, 1988, pp.72-77.

23   Ibid, pp.72-77.

24   Murphy, Sean D., The Security Council, Legitimacy, and the Concept of Collective Security After Cold War.

Bosnia-Herzegovina are legitimate.[25] Once you are a member of the UN by accepting the charter and structure, question of legitimacy does not arise any more(?). According to third world countries, legitimacy means that any decision should be accepted by majority of the members of the organisation.[26] Some observers equate this with consensus. For them, the whole structure of the Council is not acceptable and neither are the decisions taken by this structure. Because, the five permanent members are not representative of the world, these observers are against the five possessing veto power.

This study argues that both views are incomplete. The five permanent members, especially super powers, have been getting legitimacy through hegemony, dependency relations and their influential role. The USA prevented the admission of Eastern European countries by majority of votes without using veto power.[27] The USA achieved this because of its hegemonic power on its Western allies and allies depending on USA by one way or the other. In December 1990, the USA successfully piloted a draft resolution in the UN General Assembly recommending to all the member states that they opt for private entrepreneurship which alone could ensure their socio-economic

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25   Ibid.

26   Saksena, K.P., *Reforming the United Nations*, New Delhi, 1993, pp.29-31.

27   Stoessinger, John G., *The UN and the Super Powers - China, Russia and America*, New York, 1977, pp.1-25.

development.[28] It also recommended to all UN agencies and subsidiary bodies to promote market economy. After cold war, USA's interest became an universal interest. Even before the cold war too, argues C.Rajmohan.

Veto

H.Kelson observes that "the Veto right of the five permanent members of the Council which places the privileged powers above the law of the United Nations, establishes their legal hegemony over all other members of the organisation and thus stamps on it the mark of an autocratic or aristocratic regime".[29] The permanent members (The USA, the USSR (now Russia), the UK, China and France) of the Council have the veto power. 'Veto' means that any one of the permanent members can prevent the security council from taking action on any substantive issue. In other words, 'Veto' is a vote which of itself prevents the adoption of a resolution. It is based on the assumption that unity of view and action on the part of the big powers is a necessary condition for a proper functioning of the United Nations.[30] One may call it unanimity of the five.

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28   Misra, Surya Narayana, "The UN in Changing World Order : Expectations and Apprehensions", *Social Action*, vol.45, no.2, pp.182-192.

29   Kelson, H., *The Law of the United Nations*, London, 1951, p.276.

30   Batra, T.S., *The Security Council and Veto*, Delhi, Metropolitan, 1979, pp.105-107.

The central idea behind the veto right is that since the permanent members as big powers naturally bear the main burden of responsibility for maintaining peace and security, no permanent member should be compelled by a vote of the Security Council to follow a course of action with which it disagrees.[31] It also implies that the veto power is a guarantee against converting the United Nations into an instrument of politics designed to serve the interests of any particular state or group of states. The main assumptions behind the Veto power are : (i) the wartime alliance decided that international peace and security could never again be left in the hands of the sovereign states acting independently in their own interest; (ii) the drafters assumed that the five permanent members (wartime alliance) of the Council would act as world Policemen and together could prevent any aggression in the future.[32] So, they were given special rights and duties. Special rights: permanent membership and veto power Duty, maintenance of peace and security. In fact, the major powers insisted the structure, composition, powers and responsibilities of the organisation should reflect the differences of power, with emphasis on military element.[33]

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31   Ibid., pp.107-110.

32   Bowett, D W., The Security Council, in Wortley, B A (ed.), *The United Nations - The First Ten Years*, London, 1957, pp.19-20.

33   Goodrich, Leland M., *The United Nations in a Changing World*, New York, 1974, pp.59-60.

If one wants to know the real nature of the Veto power, one has to look at the history of the last fifty years. Almost all the five members used their Veto on different occasions for different purpose, in most cases the super powers (The USA and The USSR) used their Veto. The USSR had used its veto many times in the beginning. It used its Veto to protect and promote its national interest: (i) Vetoes cast in direct US-Soviet confrontations; (ii) Vetoes cast on behalf of a communist ally; (iii) Vetoes cast on behalf of a State outside the Communist bloc; and (iv) Vetoes cast against candidates for UN membership.[34] Respective examples of this veto use by the Soviet Union are: (i) the Berlin Blockade, the Hungarian Revolution; (ii) The USSR preventing an UN enquiry into the new communist Government of Czechoslovakia in 1948; (iii) The Kashmir Problem; (iv) Portugal, Jordan, Ireland, Ceylon, South Korea and South Vietnam.[35] In fact, the Soviets also used Vetoes on behalf of neutrals.

The United States had not used the Veto in the beginning because it had been able to protect and promote its national interest in other ways. It opposed resolutions by obtaining majority votes. The key to this American hidden Veto was, of course, the composition of the Council.[36] A majority of them in the

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34   Stoessinger, Johan G., *The United Nations and The Super Powers - China, Russia and America*, New York, 1977, pp.1-25 and 211-238.

35   Ibid, pp.1-25.

36   Ibid, p.18.

Security Council were economically, militarily dependent on the USA.[37]

They were also its cold war allies. This was the reason why the USA opposed

Veto power and USSR wanted Veto when there was a revision of Veto powers.

The America used its Veto after the Afro-Asian countries entered the Council.

The USA opposed resolutions and used Veto to promote and protect its national

interest and for the same reasons as the USSR.[38]

Thus, the Veto power was being misused. The wartime alliance turned

into cold war blocs. Veto power increased the cold war antagonism. The

original purpose of Veto was ignored and became a great power privilege. The

Veto power is against principles of democracy and sovereign equality. Using

Veto power itself against majoritarian view is undemocratic. The Security

Council became inactive due to the Veto power. Major powers wanted to

dominate the world, but only influential (super powers) among the major

powers, dominated the World. But only, according to K.P.Saksena, the United

States fully used the United Nation's instruments as if it were an extension of

the US state department.[39]

All these problems are threatening the existence of the Veto power itself.

But, if the Veto power did not exist, what would happen? There are two

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37   Ibid, pp.18-19.

38   Ibid, p.22.

39   Saksena, K.P., "The UN in its Jubilee Year", *Social Action* , vol.45, no.2, 1995, pp.1-2.

arguments in this regard. Firstly, America can promote and protect its interest even without veto. The USA protected its interest without using Veto in the beginning. According to Gene M.Lyons, for almost the first 20 years the US dominated the UN system politically to the extent that it had virtually become an instrument of American Foreign Policy.[40] With the collapse of the Soviet Union, the US interest had become universal interest, the whole UN was under US influence as was proved in the Social Summit General Assembly declaration that the market economy and liberal democracy are the only alternative for human development. This proves that a non-existence of the Veto power would not make any expected difference. This raises doubt whether principle of democracy works properly in the hierarchically divided state system.

Secondly, on the one hand, if the Veto did not exist, there would be a possibility to act against a major power, or to declare a major power as aggressor by a majority which would be disasterous or would have led to third world war, on the other, if a majority adopted a resolution against a major power then the great powers would hardly be willing to carry out the decision which they considered contrary to their interests, which would lead to inactivity or even to the question of existence of UN itself, this was the case for New Economic World order resolutions in the General Assembly.

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40   Lyons, Gene M., "International Organisations and National Interests", *International Social Science Journal*, no. 144, 1995, p.268.

Peace and Security

The Security Council will act or take decisions in order to fulfil its primary responsibility for maintaining peace and security. Its decisions are binding on all members of the organisation by virtue of Art 25 of the charter.[41] However resolutions of the Council which are framed as recommendations are not binding. Two methods are used, depending on the situation, to fulfil its functions.

The first method concerns with chapter VI which is supervision of pacific settlement of international disputes.[42] This is clearly mentioned in Article 33 of the charter, which requires that international disputants "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 won choice.[43] This is called traditional diplomacy. The Council diplomacy will start when traditional diplomacy is not worked out. The problem that emerges here is that the disputes and threatening situations are to be raised in the Council only by the parties (in practice) which are directly involved. This is contrary to Article 35 of the Charter, which lays

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41   Ross, Alf, op.cit., p.208.

42   Ross, Alf, op.cit., p.145.

43   Ross, Alf, op.cit., pp.166-169.

down that any member of the UN may bring any dispute or any situation to the attention of the Council.[44]

The Council will use different techniques depending upon the situation when disputants present their case to the Council. These techniques may be classified as investigation, interposition, conciliation, recommendation, and appeal.[45] In fact, the Council is empowered to examine situations which have not yet reached the stage of overt conflict. The Council today almost never makes use of any of these procedures. In effect it ignores chapter VI of the charter altogether. In most cases it does nothing at all until a conflict has reached the stage of open war. As far as the Iraq-Iran dispute was concerned, it did nothing. Even though recurrent armed border clashes were already taking place and though it was apparent that open warfare could break out in the near future.[46] To illustrate, Cambodia, Vietnam (most of the time) and Angola were not brought before the Council.[47]

The second method available to the Council with chapter VII which is taking enforcement action designed to stop or prevent any threat to the peace, breach of the peace, or act of aggression. The essential pre-conditions for the

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44 Ross, Alf, op.cit., p.211.

45 Ross, Alf, op.cit., pp.155-163.

46 Hang, Mark, op.cit., pp. 280-284.

47 Laurd, Evan, *The United Nations - How it Works and It Does,* London, 1979, p.16.

operation of chapter VII are dual. (i) The council has to decide that existing situation constitutes a threat to the peace, a breach of the peace or an act of aggression. Since this is a non-procedural matter, concurrence of the permanent members is a must. Thus, the permanent members can use the veto power for their selfish interests, which is against the ideals of the charter. For this reason, the Security Council remained inactive in so many cases, such as the Berlin dispute in 1948, or the Greek question in 1949.[48] According to D.W.Bowett, this inactivity had a direct or indirect link with the political struggle between the East and West (Cold War).[49] (ii) Members have to agree to cooperate in the decision-making of the Council by lending their support, either in terms of economic sanctions or by supplying armed forces for military sanctions. However, the obligation to offer military support is more of moral rather than legal obligation.

Initially, the Council uses non-military measures including a complete or partial interruption of economic relations (economic sanctions) to restore the situation. If these measures fail, it takes military action agreed upon by at least nine members of the Council including the concerning votes of the permanent five. This military action is planned by a military staff committee under joint control of all five permanent members.

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48   Bowett, D.W., op.cit., pp.27-45.

49   Ibid, pp.27-45.

In practice, the Council had ignored all above procedures in most of the cases. According to K.P.Saksena, "the US acted as a policeman when council acted against Iraq, the US did not bother about rules, procedures or regulations of the Council. The charter lists conditions for moving from economic to military sanctions but these were ignored. The military staff committee was inoperative.[50]

The major limitations of the Council's function for maintenance of peace and security are: since five permanent members have the veto power, the council cannot act against them. Thus the council could contribute little to armed conflict such as Suez (1956), Vietnam (1946-75), the Sino-Vietnamese clash (1979) and Afghanistan (1979).[51] According to Peter R.Baehr and Leon Gordenker, "Military organisations like NATO, and the Warsaw Pact are based specifically on Article 51 of the Charter. They also symbolise the failure of the UN collective security system as organisationally conceived.[52] The Cold War exposed the inactivity of the Council. The drafters had assumed a continuation of the wartime alliance. They had conceived that the five permanent members of the Council could act as global policemen with real power. Unfortunately, the wartime co-operation among the allies broke down

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50   Saksena, K.P., op.cit., pp.178-79.

51   Roberts, Adam and Benedict Kingsbury, *United Nations, Divided World - The Un Roles in International Relations*, New York: Clarendon Press, 1989, p.6.

52   Baehr, Peter R. and Leon Gordenker, *The United Nations - Reality and Ideal*, New York: Praeger Publishers, 1984, pp.259-65.

during the cold war. The Council never had armed forces at its disposal for use against aggressors as expected in the initial stage. Generally, it did not take initiative unless any of the big five's interests were directly or indirectly involved. It cannot implement any decision unless and until it is acceptable to the big five.

In the past the notion of threat to international peace and security was generally understood to encompass an act of aggression or breach of the peace, involving some actual or potential military manifestation usually in the context of an inter-state regional conflict.

In the recent period especially after the end of the Cold War, the trend in the Security Council is towards a broader and expansive interpretation of a threat to international peace and security.[53] A number of situations which would have been in the past considered under the domestic jurisdiction of states have been in the recent period determined to be threats to international peace and security. Intra-state conflict is replacing interstate conflict as the dominant menace to international peace and security. Fuelled by ethnic, economic, and nationalist forces for autonomy inside the borders of existing geographic states, civil war is becoming the most common form of armed conflict.[54] Insurgent

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53   Koshy, Ninan, "Restructuring UN Security Council", *Mainstream*, 7 October 1995, p.8.

54   Weiss, Thomas G., *The United Nations and Changing World Politics*, Boulder: Westview Press, 1994, pp.83-89.

groups fight existing governments or sometimes other insurgents either for control or for succession.[55] The United Nations security mechanism was not designed to deal with these issues.

Developed countries argue that improving its capabilities in this sphere requires changes in the approach to sovereignty and operational components of international forces in order to safeguard peace and security.[56] Intervention of the Security Council in the domestic affairs has become a controversial issue these days. Third world countries opposed this interference because interference is backed by big power interests and there is a ECOSOC to deal with socio-economic and cultural problems.

In fact they are not against genuine interference for humanitarian and security purposes. They also demand proper mechanism to deal with these problems. But such mechanism should be democratic and free from power politics.[57] Developed countries argue that the Security Council should be strengthened to deal with these issues. Since there is no proper mechanism to deal with these issues, big powers are using the Security Council as an instrument to further their own political purposes.

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55   Ibid, p.89.

56   Loc.cit.

57   Sim, Chin Oy, "Security Council's Method Come Under Increasing Attack", *Link*, 2 October 1994, pp.6-7.

The architecture of the UN was drawn up to accommodate the international power structure as it was understood in 1945.[58] The division of the globe into powerful nation-states, with distinctive sets of geopolitical interests, was built into the charter conception.[59] As a result, the UN was virtually immobilised as an autonomous actor on many pressing issues. Moreover power structure in the UN has been reinforced by its dependence on finance provided by its members.[60] Allies were given veto power and permanent membership to dominate the world for their interest.

As early as in the 1950s some countries in Asia and Africa had demanded the establishment of a new type of international order. To consolidate and strengthen their status, a number of newly independent states at that time hoped to have international relations founded on principles that included mutual respect for independence and sovereignty, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit and peaceful coexistence, so that they might have equal say in world affairs.[61] This is a pointer to the fact that the structure of the Security Council was not acceptable to majority of the countries. Hopes of democratic

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58   Held, David, *Democracy and Global Order*, Cambridge: Polity Press, 1995, pp.85-87.

59   Loc.cit.

60   Ibid, p.88.

61   Ma Xusheng, "Thoughts on the Question of Establishing a New International Order", *Review of International Affairs*, vol.43, no.1001, 1992, p.33.

order were undermined by the big powers. This also shows that the structure was faulty and undemocratic in 1950s itself.

In fact, the history of the Council shows that its permanent members act, not in pursuit of the ideals and aspirations set out in the UN charter, but in pursuit of their respective national interests.[62] Where such interests converge with the wider interests of other Council members and perhaps even the international community as a whole, the Council takes decisions and authorises UN action. Hence, the effectiveness of the Council rests, not on the commitment of its members to international peace and security per se, but on the extent to which the interests of member states, and in particular of the permanent members, coincide.

Implications

Having sophisticated arms especially nuclear weapon and to certain extent economic position is the currency of power and therefore power realities are always reflected in this important organisation/ institution; powerful states decide what the institution is; no great power can be declared as aggressor or Council cannot take action against great powers; assumption is that the great powers can only maintain peace and security; Security Council remains ineffective if there is a rivalry among the big powers; equality is impracticable

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62 Choudhuri, Satyabrata Rai, "Security Council Why Reform is Necessary", *The Statesman*, 16 July 1996.

and inequality is practicable; sovereignty and sovereign equality may not be applicable to the Council; legitimacy and accountability have no realistic value; democracy may not work properly in the organisation; ideals and objectives of the UN may not be practicable; reforms may not be acceptable to powerful states.

There are problems with structure itself, with actors and the contradiction between the UN idea and the Security Council. There has been a close link between international world order and the structure of the Council. Again there is a close link between the Security Council's problems and hierarchy of the power realities, power politics, hegemony and national interest etc. All these problems provide enough basis for consensus on the restructuring of the Council. But there are difficulties either to change or to abolish veto power and permanent membership of the Security Council. Moreover, this chapter attempted to show that the reform may take place in the way that the major powers see reforms and not how majority of states (small and medium) perceive it as the history testifies. This chapter also suggests that principle of democracy may not work properly in the Security Council.

CHAPTER II

PROPOSALS BY THE MEMBER COUNTRIES OF THE U.N.

A debate has been going on in the UN General Assembly to reform the Security Council. Members of the UN are participating in this debate to find solution to the problem of the Security Council. But, there is no consensus among the members of the UN on various aspects of the reform. In fact, various countries have been suggesting various proposals to the problem of the Security Council since 1990.

This chapter critically examines solutions given by the members of the UN to the problem of the Security Council, politics behind the solutions, political factors which counter those solutions, existing political conditions which have tremendous impact on the reform, and emerging trend out of all these proposals to find a meaningful solution that also gives meaning to the reform. For this purpose, eight member countries of the UN are selected on the basis of their economic position and also to some extent military, population aspects. They are: two from very small countries (Maldives and Rwanda); two from developing countries (South Africa and Iran); two from developed countries (USA and France). Two more countries which have claimed membership in the Security Council are also selected to know why and on what basis they want to be permanent members of the Council and how the existing

political conditions have responded to them. They are : one from developing countries (India); one from developed countries (Japan).

An attempt is made to answer the following questions in this chapter: are all members of the UN having same problems with the existing Security Council? If not, why is it so? Are all of them having same solutions to the problem of the Security Council? If not, why is it so? Is there any link between problems and solutions? Are there any status quoist proposals and why is it so? What are the general trends that emerge out of these proposals? If that trend is change versus status quo, what is the politics behind this trend? What is the impact of national interest and power politics on the reforms? What solution are we going to get out of all these?

The Republic of Maldives and The Rwandese Republic

Both, Maldives and Rwanda, have expressed their full faith in the United Nations. However, they have their own security problems: while Rwand's main problem is of genocide, Maldives main problem is of its existence due to global warming. Both of them are having problems with the existing structure of the Security Council and therefore they are demanding reforms which can solve their security problems and give value to their voice.

Priorities of Maldives are its security, its independence and the basic needs of its people. Global warming due to environmental pollution has its

own impact on the existence of small Islands like Maldives. So, people of Maldives want to know what the United Nations will do to save the Maldives and other small island nations from being engulfed by the sea.[1] The Rwandes'se other problems are neo-colonialism, domination, interference in internal affairs, threat to its independence, ethnic cleansing, civil war, sovereignty, integrity, poverty, economic development etc. That is why it proposes that the UN should be strengthened to deal with these problems.[2]

Maldives reminds us that the UN was created to serve people of all the nations rich and poor, big and small on an equal footing based on the principle of sovereign equality of its members. It has criticised the United Nations' inactiveness and its negligence towards security problems of small states. For example, there was no action by the UN when a band of foreign mercenaries invaded the Comoros and was almost successful in overthrowing its legitimate government. Again when heavily armed foreign terrorists attacked Maldives and tried to do the same in November 1988, there was no assistance from the UN to repel the attack.[3] That is why, Maldives raised the issue of the vulnerability of small states to external threats and foreign intervention, which led to the adoption of the relevant United Nations resolutions. The UN was

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1   The UN at 50 - "Statements by the World Leaders", New York, 1996, p.355.

2   Ibid. pp.290-291.

3   Ibid. p.354.

active in the cases of Kuwait in 1991, Middle East in 1956 and 1967. So Maldives want the United Nations to react with the same urgency, commitment and effectiveness to the threats that small states are frequently exposed to.[4] On the other hand Rwanda is not so critical of the United Nations. But, it is against the foreign interference in internal affairs and United Nations' double standards in dealing with crises etc.[5]

Both have questioned the structure of the Council, its veto power, its functioning etc. Maldives has proposed that the Council should be more representative, democratic and transparent in its working. The organisation should not become a corporate body where only the rich and powerful decide issues. Less advantaged and small states have no say in the Security Council for their own security. United Nations is therefore important for safeguarding their sovereignty, independence and territorial integrity.[6] Rwanda has also proposed that there is a need to reform the Security Council to make it more representative and to strengthen the role of the General Assembly.[7]

Both of them have their own security problems and they link their problems with reforms. They want reforms not because they want to play

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4   Ibid. p.355.

5   Hong,Mark, "Small States in the United Nations", *International Social Science Journal*, vol.144, 1995, pp.279-285.

6   Debate on Council Reform, "Fifty-First General Assembly", GA/191 147, 30 October 1996.

7   The UN at 50, op.cit., p.291.

dominant role in the world. Reforms, according to them, mean that their voice should be valued and their problems should be taken into consideration.

The Islamic Republic of Iran and the Republic of South Africa

Both, Iran and South Africa have expressed their faith in the United Nations and its ideals in the special commemorative meeting of the UN at 50 years. They have more or less same views and objectives with relation to the existing structure, functioning and on the aspect of reform of the UN in general and the Security Council in particular. But, they have expressed differently in a different manner according to their own understanding and experience.

From the Iranian point of view, the United Nations signifies the culmination of the perennial aspirations of humanity to eschew war and conflict and to foster development, mutual respect, peace, understanding and cooperation between all peoples of the world. It has argued that the UN is known for its universal character and diversity of its constituent elements can be maintained and enhanced only through respect for such diversity. Again it has argued that equal rights of men and women can not be divorced from respect for equality of nations, large and small. Iran has objected the imposition of the will or values of a few over the rest of humanity or enhancing the perception of security of the privileged few at the expense of subjecting the

rest of humanity or to the nightmare of nuclear holocaust.[8] South Africa has appealed to the world to ensure that none should enjoy lesser rights, and none be discriminated because they are born different, hold contrary political views, or pray to different Gods in different manner. It urged the members of the UN to affirm their commitment to the founding ideals and the common desire to better the life of all human beings. It enjoined upon the United Nations to ensure security, not only in peace but also in prosperity.[9]

Regarding the reform, Iran has urged the members of the UN that ordinary people, who constitute the majority of humanity, must be the focus and foundation of any effort to revitalise, restructure and reform the organisation. Its conceptual objectives should be to render the United Nations decision-making process transparent, democratic, rule based and inclusive. The key to ensuring the success, continued relevance, and moral authority and legitimacy of the United Nations in the next millennium is the reinvigoration of the underlying concept of sovereign equality and its full application in all aspects of the work of the organisation. It implies, first and foremost, enhancing the role of the General Assembly as the most democratic and representative organ of the United Nations, removing institutionalised and

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8   The UN at 50, op.cit., p.112.

9   Ibid. p.150.

implicit centres of privilege and influence and respecting the values of the equal

constituent elements of this unequal universal mosaic.[10]

South Africa has concentrated on the reforms of Security Council.

Nelson Mandela, the President of South Africa has said that the changed world

circumstances permit neither the continued maldistribution of resources nor the

related maldistribution of decision-making power within this organisation itself.

So, he urges members of the UN that the UN should reassess its role, redefine

its profile and reshape its structures in such a way that it should truly reflect

the diversity of our universe and ensure equality among the nations in the

exercise of power within the system of international relations in general, and

the Security Council in particular. Again he is of the opinion that agenda of

next century and programme of action should be decided by all of us. He

appealed to the members of UN that they should facilitate the birth of new

world order of peace, democracy and prosperity for all.[11]

Iran is a strong critic of the existing structure, functions and powers of

the security Council as well as people who misuse and dominate the Security

Council. That is why, Iran wants the General Assembly to be strong to

counter the domination of developed countries in general and USA in

particular. It proposes democratisation of security to end the inequality that

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10   The UN at 50, op.cit., p.113.

11   Ibid, p.151.

exists in the Security Council. According to Iran, the Security Council should reflect diversity that exists outside the UN. Iran also proposes equality that should be reflected in the Council. It seems Iran's main aim is to end the Western domination. It is because of its antagonistic relation with developed countries in general and USA in particular. It prefers democratic world order. South Africa concentrates on the inequality that exists both in the Security Council and in the world. That is why, it suggests that the institution should be based on equality and it should reflect diversity. Its main problem is that inequality that exists in the Security Council should be removed. It is because of its relations with the world and its intention to be permanent member of the Security Council.

India and Japan for Permanent Membership in the Security Council

India and Japan have claimed permanent membership in the Security Council on the basis of their contribution to the United Nation and to the world on the Security and non-Security aspects. The following aspects are critically analysed: their (Japan and India) logic behind the claim for permanent membership in the Security Council; their contribution in support of their claim; their role after becoming a member; their proposals for reform; criteria decided by them for membership; chances, constraints and existing political conditions; politics behind their claim.

"The Security Council must be made more representative in order to enhance its legitimacy and effectiveness", External Affairs Minister I.K.Gujral said in his address to the UN General Assembly.[12] P.V.Narasimha Rao, then Prime Minister of India said, "Democracy allows for orderly change. Democracy with nations is effective precisely because it offers mechanism through which a national consensus can be evolved behind preferred policies. These same principles must now be extended to interstate relations *mutatis mutandis.*"[13]

India recognises the need for a Security Council that is capable of swift action to uphold international peace and security. However, the element of accountability which is integral to the concept of democracy, is missing from the current function of the Security Council. If the Council is to be accepted by international community at large, as legitimate and important, and influential instrument for safeguarding international peace and security, then its actions must be seen to represent the collective will of the General Assembly. Its actions in enforcing compliance will have greater acceptability if they are seen as representing a larger collectivity rather than the inclinations of a few powerful nations.[14] It is for this reason that India, for once, has argued for

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12   *The Pioneer*, 22 October 1996.

13   Rao, Narasimha, P.V., *Selected Speeches 1992-1993*, New Delhi, 1994, p.394.

14   Ibid, p.395.

expansion of the Security Council to make it more representative of much larger membership of the UN today. India has also advocated greater accountability to, and participation by the UN General Assembly in the maintenance of international peace and collective security.

The United Nations today includes a much larger number of independent sovereign states than at the time of its formation. In such a context, India is of the view that the United Nations cannot afford to be seen as either exclusivist or incomplete, either in appearance or in reality. In particular, an adequate presence of developing countries is needed on the Council on the basis of objective criteria. Nations of the world must feel that their stakes in global peace and prosperity are taken into account in United Nations decision-making.[15] India advocates that reforms should be based on democratic principle and in accordance with present realities. Japanese viewpoint is that every institution should change according to changing conditions. The existing structure of the Security Council reflects the power realities of 1945. It should be reformed according to changing environment.[16]

Jawaharlal Nehru said, "from the very outset, we have reposed our faith in the UNO, not because we considered it a perfect organisation but because we thought it was a step in the right direction, because we felt its objectives

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15   The UN at 50, op.cit., p.405.

16   *Deccan Herald* (Bangalore), 28 September 1990.

were right."[17] Indeed, the United Nations charter articulates concepts and ideals that are central to India's ancient heritage and thought and are at the heart of her approach and aspirations for the future. I.K.Gujral, the then External Affairs Minister proudly stated:

> India's participation in UN peacekeeping does not stem from consideration of narrow gain. India has participated because it has been wanted, because it has been asked, but most of all because of its solidarity and empathy with the affected country and with the international commitment to the United Nations and to the cause of international peace and security.[18]

Above two quotations clearly reflect India's attitude towards the United Nations.

One should see India's contribution to the world through the UN. India has stood unflinchingly for democracy and human rights, and has considerably worked to strengthen global understanding, friendship and cooperation. India argues that any country that follows the UN's ethos, which has substantially contributed to the seminal resolutions on decolonisation, disarmament, and fought vehemently against apartheid tooth and nail cannot be now discriminated against by the developed countries.[19] Besides, India also participated in the peace-keeping operations of the UN in the Congo, the Gaza Strip, Korea, Laos, Cambodia and Somalia among other places. It also has the tragic distinction

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17   *UN Newsletter*, vol.52, no.12, 1997, pp.3-4.

18   Ibid, vol.51, no.44, 1996, pp.2-4.

19   Vasudeva, P.K., "Complacent Contender", *The Pioneer*, 2 February 1996, p.8.

of having lost the largest member of personnel in these peace-keeping operations. It has been sending the largest contingents to the UN missions. The Indian Army is one of the most professional armies of the world. It has carried out its given tasks in the most disciplined manner and won over the local population within no time. It conducted the election in Cambodia and helped in restoring peace in the country. Till today, the locals of Congo, Somalia and Rwanda remember the Indian troop for their benevolence.[20]

Cooperation between India and the United Nations has been mutually strengthening and reinforcing. India has been a valuable partner of several UN agencies, including the UN Development Programme, UNICEF, UNESCO, WHO, ILO, UN Drug Control Programme and many others. India is one of the largest voluntary contributors to the budget of these agencies, from amongst the developing countries. India claims that she does so out of her firm commitment to multilateralism and belief in the efficacy of the United Nations' activities in supporting developing countries.[21] Regarding security, India believes that its security as indeed of all countries, lies in a nuclear weapon-free world. The only way to achieve this ultimate security is to ban production, possession and use of nuclear weapons within an agreed time frame.[22]

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20   Ibid.

21   The UN at 50, op.cit., p.4.

22   Ibid, p.2.

India is a progressive country charting a balanced path between economic growth and social justice, and science and tradition, committed to values of peace, non-violence, co-existence, pluralism, tolerance and constructive cooperation. Culturally, India is a bridge between traditional cultures and emergent trends. Politically, India will remain anchored as a pluralist, liberal democracy that can provide space for all its constituents and external interlocutors. India is the largest democracy in the world and is significant both demographically and geographically. So India wants to play significant role in the global arena especially on behalf of developing countries. That is why India has claimed permanent membership in the Security Council.

Let us have a look at the contributions of Japan. The 1980s marked Japan's rapid rise as a major contributor to the UN system. In terms of both assessed as well as voluntary contributions, Japan became the second-largest contributor after the United States. Japan also has shown strong interest in the management of the organisation and took the initiative to set up a Group of High-Level Intergovernmental Experts to examine ways to improve the United Nations administrative and financial situation.[23] Japan collaborated with five Western states, and successfully promoted the adoption of the Declaration on the Prevention and Removal of Disputes and situations which might threaten

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23   Ogeta, Sadako, "Japan's Policy Towards the United Nations in the United Nations System", in Chadwick F. Alger, Gene M. Lyon and John E. Trent (eds.), *The Policies of Member States*, Tokyo, 1995, p.231.

international peace and security and again on the role of the United Nations in this field by the 43rd session of the General Assembly in 1988.

At the operational level, Japan provided special funds to help expedite peace-keeping activities in Afghanistan, Iran, and Iraq. It also dispatched teams to monitor elections in Namibia and Nicaragua. On the humanitarian front, Japan has also taken an increasingly active part. By providing assistance to the Indo-Chinese refugees, Japan became a major supporter of the UN refugee programme in the 1980s. It also participated in mobilising the UN emergency support to Africa and served as the coordinator in drawing up the Declaration on the Critical Economic situation in Africa which was adopted at the 39th session of the General Assembly in 1984. Since then, Japan has continued its interest in alleviating and preventing natural disasters. Together with Morocco, at the 42nd session of the General Assembly, it proposed to designate the 1990s as the International Decade for Natural Disaster Reduction, a move that received consensus support.[24]

It is recalled that, at the time of Japan's entry to the United Nations, they proclaimed three basic principles: (1) it would be "UN centred"; (2) it would cooperate with the free democratic nations; and (3) it would identify closely with Asian countries.[25] Japan is emerging as technological, industrial and

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24   Ibid, pp.243-54.

25   Ibid, p.249.

financial super power.[26] A high-ranking Japanese Foreign Ministry official asserted in an interview that Japan's economic and technological stature ought to entitle it to permanent seat in the United Nations Security Council.[27] Japan believes that as the world's second-largest economy, Japan is a key factor in global economic well-being. Japan claims permanent membership in the Council on the basis of its contribution and its present capabilities.

Regarding future role, I.K. Gujral said, "Now, fifty years after the UN came into existence, India is in a position to contribute even more towards securing the goals of the UN charter."[28] India also says that she wants to play a role for global causes. But, India is not in a position to tell what she is going to do to the world after getting membership in the Security Council either on behalf of developing countries or independently.

Whereas Japan is very clear about its future role after getting membership. It recognises that the role of the United Nations is growing and diversifying.[29] So, Japan intends to address more actively various socio-economic, political, cultural and security problems.[30] For this purpose, it

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26   Hatibovic, Dzemal, "New Structure of Global Power", *Review of International Affairs*, vol.43, no.1002, 1992, pp.9-10.

27   *Deccan Herald*, 28 September 1990.

28   *UN Newsletter*, vol.52, no.12, 1997, pp.3-4.

29   The UN at 50, op.cit., p.57.

30   *The Pioneer*, 26 September 1996.

wants the UN to play active role in maintaining changed notion of peace and security and in solving the above mentioned socio-economic, political and cultural problems. Japan wants to contribute and participate actively in solving these issues.[31] Japan, especially wants to play effective role in maintaining peace and security and socio-economic development by strengthening the UN. In the special commemorative meeting of the UN at 50 years, a Japanese delegate said, "Japan wants to increase its involvement in the full range of United Nations activities in the coming years. It will do its utmost to contribute to the international community on the basis of the universal ideals of freedom and democracy."[32]

India is of the point of view that its population (represents both an expression of the principles of democracy and an element of power), size of economy, financial contribution and support to the United Nations activities, consistency in fulfilling financial obligations, record of timely payment, future potential of the country and contribution to peace keeping operation should be taken into consideration for permanent membership in the Council.[33] India has also argued that the same yardstick/criteria must be applied to all countries

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31   Report, Replied Received from Member States, "Question of Equitable Representation on and Increase in the Membership of the Security Council", A/45/264 on 11 December 1992, pp.52-55.

32   The UN at 50, op.cit., p.59.

33   Report, "Question of Equitable Representation...", op.cit., pp.46-49.

developed or developing, from all regions or groups, for induction as permanent members.[34]

In the case of Japan, the capacity and willingness to assume global responsibilities for the maintenance of international peace and security should be the criteria for permanent membership.[35] Japan recognises that circumstances are developing in such a way as to enable the Council, which has primary responsibility for the maintenance of international peace and security, to discharge its mandate effectively. The increased number of meetings and consultations it holds and resolutions it adopts, as well as the dramatic decrease in the use of veto testify to this. Japan welcomes this opportunity to play an active part in restructured United Nations.[36]

Proposals and Suggestions

How they want to change the existing structure, functions, powers, and working method of the Security Council: India appealed to the members of the General Assembly during the review of the progress of the Working Group on the Question of Equitable Representation and Increase in the Membership of the Council and other matters that suggestions for the reform of the Council should

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34   *UN Newsletter*, vol.51, no.44, 1996, pp.2-4.

35   Debate, op.cit., p.6.

36   Report, "Question of Equitable Representation....", op.cit., pp.53-54.

address the imbalance in the representative nature of the Council and not accentuate the existing inequalities. India supports the expansion of permanent and non-permanent seats and is against piecemeal or temporary solutions which discriminate against developing countries.[37] The Council must be made more representative in order to enhance its legitimacy and effectiveness. The principles of interdependence must be recognised and reflected in the composition of the Council by accommodating developing countries in the permanent members category.[38] India is of the view that the number of permanent members of the Security Council should be increased to ten or eleven and the non-permanent members to twelve or fourteen.[39] India links the decision-making with a more balanced and expanded representation of the Council which gives legitimacy. India appealed to the members of the UN for complete elimination of all nuclear weapons within a stipulated time-frame, eradication of poverty and under development and combating terrorism.[40]

Japan's reaction and proposals with regard to the reform of the Security Council are as follows: its functions must be strengthened by enhancing its effectiveness and its legitimacy; this will necessitate an expansion of the Council that includes an increase in its permanent membership and

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37   *UN Newsletter*, vol.51, no.44, 1996, p.2.

38   Report, "Question of Equitable Representation...", op.cit., p.48.

39   Ibid, p.47.

40   The UN at 50, op.cit., p.405.

improvement in its working methods, for example, through enhanced transparency; council should play effective role in maintaining peace and security and in the issues of arms control and disarmament.[41] A package of reforms should include a limited increase in its permanent membership through the inclusion of countries - both developed and developing - who have the capacity and the willingness to assume global responsibilities for the maintaining of international peace and security.[42]

Japan believes that a rotational representation for Asia, Africa and Latin America and the Caribbean might be a realistic solution. It might be left for the regions themselves to decide. Specifically, the Council should be enlarged to have around 20 members at most, by adding to the current permanent members a certain number of permanent and non-permanent seats in an appropriate ratio.[43] Japan considers that in so doing, special consideration should be given to the question of equitable geographical distribution to non-permanent members. Japan argues that member states should work expeditiously to reach an agreement on a broad framework of reform that includes these elements.[44]

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41   Ibid, p.59.

42   Debate, op.cit., Hisashi Owada (Japan), Japan's view in the Debate on Council Reform.

43   Report, "Question of Equitable Representation...", op.cit., pp.52-55.

44   The UN at 50, op.cit., p.59.

Their position in the world, their chances to get permanent seat, their strategies and prevailing conditions in the world are analysed here. Within the South Asian region, India is not acceptable to all. Pakistan has openly declared its vehement opposition to India's attempt to enter the Security Council.[45] Bangladesh and Sri Lanka have their own problems and reservations with India despite Gujral doctrine.[46] At present, India is trying its best to win the confidence of the region. That is why for the time being relations are normal. Within Asia, Pakistan and Indonesia will be India's competitors for the Asian permanent seat at the Council. Both, Pakistan and Indonesia are Muslim countries. Since there is no Muslim permanent member in the Security Council, the 40-odd Muslim member countries may prefer a Muslim country rather than India.[47] There are already two permanent members, Russia and China, from Asia and Japan is going to get permanent seat. Within the developing countries, though India is trying to win the confidence of developing countries through diplomatic meetings, the chances are not so bright, because all developing countries are not with India. This was proved in the election of 1996 for non-permanent seat. Regarding the West, Ninan

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45   *The Times of India* (Delhi), 4 April 1996.

46   Brar, Bhupinder, *A Hot Seat and Cold Logic.*

47   *The Tribune* (Chandigarh), 6 April 1997.

Koshi said, "Western group in general and USA in particular does not support India's claim for a permanent seat in the Council."[48]

But, he did not mention reasons for this. In the case of India, the US has made it clear that it needs to win regional endorsement for permanent seat.[49] Again, criterion seems to have been set by US Assistant Secretary of State on the South Asia, Rabin Raphel, who while speaking before a congressional committee had said that India's claim for permanent membership should only be considered if it settles its differences with Pakistan and resolves the Kashmir issue amicably.[50] On the one hand, India is neither a political power, nor economic an power and nor a military power: on the other hand, India does not, for variety of reasons, today enjoy the same kind of pre-eminence as it did in the past, either in the non-aligned movement or in the Group of 77. Bhupinder Brar said, "Most of our diplomatic efforts in international forums are spent these days in warding off resolutions moved by our close and distant neighbours that we oppress minorities at home, that we try to be a regional bully, that our non-alignment first tilted towards the USSR and now desires acceptance by the USA, and that we no longer articulate the

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48   Koshi, Ninan. "Restructuring UN Security Council", *Mainstream*, 7 October 1995, p.10.

49   Vasudeva, P.K., "Complacent Contender", *The Pioneer*, 2 February 1996.

50   Ibid.

demands on world order on behalf of the poor of the world."[51] This tells us about the extent of India's position and reputation in the world. And also, her proposals do not tell us her commitment for democracy or working for developing countries. All these do not mean that India does not have a chance to get permanent seat in the Council. It is only to indicate what prevailing political conditions, power realities and national interest are which give some meaning to on going reforms. In the case of Japan, it wants a stable global environment for its own economic interest, wants to strengthen the United Nations for its own security interest and wants to be a global power.[52] To achieve and maintain these objectives, Japan wants to be a permanent member in the Council and suggests proposals for reforming the UN in general and Council in particular on the basis of its objectives. It has been consolidating its position since 1956. On the one hand Japan has got support from both developed and developing countries, on the other it has increased its contribution and activities to the United Nations. In all these, its finance has been playing very important role. All these made Japan to become an emerging power. In fact, when Japan entered the UN in 1956, it had two major goals in mind, one to join the global mainstream and the second to

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51   Brar, op.cit.

52   Trent, John E., "Foreign Policy and the UN-National Interest in the Era of Global Politics", in Alger, Chadwick F., Gene M. Lyon and John E. Trend (eds.), *The United Nations System - Policies of Member States*, Tokyo, 1995, pp.476-78.

regain its status which it enjoyed during the 1920s in the League of Nations, predecessor of the UN.[53] Japan has successfully accomplished its goal as it is a highly respected as well as a rich member of the UN family now. Having realised that it cannot hold back any longer from international conflicts, Japan has embarked upon accomplishing the second goal. Japan has equally heightened its diplomatic parleys with developed nations, including five permanent members.[54] Its soft pedalling approach to China on several counts defying US pressure is quite evident. Moreover, its economic clout around the world has won it more staff positions than it could vie for. In the 1970s Japan supported the US in opposing third world demands for a New International Economic Order.[55] At the same time it did not neglect third world countries for aid and assistance and others. In the 1980s Japan played a difficult balancing role, serving as a kind of mediator between the UN and United States which threatened to reduce its contribution to the world organisation.[56] Japan made sizeable financial contribution towards the cost of the American-led UN-sponsored war against Iraq. Japan also has decided to take part in the military activities (peace-keeping operations). It is important to realise that, although

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53   Nagesh, N., "Japan and the UN Seat", *The Times of India*, 21 October 1996.

54   Ibid.

55   Lyons, Gene M., "International Organisations and National Interests", *International Social Science Journal*, no.144, 1995, pp.266-67.

56   Ibid, p.267.

Japan ensures its security by its self-Defence Forces and the conclusion of the US-Japan Security Treaty, the Japanese have tended to regard the United Nations as an additional safety net.[57] This is the reason behind Japan's persistent efforts to strengthen the effectiveness of the UN functions with regard to the maintenance of peace and security and the attempt to reinforce the peacekeeping capacity.

Japan's requirement for a stable global environment in which its economy can thrive makes it prepared to envision a greater role in world management for the United Nations.[58] Japan also got support from developed countries. Germany and Japan have been nominated for permanent membership by the US and this has been endorsed by Britain and France, without reference to regional endorsement.[59] Boutros Boutros Ghali, former Secretary General urged Japan to play a global role and wanted Japan to contribute for United Nations' peacekeeping operations.[60] He also asked Japan to play leadership role in the world. Japan is also having rivals/opponents, South Korea and China. South Korea opposes Japan's claim for permanent membership for using Korean women as sex slaves for the

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57   Ogeta, op.cit., p.262.

58   Lyons, op.cit., p.477.

59   Vasudeva, op.cit.

60   Jones, Clayton, "UN Chief Urges Japanese to Enhance Military Role", *Christian Science Monitor* (Tokyo), 26 February 1993.

Japanese Imperial Army.[61] South Korea is one of Japan's keenest rivals in exports. China has its problem with Japan. So, getting China's support is a difficult issue for Japan.[62] But indications are pointing to the fact that Japan is going to get permanent seat in the Council.

In fact, India's proposals for reform do not explain her commitment for universal ideals and objectives (democracy, equality and justice etc.). Her democracy is expansion of membership, changes in powers and functions. That means minimising the imbalance that exist in the Security Council. Her proposals are based on the existing power realities, difficulties and political conditions. Her proposals also explain her intention for multipolar world order. It is because of its intention to be a permanent member of the Security Council. For Japan, its national interest is first, its group interest is second, and its world interest is third. It is neither for democracy nor for minimising imbalance that exist in the world which is reflected in the Council. For Japan, institution should change according to changing power realities. All these explain that Japan is not for change that reduce or remove the imbalance that exists in the Security Council. It is for some changes which help it to become a dominant power in the world.

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61   *Bangkok Post* (Bangkok), 2 November 1994.

62   Ibid.

The United States of America and the French Republic

A book, *The United Nations System- The Policies of Member States*
edited by Chadwick F. Alger, Gene M. Lyons, and John E. Trent, discussed
about France and USA. In their case studies, the realism of national interest
is most clearly expressed by France and the United States, both of which
consider the United Nations to be one tool of national foreign policy among
others. Both, the United States and France are having a good view of the
United Nations at present. They do not have any problem with existing
structure and functions of the Council. They have other problems -
administrative and finance related matters.

The US has three objectives: firstly, it wants to lead the world and
shapes it according to its will, values and commitments. Secondly, the
Security Council should serve as an instrument of US foreign policy and; its
dominant position should be continued. So, the reformed Council should
reflect these objectives. Otherwise it will not accept them. This is the US
stand on reforms. In a report to the US Congress on National Security on 13
August 1991, President Bush stated:

> We have within our grasp an extra-ordinary possibility that few
> generations have enjoyed - to build a new international system in
> accordance with our own values and ideals. We see our role very
> clearly. We must not only protect our citizens and our interests,

but help create a new world in which our fundamental values not only survive but flourish.[63]

Brendt Scowcraft, US National Security adviser said: "New world order implies that the United States of America as the unchallenged super power attended by its Western allies and with Russian compliance would maintain international peace and stability through United Nations."[64] Secretary of State Warren Christopher at the end of Clinton's first term said that continuing role of America in global leadership is very important. Emphasising that the world, with US leadership, had begun to shape its plans for the twenty-first century, Christopher described it as

> a world in which no great power views any other as an immediate threat, a world in which institutions that we created after World War II are beginning to be adopted to meet the new challenges of the next century, a world in which open societies and open markets have a competitive advantage. A world in which America remains the indispensable nation, and our leadership remains indispensable to the world.[65]

In his address to the special commemorative meeting of the UN on 22 October 1995, the US President, Bill Clinton, indirectly mentions, though US does not need United Nations Organisation, it wants to serve the world for common purpose. So, US leads the world for that objective and would continue to

63   Gani, G.A., "United Nations and the New World Order', *Radical Humanist*, vol.56, no.7, 1992, p.39.

64   Ibid, p.39.

65   *The Hindustan Times*, 21 December 1996.

contribute substantially to the finances of the UN.[66] Joanne Landy of the US-based group campaign for peace and democracy agreed that the US government position in the UN was one of that "if we cannot control it, we would not play." She also said that the Security Council could not be democratised because there is no democracy in many third world countries.[67] All these statements indicate what the US is, what it wants, what will be its role in future.

Regarding its second objective, US has dominated the UN politically so much that it was virtually an instrument of American foreign policy in the first twenty years.[68] In the 1970s, when the UN was dominated by Third World countries and their policies and resolutions were supported by the Soviet Union, US attacked the United Nations and called it as majoritarian tyranny because they acted against the interest of America.[69] Reforms during 1980s were hijacked by the USA because any radical change or reform would affect its domination, its power position and its national interest.[70] So, the United States created a crisis by declaring its withdrawal of funds to the United

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66   The UN at 50, op.cit., p.11.

67   Khor, Martin, "Undemocratic Security Council", Link, 9 October 1994, p.11.

68   Lyons, op.cit., pp.270-72.

69   Laurd, Evan, "The Contemporary Role of the United Nations", in Adm Robers and Benedict Kingsbury (eds.), United Nations - Divided World, Oxford, 1988, pp.211-12.

70   Trend, op.cit., p.496.

Nations. It came out with reforms which related to financial and administrative aspects. Since third world countries had no alternative, they accepted its proposals. Reform had turned into a Western exercise to satisfy the industrial countries in general, America in particular. By the 1990s, the US had begun to dominate the Security Council with the collapse of the Soviet Union. American leadership was strong and decisive in mobilising a UN - authorised military force to oppose the Iraqi invasion of Kuwait.[71] Now, the US wants to fulfill above mentioned third objectives i.e., establishment of unipolar world order.

Regarding the reforms, Bill Clinton had urged members of the UN in the special commemorative meeting of the UN at 50 years that all who contribute to the work of the United Nations and care about its future must also be committed to reform, to ending bureaucratic inefficiencies and outdated priorities.[72] Reform requires breaking up bureaucratic fieldoms, eliminating obsolete agencies, and doing more with less. He added that the UN must reform to remain relevant, and to play a still stronger role in the march of freedom, peace and prosperity.[73] Regarding the Security Council, United States proposes that Japan and Germany would be valuable new permanent

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71   Lyons, op.cit., p.271.

72   `The UN at 50, op.cit., p.11.

73   Loc.cit.

members whose contributions would strengthen the Council.[74] Again it warns that it cannot agree to a Council enlargement that do not entail their permanent membership. It will not agree to any change in the status, powers and obligations of the current permanent members, which are countries with global political and economic influence and a capacity to contribute to international peace and security.[75] Again it warns that the total Council membership should not exceed approximately 20 seats.[76] The US favours proposal for permanent representation for regional groups or rotation. Finally, the US wants to say that the United Nations is yet to achieve a lot and therefore United States works for that.[77]

France has three objectives: the UN should continue to serve its foreign objectives; on going reforms should not harm its status and; protection of its status in the UN and in the world.[78] Its logic is that France is one of the leading contributors to the UN and the world and it will continue to contribute for the benefit of the world as a permanent member. Gene M. Lyons said: "Broadly speaking, the French attitude towards the UN has been to use its

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74   Debate, op.cit., Edward W. Gnehm (United States).

75   Loc.cit.

76   Loc.cit.

77   The UN at 50, op.cit., p.15.

78   Smouts, Marie-Claude, "France and the United Nations System", in Chadwick F. Alger, Gene M. Lyons, et al, *The United Nations Systems*, Tokyo, 1995, pp.186-230.

position to limit damage to its interests, a stance that goes back to the years when France was still a colonial power and was continually attacked, especially for its Algerian policies."[79] It is clear that it will not accept a change in membership that could mean a diminished status for France in the UN and on the world stage. Jacques Chirac, the president of France stated in the special commemorative meeting of the UN at 50 years that fifty years after the United Nations was drafted, the aims set forth in our Charter have lost none of their relevance: peace and disarmament, democracy and development, the promotion of human rights and the fight against the great scourges that threaten mankind.[80] Also, in these 50 years, a body of common values has gradually come to be asserted thanks to the United Nations. He listed the contribution of France to the UN and the world: France has always been a leader in the search for peaceful solutions to the crisis of our times; from Cambodia to Bosnia, it has become the leading contributor of the United Nations troops; commitment too in the search for genuine disarmament; developmental aid to least developed countries.[81]

France wants the members of the UN to help the United Nations to adopt to the new world and play its role there effectively. Regarding the reforms,

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79 Lyons, op.cit., p.271.

80 The UN at 50, op.cit., p.153.

81 Ibid, p.152.

as long as the status of the existing five permanent members remains unaltered, France does not overtly object to reforms.[82] It claims to be ready to consider an enlargement of the Security Council (from 15 to 20 or 25) that would include both new permanent members and rotating members. So, France proposes that the Security Council should be made more representative by enlarging the circle of its permanent members to include Germany, Japan and some large states from the south.[83] Finally, France says that it will continue to contribute to the UN and world, and try to solve problems faced by the world, and work for the benefit of the least developed countries.[84]

North and South

North and South means developed and developing countries respectively. General views of North and South towards reform, existing international order etc., are analysed by undermining the differences within the group (North or South). North consists of developed market economies of North America, Western Europe and Japan. South consists of underdeveloped and developing (in terms of economy) countries which are also called as developing countries.

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82   Smouts, Marie-Claude, op.cit., p.290.

83   The UN at 50, op.cit., p.152.

84   Loc.cit.

South has always considered international organisations to be the most propitious vehicle for changing the hierarchical and stratified structures of international system into more equal system.[85] They want just, fair and equal world order. They want to democratise the United Nations, structural changes and amendments to the UN charter. They emphasise on sovereign equality of the states, a non-interference in internal affairs, on the principle of one state, one vote and criticise veto power as undemocratic decision making method etc.[86] As regards the expansion of the Security Council, the Non-aligned countries are guided by the positions enunciated in the final documents adopted at the Jakarta Summit and at subsequent ministerial meetings in Cairo and New York.[87] The two guiding principles established by the NAM are equitable geographical distribution and sovereign equality of states. They all feel that the non-aligned countries are grossly under-represented in the Council. This under-representation should, therefore, be corrected by the enlargement of the Security Council which should enhance the credibility of the Council, reflect the universal character of world body and to correct existing imbalances in the composition of the Security Council in a comprehensive manner.[88]

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85   Renninger, John P., "What Structural Changes are Needed in the System of International Institution", in John P. Renninger (ed.), *The Future Role of the UN in an Interdependent World*, The Netherlands, 1989, p.239.

86   Ibid, p.240.

87   Khor, Martin, "Undemocratic Security Council", *Link*, 9 October 1994, p.10.

88   Ibid, pp.10-11.

North, in general wants to maintain status-quo. Change should be gradual. They strongly believe that countries with political, military, and economic influence can maintain peace and security and work for others.[89] They argue that they are not only maintaining peace and security on their cost, but also contributing a lot for the benefit of the world on socio-economic and cultural aspects. Since their financial contribution is maximum and they are risk-bearers to maintain peace and security, they expect that they should be given important position. They preach globalisation, liberalisation, free market and liberal democracy.[90] But, they will not accept democratisation at international level because so many countries are not having democracy at national level. They justify interference in the internal affairs in the name of human rights, democracy and prosperity.[91] At the same time, they are against a stronger United Nations which would work against their interest and position. They will not accept any change in the status and power of the current permanent members of the Council.[92] They prefer limited expansion of members of the Council on the grounds of efficiency. According to them

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89   Ma Xusheng, "Thoughts on the Question of Establishing a New International Order", *Review of International Affairs*, vol.43, no.1001, 1992, p.31.

90   Ibid, pp.31-32.

91   Ibid, p.33.

92   Debate, op.cit., USA view.

new members should have a capacity to contribute to the United Nations.[93] They also point out that the UN is now working far more effectively than ever before.

Since there is a close link between the Security Council and world order, South is demanding a democratic world order. Their demands are based on universal principle of democracy, equality and justice. Materialisation of their demands is not possible because they are not strong. They are neither militarily nor economically and nor politically strong which decide fate of the world. They cannot stand on their demands because of their dependency. In addition, they are not free from socio-economic, political, cultural, and ethnic problems within their states. Moreover, they are following policies of market economy which are decided by the North. Apart from this, South is not a unified one: lot of contradictions, lot of divisions, fights, conflicts and disputes within the South; gap between preaching and practices; every one tries to maximise its own national interest which may affect their group interest. Besides, their political and economic organisations are also not strong, for example, Non-aligned Movement. Whereas, North wants to build a new world order on the basis of their interest, needs and values. They can achieve their objective because of their political economic and military influence.

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93   Loc.cit.

Conclusion

Since the world is diverse and power structure is hierarchical (in terms of military, economy and political), there emerges diverse views on the question of reform of the Security Council. Different countries are having different problems and different expectations and therefore their approach to the world problem is different.

Different countries have expressed different problems with the existing structure, functions and powers of the Security Council on the basis of their problems with relation to the UN, their position in the world, their relation with the UN and the world, and their intention. Different countries have suggested different proposals on the basis of their own national interest, their position in the world, their relation with the UN and the world, their problems with relation to the UN and their intention either to be member of the Security Council or something else. There is a close link between domestic problems at home, problems expressed with relation to the Security Council, and the proposals suggested by them. For example, Maldives is having security problem at home, and expressed the problem of inactiveness of the UN with relation to its security and therefore, it has suggested that the Security Council should be reformed to see the security problems of the small states and to value the voice of the small states (through democratisation of the Security Council).

There are countries who do not want any change in the existing structure of the Security Council because they are getting benefits from the existing structure, functions and powers of the Security Council. They do not want any change that affects their interest. They feel that the framework for maintaining peace and security provided by the UN charter and the United Nations system is perfectly sound. For example, developed countries especially five permanent members of the Security Council have above opinion.

One can identify a general trend that emerges out of all these proposals and counter proposals that is democratisation versus status quoist. On the one hand developing countries are demanding democratisation of the Security Council and on the other developed countries do not want any change in the Security Council that may affect their interest. Within the developing countries, there are different proposals suggested by different countries for democratisation of the Security Council which explains meaning of democracy at the international level according to their perception. One can classify these proposals into two categories. First category proposals which want to reduce or minimise imbalance that exist in the Security Council are: expansion of membership both permanent and non-permanent; changes in powers and functions - change in veto power and maintaining peace and security; transparent and legitimate decision-making process; deciding the criteria for membership; strengthening the General Assembly. Second category proposals

which want radical change in the UN in general and the Security Council in particular are: making the Security Council into a body of universal membership based on the principle of 'one country' 'one vote'; strengthening the General Assembly which counters the domination of the Security Council which is dominated by the developed countries; the Security Council should reflect the diversity that exists outside the UN which gives larger share to the developing countries.

Developed countries especially the five permanent members do not want any change in the Security Council except giving permanent membership to Japan and Germany. Their arguments and claims are: composition of Council is, and should continue to be, linked to the ability to exercise international responsibility; they are economically, politically and militarily influenced countries who can take responsibility for maintaining peace and security; they are contributing significantly to the world in general and the UN in particular by giving economic, moral, political, technical support etc.; the UN is now working far more effectively than ever before.

Developing countries are demanding democratisation by showing their numerical strength because democracy and numerical strength would serve their interest, while developed countries want to maintain status quo by showing their economic power because it serves their interest.

Solution that emerges out of these conflicting interests is limited reforms (may be minor or moderate changes). Because, developed countries cannot outrightly oppose demands of developing countries and therefore, they may accept limited changes. Developing countries are not strong enough and are not unified one to fight for their demands and therefore they may accept minor changes.

Because of national interest, there is no unified and common proposal for reform, and there is no consensus among the members of the UN on various aspect of reform. At the same time, developed countries by using their power are trying to divert or counter the reform differently by using different means. For example, USA wants financial and administrative reforms and is trying to divert structural reforms of the UN. The result is that reforms are limited in scope. Proposals given by the developing countries explain meaning of democracy at the international level. In addition, the above analysis explains that democracy which is working at the national level may not be possible at international level. The hierarchy of power structure which exist outside the UN that is reflected in the Security Council is not easy to change.

CHAPTER III

PROPOSALS BY THE EXPERTS AND OTHER INDIVIDUALS

Several debates and discussions are currently going on to reform the UN in general and the Security Council in particular. Experts have been responding to these debates and discussions, and have been contributing a lot of literature to the subject of UN reform. In this chapter, proposals, suggestions and critical analysis expressed by the experts and other individuals, and Commission Reports are critically analysed to find a common solution to the problem of the Security Council. The following aspects are dealt with: what are the main proposals suggested by the experts and other individuals to the problem of the Security Council? What are the main features of these proposals? What solution we are going to get out of these proposals If that solution is democratisation of the Security Council, what does it mean? If that democratisation which is proposed at the international level is different from democracy which is working at the national level, why is it so? What is the meaning we are going to get out of the proposals to the concept of Reform? Relevance of these solutions to the present realities?

Specialists in the International Organisations from the academic world, non-governmental organisations, experts from research institutes and others outside the United Nations have diverse views on the question of structural

change in the Security Council. There is a general view that in this new international political situation, the present structure of the Security Council is the principal obstacle to the smooth functioning of the UN. Most of them feel that there is something wrong with existing structure of the Security Council because of its undemocratic structure, functions and powers. Different people proposed different suggestions to correct it. Since there are so many proposals, all these proposals are classified into six groups. Major proposals are: elected democratic body of the Council; democratisation of the Security Council by changing the structures, functions and powers; division of powers and functions between the Security Council and the General Assembly; strengthening the General Assembly; involvement of civil society in the governance of the Council; establishing Cosmopolitan democracy.

With regard to a democratic elected body, the most radical is that of abolishing the veto sic simpliciter, leaving Security Council decisions subject to a qualified majority vote. It is a proposal to make the Council a completely elected body, by denying the 'Five' not only of their veto power but also the right to serve as permanent members.[1]Members of the Security Council should be elected by the General Assembly and members of the Council are accountable to the General Assembly. This proposal is more democratic and universal which tries to institutionalise the equality. But, this is not acceptable

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1   Archibugi, Daniele, The Reform of the UN Cosmopolitan Democracy - A Critical Review. *Journal of Peace Research,* vol.30, no.3, 1993, pp.311-314.

to the developed countries and even to some of the experts. It may not be practicable because equating a small country with a large country, judging and comparing on the parameters of population, economy, military and powers is not acceptable to the developed countries.

With regard to democratisation of the Security Council by changing membership powers and functions, the major issues are expansion of membership both permanent and non-permanent, abolition or limited use of veto power, transparent working method and decision-making method. T.S. Kaul emphasises that the Security Council should be more representative of the world today when there are 185 members of the UNO as against only 52 in 1945.[2] He suggests that the ideal would be to have 33 members to remove the present imbalance, by increasing the number of permanent members to 18, so that all regions are represented in accordance with the economy, population, civilisation, culture and the role each can play - rather than on military and economic strength alone.[3] He also names the countries on the basis of his formula that China, India, Indonesia and Japan in Asia; Egypt in the Arab world; Nigeria, South Africa and Congo in Africa; Russia, Germany, France, UK and Sweden in Europe; Canada, USA, Mexico, Brazil and Argentina in the Americas - 18 in all could be permanent members and 15 elected by various

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2   Kaul Sumer, "Time for a New UN", *The Hindustan Times*, 16 October, 1996.

3   Ibid.

regions by rotation for three years.[4] In the field of international peace and security, the United Nations' role should be one of the making peace and not that of keeping peace. Another suggestion is making the UN machinery more representative and less expensive by fixing the salaries of the bureaucracy on national scales but making them tax free.[5]

According to Modesto Seara-vazquez, the Security Council must be more and more efficient as well as more democratic. He argues that equality is better attained by limiting the privileges of the large states than by creating a large number of privileged members.[6] He says that decisions on whether to enlarge the Security council, how it should be done, and who should be new permanent members should not be left to a few countries, big or powerful as they may be. According to his scheme there will be five permanent members which could be given to the five countries with highest member of votes in the General Assembly. There will be five semi-permanent members. The other five would go to the different regions of the world: Africa (two), Asia and the Pacific (one), Latin America (one), Europe (one). Finally, there would be periodic revision of the list of the permanent and semi-permanent members,

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4   Ibid.

5   Ibid.

6   Seara-Vazquez, Modesto, The UN Security Council at Fifty-Midlife Crisis or Terminal Illness? *Global Governance, 1, 3, 1995*, p.288.

perhaps every ten years, to keep up with changing conditions.[7] He noted that the world of 1945 was still perceived as a world of sovereign states, attached to the idea of sovereignty and to the principle of non-intervention.[8] According to him these conceptions are less relevant today. He also suggests sharing of powers and responsibilities between the council and General Assembly.[9] It is recommended that the right of veto should be curtailed. It does not in any way according to him reflect the realities of power at the end of the twentieth century. However, he feels its outright elimination does not seen feasible. It has been suggested that the veto be accepted only for three permanent members voting together.[10]

Some UN-watchers like Olaru Otunu have suggested a four-tier membership structure.[11] The first tier would consist of the present permanent members. They would retain their veto with the understanding that it would be used with restriction. The second tier of membership would consist of new permanent members without the right to veto.[12] Third tier would consist of a new category of tenured seats which will be for a period longer than two

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7   Ibid., pp.289-290.

8   Ibid., p.291.

9   Ibid., p.295.

10   Ibid., p.295.

11   Koshy, Ninan, Restructuring UN Security Council, *Main Stream,* 7 October 1995, p.7.

12   Ibid., p.8.

years but less than permanent.[13] The fourth category would consist of rotating non-permanent members, as at present.[14]

Muchkund Dubey proposes the following points: democratisation of the decision-making process of the Security Council; No interest group should be left out of the decision-making process and decisions should be designed to serve the interests of all the nations, strong and weak alike; no attempt should be made to impose any preferred development strategy or policies on countries by means of financial leverage and conditionalities; all countries should be accountable to the United Nations for acts and policies, which have a bearing on the obligations undertaken under the United Nations, and implications for other member countries.[15] Some people argue that the number of members in the Security Council should be enhanced in proportion with increase in the membership of the United Nations. From 52 members in 1945 when the UN was founded, to 185 members in 1995.[16]

Joseph E.Schwartzberg has formulated an interesting criteria for membership in the Security Council. He strongly argues for many reforms towards a more representative and effective Security Council. He suggests a

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13   Ibid., p.9.

14   Ibid., p.11.

15   Gani, H.A., "United Nations and The New World Order", *Radical Humanist,* vol.56, no.7, 1992, p.42.

16   Ali, Syed Anser, "UN Needs Reforms", *Patriot,* 16 August 1993.

novel criteria (mechanism) for constituting the Council. According to him, each member nation of the General Assembly should be assigned an entitlement quotient (EQ) determined by the average of three percentages: its population as a percentage of the total population of all member states; its UN contributions as a percentage of the total for all member states; and its unitary percentage of the total UN membership.[17] The Security Council can be constituted based on the ranking of the EQ subject to upper limit on the number of the member. Member countries can form blocks to ensure themselves, representation in the Security Council. He describes various possibilities of block formations and speculates about the likely scenario under existing conditions. For example, three shares for the United States would be 4.71 percent for population, 25 percent for contributions and 0.54 percent by virtue of its being one among 184 member nations.[18] The average of these three figures (i.e. EQ) comes to 10.08 percent. He fixes 5 percent as eligibility for membership in the Security Council. According to this scheme, France, Britain, Japan, Germany may not get membership. They will get if they take help from others. It may be acceptable to USA but not other developed

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17   Schwartzberg, Joseph E., Towards More Representative and Effective Security Council, *Political Geography*, vol.13, no.6, 1994, pp.484-485.

18   Ibid., p.485.

countries. According to this criteria, there will be 18 members in the Council.[19]

Some people have suggested that the Security Council should be opened up to the existing regional organisations. This is for permanent membership. So, Organisation of American States, the European Community, Organisation of African states etc. will get permanent membership. Each organisation will decide their candidate for permanent membership in the Council.

All these proposals are realistic in nature in the sense that they do not suggest radical proposals which are not practicable and not acceptable to the developed countries. They do not touch the position of existing permanent members. They are trying to reduce the imbalances that exist in the Security Council.

Some people want to reduce imbalance in the Security Council and want to strengthen the General Assembly by dividing the powers and functions between the Council and the General Assembly. They want the Security Council to share its powers and functions with the General Assembly. In this category, some suggest that there should be a Committee of the Assembly composed of 15 members elected in rotation, who would be geographically representative and at the same time would not be members of the Council.[20]

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19   Ibid., p.486.

20   Archibugi, Danicle, op.cit., p.313.

This Committee would assume responsibility for reporting the Assembly on the initiatives undertaken by the Council for resolving disputes and armed conflicts by peaceful means.

With regard to strengthening of the General Assembly, there are some who believe that the imbalance can be reduced by strengthening the General Assembly. According to them, the Security Council should be made accountable to the General Assembly for its acts or making the General Assembly's decisions binding on all the members of the UN.[21] Some other people proposed that the General Assembly should have more say in matters of international concern. This seems to be the easiest method to reduce imbalance in the Security Council, but gaining acceptability for this is not an easy proposition.

With regard to civil society, people argue that inclusion of individual citizens, as well as private non-governmental institutions as actors in global change has made them both direct and indirect participants in global responsibility and this reflects the democratisation of international affairs.[22] According to them, Global Change is in the hands of not only chancelleries and national governments but also of many individual actors; be they entrepreneurs,

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21   Madhavan, A., "The UN Beyond Fifty," *The Pioneer,* 12 October 1995.

22   Lichenr, Walter. "Democracy, Value Structure and Global Change in Uner Kirdar (ed.), *Change : Threat or Opportunity-Political Change,* New York, 1992, p.325.

trade unions or party leaders, non-governmental organisations etc.[23] Civil Society should take part in the Security Council or in any organisation. However, these people have failed to give proper mechanism of how civil society will take part in the governance.

Some people want to establish a UN Parliamentary Assembly for achieving true democracy at international level.[24] These people suggest that the Security Council should be abolished because of its undemocratic structure. Madhu Dandavate argues that no institutional frame work of a system like the UN can be sustained unless it has the requisite public support. Towards this end, he proposes that it is imperative to create a UN Parliamentary Assembly (UNPA) initially under Article 22 of the UN Charter.[25] At the first stage Parliaments of member countries should elect representatives to the UN Parliamentary Assembly.[26] At the next stage, representatives should be elected democratically and by adult franchise in the member countries. It must acquire legal status as a UN body for its political legitimacy. It should ultimately become the policy and programme formulating body of the UN, in

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23   Ibid. P.326.

24   Dandavate,Madhu. "Set up an Elected Body - 50 Years of UN", *Indian Express, 18 Nov 1995.*

25   Ibid.

26   Ibid.

the true spirit of a World Government.[27] It is in fact universal and democratic. But, it is highly difficult to convert into reality because the existing political conditions do not allow even the expansion of membership in the Security Council. So thinking of a UN Parliament Assembly far fetched.

With regard to cosmopolitan democracy, David Held wants to reform the UN Security Council (to give developing countries a significant voice and effective decision-making capacity) in short-term. In the long-term, he is for entrenchment of cosmopolitan democratic law: new charter of Rights and Obligations locked into different domains of political, social and economic power.

There are people who advocate no change in the existing the United Nations System. They feel that the framework for international cooperation provided by the UN charter and United Nations system is perfectly sound. There are a wide range of proposals from people who want radical transformation of the Security Council to people who want no change in the existing order. One can identify an interesting feature in these proposals that the change is according to the existing realities. This change is a possible democratisation of the Security Council by recognising existing difficulties, power realities and political conditions. Accordingly, the Security Council represents a hierarchy of power structure. It is dominated by developed

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27   Ibid.

countries having veto power and permanent membership. Powers, functions and working procedures are structured accordingly. It naturally serves their interest. These proposals are trying to reduce these structural inequalities by using different ways and means according to the demands of the people and existing political difficulties.

Throughout the fiftieth anniversary year of the United Nations, serious consideration had been given to its future role and responsibilities. For this, conferences, workshops and study programmes was held at every level and in every part of the world. Two independent commissions sponsored by the Ford Foundation at the request of the UN Secretary General Boutros Boutros Ghali had issued reports in 1995 "The United Nations in Its Second Half-Century", produced by an independent working group under the co-chairmanship of Richard Von Weizsacker and Moeen Qureshi, and "Our Global Neighbourhood", produced by the commission on Global Governance under the co-chairmanship of Ingvar Carlsson and Sridath Ramphal.[28] The two commissions have analysed the main forces of global change, examined the major issues facing the world community, assessed the adequacy of global institutional arrangements and suggested how they should be reformed or strengthened.

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28   UN, Confronting New Challenges-Annual Report on the Work of the Organisation, New York, United Nations, 1995, pp.361-362.

The UN "In its Second Half-Century - A report of Independent Working Group on the future of the UN":- The Group sought to make a clear statement as possible to the governments and peoples of the world about the need to enhance and realign the United Nations so that it might better meet the challenges of the decades ahead. It has repeatedly stressed the need for the Member States to provide the leadership, common will and purpose which they believe are necessary to create a more effective United Nations.[29] The Group recognises the necessity of the UN to face global challenges and promote global cause without undermining the role of sovereign nation states. And, nation states will continue to carry out chief responsibility of protecting their people from threat and improving their well being. However, they are convinced that the UN must adopt itself to swiftly-changing international conditions for which new mechanism are needed.[30]

The group recognises the broad notion of security which include socio-economic, cultural, ethnic and political aspects. They suggest that to handle these multi-faceted conflicts(interstate, ethnic, socio-economic and political) the Security Council has to be made more democratic and more representative of the world community than it is today; the mandates of its field operations have to be clarified; and the world organisation has to be given the capacity to react

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29   The United Nations In Its Second Half-Century - A Report of the Independent
      Working Group on the Future of the United Nations, Preface.

30   Ibid., pp. 1-6.

quickly and to establish a presence in areas of conflict before the situation gets completely out of control. A number of institutional changes are thus required to help the UN identify the problem, define a solution, and put that solution into effect.[31]

They also have recognised the risk of larger membership to the Council. That is why they have proposed expansion of the membership to the Security Council as follows: the Security Council would be expanded from its present membership of 15 to a total of approximately 23 members, of which not more than five would be new permanent members; all new members should be selected with attention to the accepted principles of participation and equity in universal organisation; new permanent members would be chosen also for their ability and will to contribute, according to their capabilities, for peace keeping and enforcement operations. The group suggests a restriction of the existing Veto privilege that the Veto would be applicable only to peacekeeping and enforcement measures. Their logic is that this would return the UN to the original spirit of the Charter, where the Veto was intended mainly to prevent the Security Council from authorising military action against a permanent member or requiring use of its forces against its will.[32]

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31   Ibid., pp. 12-15.

32   Ibid., pp. 15-16.

The central recommendation of this group calls for three related councils: a new Economic Council, a new Social Council, and the existing but enhanced Security Council, all three serviced by a common secretariat and working together on behalf of human security and sustainable development. Because of the intimately connected nature of the UN's economic and social agendas, the Economic Council and Social Council would coordinate policy and programmes through a Global Alliance for Sustainable Development, comprised of state representatives of the highest level.[33] They also have recognised the rapidly-growing importance of non-state actors such as the media, religious groups, business communities, and people. They have recommended that the non-state actors should be given place in the reformed institution because of the growing activism of civil society.[34]

Our Global Neighbourhood - A Report of the Commission on Global Governance

The Commission's basic aim is to contribute to the improvement of Global Governance. The Report defined global governance as "the sum of the many ways in which individuals and institutions, both public and private, manage their common affairs.[35] According to this report, there are two

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33 Ibid., pp.25-40.

34 Ibid., pp.9-11.

35 *Issues in Global Governance*- papers written for The Commission on Global Governance, London, Kluwer Law International, 1995, pp.11-13 and 449-451.

changes: the interdependence of nations is wider and deep; role of people and shift of focus from state to people. They argue that global governance means not only inter-governmental relationship, but also that people from different organisations and with different capacities will take part.[36] That means civil society would play a part in the global governance. They call for a common commitment to core values that all humanity could uphold: respect for life, liberty, justice and equality, mutual respect, caring and integrity. They further believe humanity as a whole will be best served by recognition of a set of common rights and responsibilities.[37]

They have suggested changes in the sovereignty system which is the main element of inter-state system. In an increasingly interdependent world, however, the notions of territoriality, independence, and non-intervention have lost some of their meaning. That is why they suggest that the principles of sovereignty and non-intervention must be adopted in ways that recognise the need to balance the rights of states with the rights of people, and the interests of nations with the interests of the global neighbourhood.[38]

The report has suggested security for a new era, that the security of people and security of the planet should be goals of the global security policy,

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36   Ibid., pp. 452-454.

37   Ibid., p. 452.

38   "Our Global Neighbourhood-The Report of the Commission on Global Governance", New York, Oxford University Press, 1995, pp.68-75.

along with the security of states. The charter of United Nations should be revised to allow the Security Council to authorise action in situations within countries, but only if the security of people is severely violated as to require an international response on humanitarian grounds.[39]

The existing institution (the UN in general and the Security Council in particular)- mainly created for a much less complex world with far fewer nations fall short of today's demands.[40] A key objective of the commission will be to propose how an adequate international institutional framework can be achieved. The report argues that UN reform must reflect the realities of changes including the new capacity of civil society to contribute to global governance. Reform of the Security Council is central to reforming the UN system. Permanent membership being limited to five countries that derive their prmacy from events fifty years ago is unacceptable and so is the veto.[41]

To democratise the inter-governmental and global political institutions, the report suggests enlarging the Security Council to make it more representative of the entire UN membership by creating a new class of five 'standing (rather than permanent) members, whose status would be reviewed around the year 2005; it envisages two members from industrial countries and

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39   Ibid., pp. 77-87 and 110-132.

40   Ibid., pp.225-233.

41   Ibid., pp. 233-241.

one each from Africa, Asia and Latin America; raising the member of non-permanent (rotating) members from ten to thirteen, and the votes required for a decision of the Council from nine to fourteen; phasing out the Veto in the Security Council after the year 2005; creating a form of civil society.[42] The composition of the Security Council and the use of the Veto will be matters of review. The commission will also study how a number of functions can be performed at the regional, frequently outside the UN framework. According to the report, a crucial factor in the effectiveness of organisations is their perceived legitimacy. This is linked to participation and transparency in their decision-making processes and to the representative nature of bodies that exercise authority.[43] In considering how global institution can be reconciled with these requirements, the commission will examine how non-state actors, non-governmental organisations, business and labour, the academic community, cultural and religious movements, rights groups can be usefully involved in the work of international institutions.[44]

According to the commissions (both our Global Neighbourhood and The UN in its Second Half Century), institutions should be reformed according to the changing realities and demands. They feel that the existing institution is

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42   Issues in Global Governance, pp. 258-259.

43   Issues in Global Governance, p.470.

44   Ibid.

inadequate to meet the challenges of the changing conditions. According to the commission reports, inadequate institutions can be made adequate by giving powers functions and membership to the developing countries. Both Commissions are in favour of democratisation of the Security Council. For democratising the Security Council, they mainly concentrated on change in the membership powers and functions, and participation of civil society in the governance. They want limited expansion of membership because of efficiency feasibility. Their proposal are neither radical nor status quoist. Proposals are based on the existing political conditions, demands of the world and global changes. They have not touched present position of the permanent members except veto power. These proposals explain that aim is to satisfy both the developed countries by not touching their position and the developing countries by democratising the Council. Of course, there are a lot of differences between two commission's proposals which are not important here.

The Open-ended Working Group

The General Assembly established an Open-ended Working Group to consider all aspects of the question of increase in the membership of the Security Council, in 1993.[45] Though it submitted its report in September

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45   Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and other Matters Related to the Security Council, General Assembly, A/50/47/Add.1, 9 September 1996, pp.3-4.

1996, the report did not have final concluding proposals. There are four basic issues under consideration: to increase the permanent membership; to increase non-permanent membership; to consider the number of affirmative votes needed for the council to act the "Action Threshold", and to enhance the working methods of the Security Council.[46]

With regard to the permanent membership, enlargement is in order. Many proposals have argued for limiting or even abolishing veto rights for all permanent members. Many proposals for non-permanent expansion involves some form of rotation system. With regard to the working methods of the Council, the Council has initiated a number of steps to enhance its working methods and procedures.[47]

In spite of diverse views expressed by experts which ranging from radical change to status quo, there is a dominant trend in most of these proposals, that is the democratisation of the Security Council. Democratisation of the Security Council means minimising or reducing the imbalance that exist in the Security Council through different ways and means, Experts and specialists have suggested different ways and means for beginning about this democratisation: by changing membership, powers, and functions; division of powers and functions between the General Assembly and the Security Council;

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46   Ibid., pp. 14-80.

47   Ibid., pp. 14-80.

strengthening the General Assembly; involvement of civil society in the governance of the security council; deciding criteria for membership; changing working methods of the Council etc. Experts want to create a relatively balanced world order if not an absolute one. Fulfilling such objective would involve giving membership, powers and functions to developing countries in order to balance the domination of developed countries. They want to institutionalise the diversity that exists in the world as well as minimise the inequality of state power structure existing outside the UN which is reflected in the Security Council. This shows how experts have conceptualised democracy at the international level in the post cold war era and also explains the meaning of reform.

Most of these proposals do not touch the position of present permanent members. Most of them are not radical in nature and not democratic which is working at the national level. Their democratisation is different from democracy which is working at national level. Why is this trend emerging among the experts?

In fact, they want to democratise the Security Council by recognising difficulties, existing political conditions, power politics and global change. Since charter amendment requires acceptability of five permanent members, they will not accept any change that affect their present status and position in the Security Council. At the same time developing countries are not so strong

and are not unified enough to demand radical reforms. Developed countries argue that their contribution to the world in general and to the UN in particular, and their responsible role in maintaining peace and security are paramount and therefore they should be placed in an advantageous position. They also claim that they are capable (economically, militarily, and politically unbalanced) of maintaining peace and security. In a world in which powerful states decide the role of an institution, any reform against their interest would make the survival of institution difficult. Relevance of these proposals depend up on their attitude towards the developed countries i.e., if they are against the interest of developed countries, they cannot be made into reality. One should not forget the relation between developed and developing countries is of dependency.

CHAPTER V

CONCLUSION

The Security Council may not change according to changing demands, conditions or aspirations. It may change according to changing power realities because of military, political and economically influential role of powerful states and the dependency relations of the developing countries with developed countries. Every country expects that reform should be according to its own intentions and interests. In reality, only powerful states' intentions, interests and perceptions could play key role in the reforms.

Powerful states expect that policies and actions in the UN in general, and in the Security Council in particular should be according to its own foreign policy objectives. However, if the interest of the powerful states (especially USA) is not served properly in the institution, they may dismantle it or marginalise it. For example, US and US supporters branded the UN as anti-Western, anti-democratic, lethargic, wasteful, expensive, ungovernable, inefficient, ineffective and irrelevant when the US interest was not served and its domination was declined due to domination of the UN by developing countries in the 70s and the 80s. This is because, powerful states due to their economic position and military strength can have greater 'say' in any system

and they can win in their effort to enhance their power and stature and to maximise their national interest.

Any institution either old or new is not good to all the countries. It is good to those whose interest is better served by it and the others are dissatisfied with it. Countries who are dissatisfied with the existing one can raise their voice when the conditions are favourable to them and their positions are improved.

Powers, functions, membership and working method of the Security Council were structured according to the intentions and interests of the great powers who played a key role in the formation of the UN and therefore it reflects interests of the great powers and the nature of the post World War II world order. The main function of the Security Council to maintain peace and security is under the control of these great powers who got the privileges of permanent membership and veto power in the Council. This is because, from the Congress of Vienna to the League of Nation, it were the great powers who decided the fate of others and it were they who took responsibility of maintaining peace and security. The United Nations' most powerful states have reinforced their hold over the UN by making it dependent on their financial contributions. Again, the policies, actions and patterns of change in the United Nations must be acceptable to the members of it, particularly the five

permanent members. These are the things which explain the reason for the dissatisfaction and discontent among the members of the UN and others outside it towards the UN in general and the Security Council in particular. These are the developments which provide sufficient base for attacking and criticising the Security Council. Moreover, powers, functions, membership and working method became controversial and problematic because of these developments. The Security Council and its veto power have been misused by the great powers (permanent members) because the Council gives legitimacy to the great powers' domination and to their acts. The history of the Council shows that its permanent members act, not in pursuit of the ideas and aspirations set out in the UN Charter, but in pursuit of their respective national interests. Where such interests coincide with the wider interests of other council members and perhaps even the international community as a whole, the council will take decisions and authorise UN action. Hence, the effectiveness of the Council rests, not on the commitment of its members to international peace and security per se, but on the extent to which the interests of member states, and in particular of the permament members, are met.

However, one should also look at the relevance of these criticism against the UN system. Most of the criticism is against the existence of veto power and permanent membership. Is it possible now to remove permanent

membership and veto power or was it possible earlier? Suppose, if the permanent membership and veto power did not exist what would have happened? First possibility, third world war would have come about during the Cold War due to their Cold War politics. Second possibility, existence and survival of the UN would have been unimaginable, because a majority of the UN members would have acted against their interests. Third possibility, great powers especially USA's interest is always served because relationship between developed and developing countries is of dependency. Therefore, this reveals that permanent membership and veto power cannot be removed, and even if they can be removed, the benefit one can get out of it is nil. This is the reason why many of the proposals do not touch the present position of the permanent members and their veto power. This also explains how democracy works at the international level. Democracy which is working at national level may not be possible at international level in the existing conditions.

. Specialists in the international organisations from the academic world, non-government organisations, experts from research institutes and others outside the United Nations have diverse views on the question of structural reforms in the Security Council. Most of them have used the word 'democracy', that is democratisation of the Security Council. In spite of diverse views expressed by experts which range from radical change to near

status quo, this is the dominant trend in most of these proposals. According to them, the Security Council is dominated by the developed countries having permanent membership and veto power. All of them have tried to reduce or minimise the imbalance that exist in the Security Council by using different ways and means. These are: by changing powers, functions, membership and working method of the Security Council, removal or limited use of veto power, deciding various criteria for expansion of membership - both permanent and non-permanent, transparent and legitimate decision-making process; division of powers between the Security Council and the General Assembly; giving permanent membership to the regional blocs; strengthening the General Assembly by making the Security Council accountable to the General Assembly for its acts or making the General Assembly's decisions binding on all the members of the UN on specific subjects; involving the civil society in the governance of the Security Council; giving membership by taking averages of population, country's contribution to the UN, its economic position, etc.

This shows how experts have conceptualised democracy at the international level in the post-Cold War era. This also explains the meaning of reform, that is minimising the imbalance in the Security Council. This democracy is different from the democracy which is working at national level. In fact, experts want to democratise the Security Council by recognising

difficulties, existing political conditions, power politics, global change, etc. Because of these reasons, a majority of them do not touch the present position of the permanent members. Moreover, they do not explain anything about the reality that exist outside the UN, that is inequality of states system. The relevance of this solution depends upon its attitude towards the developed countries i.e., if they are against the interest of developed countries, they cannot be turned into reality.

People who do not want any change in the existing structure of the Security Council have two arguments. First, it has been argued that the composition of the Council is, and should continue to be, linked to the ability to exercise international responsibility. Second, it has been argued that the UN is now working much more effectively than ever before.

Different countries have different problems, intentions and expectations, and therefore, different countries have different approaches and different solutions to the problems of the Security Council. Different countries have pointed out different problems with the existing structure of the Security Council and have suggested different solutions to it on the basis of their problems with relation to the UN, their position in the world, their relation with the UN and world, their national interests, their intention to become a permanent member of the Security Council, etc. There are countries who do

not want any change in the existing structure of the Security Council because they are getting benefits from the existing one. They do not want any change that would affect their interest.

The general trend that emerges out of all these proposals suggested by different countries is the democratisation of the Security Council versus *status quo*. Developing countries who are demanding democratisation have broadly two views. One view wants to reduce or minimise the imbalance that exists in the Security Council. These proposals are: expansion of membership both permanent and non-permanent; changes in powers and functions, changes in veto power and function of maintaining peace and security; transparent and legitimate decision making process; deciding criteria for membership; strengthening the General Assembly. The second view wants radical change in the UN in general and the Security Council in particular. These proposals are: making the Security Council into a body of universal membership based on the principle of 'one country' one vote; strengthening the General Assembly which counter the domination of the Security Council which is dominated by the developed countries; the Security Council should reflect the diversity that exist outside the UN which gives larger share to the developing countries. Developing countries are generally demanding a democratic world order based on sovereignty, equality, justice and non-interference in internal affairs.

Developed countries, especially the five permanent members, do not want any change in the Security Council, except giving permanent membership to Japan and Germany because these two countries are capable of maintaining peace and security. They strongly believe that countries with political, military and economic influence can maintain peace and security and work for others. They claim that they are contributing significantly to the world in general and the UN in particular by giving economic, moral, political, and technical support, etc. They also argue that the UN is now working far more effectively than ever before and therefore there is no need for any structural reform.

In fact, developing countries are neither militarily, economically nor politically strong. These capacities decide the fate of the world. Developed countries cannot be firm on their demands because of their dependency. In addition, they are not free from socio-economic, political, cultural and ethnic problems within their states. Moreover, they are following policies of market economy. Apart from these they are not unified: lot of contradictions, lot of division, fights, conflicts and disputes remain within the South; every one tries to maximise their national interest which may affect their group interest. Besides, their political, economic organisations are not strong enough. Developed countries are economically, politically and militarily much stronger. The US mentioned in the debate on reform in the General Assembly that, "it

will not agree to any change in the status, powers and obligations of the current members, which are countries with global political and economic influence and a capacity to contribute to international peace and security." Charter amendment requires the acceptability of the five permanent members. They will not accept any change to the charter that would affect their interest. Apart from these, they are trying to divert the course of the reforms by using different means. For example, USA wants financial and administrative reforms and is trying to divert the issue of structural reforms of the UN.

Developing countries are demanding democracy because it serves their interest, while developed countries want to maintain status quo by showing their economic power because it serves their interests. It is due to differing national interests that there is no unified and common proposal for reform and there is no consensus among the members of the UN on various aspects of reform.

The solution that emerges out of these conflicting interests with relation to reform is limited (may be minimal or moderate). As developed countries cannot outrightly oppose demands of developing countries they may accept limited changes. The developing countries are not strong and unified to fight for their demands and, therefore, they may also accept these limited changes.

There are countries (India and Japan) who have claimed permanent membership in the Security Council on the basis of their contribution to the world in general and the UN in particular on security and non-security aspects. Both have claimed membership by recognising power realities in the world, importance of permanent membership of the Security Council and existing political conditions. In case of Japan, it wants to play a global role for its own national interest. Japan wants a stable global environment for its own economic interest; it wants to strengthen the United Nations for its own security interest and wants to be a global power. To achieve and maintain these objectives, Japan wants to be a permanent member in the Council and suggest proposals for reforming the Security Council on the basis of its objectives. It has got support from both developed and developing countries because of its economic position. In case of India, she has both national and universal interest in claiming membership. But she has failed to get support from both developed and developing countries. Because, it is neither economic power nor military power to get support from developed countries. Moreover, she is not backed by developing countries. All these explain that qualification for permanent membership, disunity among the developing countries, role of national interest to be a permanent member in the Security Council.

A general trend that emerges out of all the proposals suggested by the members of the UN, experts and other individuals is democratisation of the Security Council, that is minimising or reducing the imbalance or inequality that exists in the Security Council, by using different ways and means; this is because of existing difficulties in solving problems of the Security Council. This trend is also not strong because of national interests, power politics and existing international political conditions. The result is that reforms are limited in scope. It is because there is no change in the realities that exist outside the UN. In fact, an institution always reflects world realities. The realities are: increase in the gap between the rich and poor countries and power inequalities. Without changing these realities, one cannot bring a change in the institution. Even if there is a change in the institution, the change cannot be transformed into reality.

The meaning of reform is minimising or reducing the imbalance or inequality of power structure that exists in the Security Council; this is also the meaning of democracy at the international level. These reforms are also limited in scope in the post-cold war era. So, this study shows that reforms may take place in the way that the major powers view reforms and not how a majority of states (small and medium) perceive them.

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