

**DEVELOPING COUNTRIES AND THE QUESTION OF
UNITED NATIONS SECURITY COUNCIL
ENLARGEMENT**

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

MASTER OF PHILOSOPHY

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2009



Date: 28/7/2009

DECLARATION

I declare that the dissertation entitled “**Developing Countries and the Question of United Nations Security Council Enlargement**” submitted by me for the award of the degree of **Master of Philosophy** of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this University or any other university.

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CERTIFICATE

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

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Dedicated to
My Amma and Babuji

ACKNOWLEDGEMENT

I am deeply indebted to my supervisor Dr. Yeshi Choedon, who has been constant source of encouragement, support and guidance. She was patient to correct my mistakes and helped me to enhance the quality of work through her constructive criticisms and invaluable suggestions.

I express my sincere gratitude to Prof. C. S. R. Murthy, who suggested me to explore this area of research and provided me valuable insights for the work. He has been a source of inspiration for me.

I thank to Prof. Varun Sahni, Dr. Moushumi Basu and Dr. Archana Negi for providing me the theoretical understanding, both in the fields of international organizations and in international politics, necessary for completion for this work. I am also indebted to my alma mater Department of Political Science, Banaras Hindu University, Varanasi, which helped me to develop the conceptual understanding of Political Science and also, the interdisciplinary interests to carry out this study. I also thank to librarians of JNU, IDSA and Sapru House for helping me out to reach to the essential resource materials for the work.

I am grateful to my friends Pragyanshu, Alok and Vandana, who have been with me all through and support me in any work that I take up. I also thank to my senior Satyendra and my friends Vishal, Balwant, Vidya and Pawan for their concerns towards me.

Last but not the least, I am appreciative to my younger brothers Krishna, Shailendra and particularly Dharmendra for their continuous helps in all possible means. I lovingly remember my parents' affectionate supports and encouragements, which have made me stronger enough to move up in life.

Santosh K. Singh 28/7/09
(SANTOSH KUMAR SINGH)

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LIST OF ABBREVIATIONS

Art.	Article
AU	African Union
CARICOM	Caribbean Community
ECOWAS	Economic Community of West African States
G-4	Group of Four Countries
GA	General Assembly
NAM	Non-Aligned Movement
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OAU	Organization of African Unity
OEWG	Open-Ended Working Group
OIC	Organization of Islamic Countries
OPEC	Organization of Petroleum Exporting Countries
UFC	Uniting For Consensus
UK	United Kingdom
UN	United Nations
UN Doc.	United Nations Document
UNSC	United Nations Security Council
US	United States
USSR	Union of Soviet Socialist Republics

INTRODUCTORY NOTE

The growing complexities of international relations have produced international organizations and world is engaged in the “process of organizing”. The international organization is a functional response to the complexities of the modern state system (Claude 1987: 3-6). International organizations minimize conflicts and maximize interstate collaborations. Avoiding wars and maintaining international peace and security has been the important reason for setting up of the major international organizations. The United Nations was such a functional response to maintain international peace and security after failure of the League of Nations. It was hoped that new organization would symbolise the birth of a new world, in which peace would be more effectively preserved and safeguarded.

The United Nations was established with primary responsibility of maintenance of international peace and security, which was entrusted to the Security Council. It is a body with limited membership but with wide powers. This executive organ has centrality and predominance in whole of the UN system. However, there have been drastic changes in the international environment compared to six and half decades ago when the United Nations Security Council was created. The Council needs to change and adapt in accordance with the new international environment. The reform of the Council is much awaited demand of the UN member states and central to the issue is the question of enlargement of the Council composition. The present study focuses on this enlargement aspect of the Council from the developing countries’ perspectives.

The enlargement of the Security Council is a very difficult process. Any change in the structure of the Council would require an amendment to the UN Charter, which is a two-phase process. Firstly, an amendment to the Charter should be adopted by a vote of two-thirds of the members of the General Assembly. This translates into requirement of 128 positive votes of 192 member states, which is difficult to obtain. Secondly, the amendment should be ratified by two-thirds of the members of the United Nations in accordance with respective constitutional processes, including all the permanent members of the Security Council. Thus, all permanent members of the Council possess effective veto powers on any Charter amendment.

Taking into account of these facts, the present study explores the complex process of the Council enlargement from the perspectives of developing countries that form the majority in the United Nations. It tries to explore the answers of the following questions:

1. What are the new circumstances and challenges in the post-Cold War which set forth the case for restructuring of the UN Security Council?
2. Who are the major aspirants from developing world claiming for permanent seats in the UN Security Council?
3. Why there is so much divergence in the perspectives of the developing countries, and within their groupings in regard to enlargement of the Security Council?
4. How these differences affect their attempts to secure more representation in the Security Council?
5. What are the changing perspectives and viewpoints of permanent members over demands from developing countries for enlargement of the Security Council?

The study assumes two hypotheses which are to be tested during course of research:

- The differences and divisions among developing countries and their different groupings are the major obstacles in the restructuring of the UN Security Council.
- There are changes in the perspectives of the permanent five, who have positive but differing positions over the Security Council restructuring demand.

Theoretical Aspects

International Organizations are created to carry out certain tasks with joint endeavors. If there is no change in the tasks assigned to an International Organization, which were given at the time of its establishment and also, if there is no change in the environment, then Organization becomes static. With the changes in environment, more demands along with new ones are made to the International Organization,

leading to expansion of task domain of the Organization. The change is a complex process in which adjustment and alteration etc. are made according to environmental demands. This study is concerned with changes in the international organization, which involves reforms, the gradual and incremental improvements within international political system. Ernst Haas says that an international organization may have development and expansion of task without any major drastic change in the organization. That kind of change is labeled as adaptation. Adaptation is change that seeks to perfect the matching of ends and means without questioning the theory of causation defining the organization's task. Successful adaptation may call for adding new purposes or dropping old ones (Haas 1990: 36). But, when change is drastic, i.e., the very knowledge of handling changes or ideology changes, then it is labeled as change by learning. If tasks have been completed, and no new task is assigned to the organization, then it is indication of decline and further demise of the international organization.

Thus, change by adaptation and learning are indispensable to the evolution of international organizations. If these do not happen, then organization is not credited as responsive and living. All international organizations try to accommodate changes with their external environment as organizations are product of their external environment. They also, attempt to adapt and internalize those changes. This study intends to use Ernst Haas's three models of organizational change to understand the member states' responses to the demands of restructuring the UN Security Council in course of its existence.

Three Models of Change

Standard organization theory assumes that the organization seeks to get control over its external environment and actors that might reduce its autonomy. Autonomy is valuable because it guarantees the survival of the organization in a competitive setting. The core concept in the struggle for survival of the organization is the idea of adaptation. To adapt, then, means to so alter operations in the face of a changing environment as to be more certain of surviving and prospering (Haas 1990: 29). Many times international organizations adapt new functions in accordance with changing circumstances without getting any approval from their "stakeholders" (Barnett and Finnemore 2006: 2).

Haas says that the international organizations undergo change through either adapting or learning. Adaptation is behavioural changes of the organization as actors add new activities (or drop old ones), without worrying about their coherence with existing ends. Here, underlying values and ultimate purpose are not questioned and emphasis is on altering means of action, not ends. Here “technical rationality” prevails. Change is incremental without any attempt at nesting purposes logically (Haas 1990: 3). On the other hand, learning process questions the very implicit theories underlying programs along with means as well as ends. New nested problem sets are constructed because new ends are devised on the basis of “consensual knowledge” provided by “epistemic communities” (Haas 1990: 3).

Ernst Haas propounded three models of organizational change - “incremental growth model”, “turbulent non-growth model” and “managed interdependence” to understand and explain the change by adaptation and learning in international organizations. The incremental growth and turbulent non-growth models are associated with *adaptation form of change* whereas managed interdependence model is associated with *learning processes of change or learning to manage interdependence* (Haas 1990: 4, 127). Hence, organizational change may be explained in two ways: environmentally induced change and adaptation brought through change in organizational behaviours on the demands of member states, and ends-means oriented change in international organizations that may be done by motivated or unmotivated error corrections. The first way of organizational change may be explained through incremental growth and turbulent non-growth models whereas second way may be explained through the managed interdependence model.

Haas gives two sets of variables- descriptive code and analytical code to understand the three models of adaptation and change in international organizations. A set of descriptive variables is introduced to make possible the “delineation of key conditions and attributes that vary from model to model”. The other set of variable is analytical code which aims to “evaluate variation disclosed by studying the descriptive variables” (Haas 1990: 3).

Descriptive variables have three aspects like the setting in which international organizations work, the power they possess, and the modes of behaviour typical in their operations. Haas proposes the following four variables of setting- ideological

consensus, representation, autonomy of secretariat and status of experts; similarly, power has three variables - revenue base, administration and monitoring of compliance; and behaviour has five variables - voting, budgeting, personnel recruitment, role of NGOs and leadership of executive head. All of these variables of descriptive dimension have a "range of variation". For example, the range of variation of ideological consensus is classical liberalism, managed liberalism, structural antidependency, pragmatic antidependency and ecotology (Haas 1990: 64). The evaluative analytical variables include the types of knowledge used by actors in making choices, their political objectives, and the manner in which issues being negotiated are linked into packages. It also provides characteristics of different models. For example, the managed interdependence model has following analytical variables: more consensual knowledge, interconnected-expanding, nearly nondecomposable problem definition etc (Haas 1990: 3, 95).

Incremental Growth Model: In simpler words, it means change in the organization in successive increments. It involves the "successive augmentation of an organization's program as actors add new tasks to older ones without any change in the organization's decision-making dynamics or mode of choosing". The dissatisfaction with the task environment leads to adaptation through the incremental growth. Adaptation by increments is generally informal and constitutions are not at once changed formally. Only later formal rules and procedures are brought in conformity with the actual changes (Haas 1990: 97-99).

Haas gives descriptive codes for incremental growth like liberal, dependency, or ecotology ideology; friendly NGOs representation (setting); all types revenues administration and monitoring compliance (power) and qualified majority voting etc. (mode of behaviour). He points the analytic code in this model is: not more consensual knowledge, specific-static political goals, eclectic decision-making style and tactical issue linkage etc. (Haas 1990: 94-95).

Turbulent Non-Growth Model: Turbulent non-growth model involves major changes in organizational decision-making: ends no longer cohere; internal consensus on both ends and means disintegrates (Haas 1990: 4). However, literally defined, "non-growth" is characterized by stable and shrinking budgets, the failure to acquire new tasks, low morale, and failure to recruit needed personnel (Haas 1990: 109).

Although, turbulent non-growth model may also prevail through growing budgets, expansions of personnel, adding new tasks, create new organs and conclusion on additional agreements (Haas 1990: 109).

Haas suggests descriptive codes for turbulent non-growth like presence of all ideologies; equal representation; all types' unstable source of revenue and simple majority voting etc. The analytic codes are: not more consensual knowledge among coalitions; specific-static vs. interconnected dynamic-political goals and sceptical or pragmatic decision-making style etc. (Haas 1990: 94-95).

Both above models offer descriptive accounts of adaptation in international organizations. The organizations which "practice incremental growth or turbulent non-growth survive and may eventually learn to manage interdependence" (Haas 1990: 187).

Managed Interdependence Model: In contrast to above two models, managed interdependence model is related with learning that leads to organizational change in which the "re-examination of purposes is brought about knowledge mediated decision-making dynamics" (Haas 1990: 4).

Haas suggests descriptive codes for managed interdependence model as: contending ideologies reduced to two; qualified by state-attribute representation and all types of administration etc. The analytic codes are: more consensual knowledge; interconnected-expanding political goals and pragmatic or analytic decision-making style etc. (Haas 1990: 94-95).

Theoretically, learning to manage interdependence model is the best for international organizations because learning is a process by which consensual knowledge is used to specify causal relationship in new ways so that the result affects the content of public policy, but it not possible to attain it always. So, it is better to have adaptation in terms of incremental growth model. Also, the entire turbulent non-growth models are not negative because due to clashes in ideologies and principles, new things emerge which may at later stage lead to managed interdependence model. Most of international organizations start with incremental growth model later, leading to turbulent non-growth model and move to managed interdependence modal. None of these models are superior or totally non-important, but coexist together.

Taking account of these conceptual examinations as a background, this study in the following chapters will analyze the kind of change in task environment which gradually led to the demands of restructuring the UN Security Council by taking the help of three models of change.

Chapterization

This research work has been divided in five chapters. The first chapter provides the background to the subsequent chapters by analyzing the drafting of the UN Charter and significance of the UN Security Council. Then it discusses the circumstances leading to demands for expansion of the membership in 1960s; the factors that facilitated the 1965 expansion and the fresh demands for expansion after 1965.

The second chapter aims to look into the changes in the international environment in post-Cold War era that gave rise to demands of the Security Council enlargement. Then it analyzes the claims of the important contenders of the permanent seats. It also investigates the different models of the reform proposed by the UN member-states during debates in the General Assembly's Working Group on Security Council expansion. Further, it discusses the Razali Plan (1997) and concludes with the major developments on the issue up to 2003.

The third chapter analyzes the major divisions and groupings among the developing countries and their different proposals for expansion. It also analyzes the two models proposed by the Secretary-General based on suggestions made by the High Level Panel (2004) appointed by him. The chapter concludes with highlighting the major developments in connection with enlargement issue since the UN Summit (2005) and reactions of the developing countries over the issue.

The fourth chapter aims to analyze the changing perspectives and positions of the five permanent members on the demands of Council enlargement in general and on the various contenders' claims and expansion proposals in particular. It studies the initial positions of permanent members, the gradual changes in their views and reasons for such changes. The chapter has been concluded with the possible consequences if permanent members do not agree on the Council enlargement.

The fifth and final chapter summarizes the findings of the study highlighting the major points and emphasizes the need for the Security Council to change in order to be relevant in the present international environment and also to remain as the legitimate body to manage international peace and security.

The study is both descriptive as well as analytical and it uses inductive method. The study has used mainly official documents of United Nations as primary resources. The study has also used various secondary resources like books, journals' articles, research papers and resources available on the websites of various think tanks to understand and analyze the complex and multifaceted aspects of the UN Security Council expansion.

CHAPTER 1

BACKGROUND

International organizations are regarded primarily as an “expression of the quest for world peace” (Claude 1987: 216). During twentieth century, after much destruction and bloodshed in First World War, the statesmen of the world founded the League of Nations to prevent any such war in future. Unfortunately, the League failed in its efforts to bring peace and within twenty years of its establishment and another world war broke out. From the beginning of the Second World War, in most of countries people looked forward for a new international organization to bring peace and security. The failure of the League of Nations heightened the quest for a new international organization with enough teeth to maintain security and preserve peace. Thus, the new organization which was established in the last century, the United Nations, was the second effort in twentieth century to create a framework of order for international society.

The founders of the United Nations saw the League of the Nations both as an example of what usefully could be emulated and what should by all means be avoided. The United Nations does not represent a break from the past but rather the continued advancement of old ideas and methods with changes, deemed necessary on the light of past experiences. Both the League of the Nations and the United Nations erected their collective security systems upon the ‘principle of voluntary cooperation’ and aimed to prevent war (Goodrich 1967: 61). The United Nations was designed to address the normative and structural weaknesses and deficits of its predecessor. The League had some serious weaknesses which affected its capacity to maintain international peace and security- i) the rule of consensus made it difficult to take decisions as every member in the League Council possessed veto right, ii) the lack of differentiation between the League Assembly and the League Council in dealing with the security questions caused confusions and led to inactions, and iii) the provisions in the League covenant for enforcement measures were inadequate and ineffective (Sutterlin 1997: 2).

To avoid these problems, the United Nations created the Security Council as a potentially powerful and capable organ for taking responsibility of peace. Though the

Security Council, from point of view of composition, can be compared with old League Council, but it is highly specialized organ of the United Nations over securities issues unlike the League Council which had general responsibilities and functions. In the Security Council the five permanent members were given veto rights and rule of consensus was abolished to take effective and speedy decisions. The Security Council alone is mandated to take actions on 'behalf of' UN members, which is binding on all the UN members (Article 24 of the UN Charter). Contrary to the League, the UN Charter was able to introduce a comprehensive prohibition of both the threat and use of force. The provisions of the Charter go much further than did the Covenant in providing for obligatory military measures and advances commitment to place specific forces at the disposal of Security Council. The Security Council is "core of the new system", a body with limited membership but with extensive powers (Dorr 1986: 13).

The present chapter gives the historical account of the formulative phase of the UN- its early conferences and declarations and particularly, focuses on debates and controversies over permanent membership and veto rights of the proposed Security Council. Further, it analyses the significance of the Security Council and also, specifically highlights the status and role of the non-permanent members of the Council. It discusses the rise of demands of expansion of the Security Council, the way the decision of the Council expansion was taken in 1963 and ends with highlighting the fresh demands for expansion during the Cold War era.

Drafting of the UN Charter

During War-period many states emphasised the need of an effective international organization for collective peace and security. Several conferences were held and declarations made in the direction of establishing such organization. The vague references to have an international organization were made in London Declaration (June, 1941), Atlantic Charter (August, 1941) and the United Nations Declaration (January, 1942). In the London Declaration, on June 12, 1941, the allies countries which were fighting against the Axis Powers spelt to establish "a world in which, relieved of the menace of aggression, all may enjoy economic and social security" (cited in Osmańczyk & Mango 2004: 1344).

The Atlantic Charter, issued on the August 14th 1941, by the US President Roosevelt and British Prime Minister Churchill, spoke of a creation of a “widened and permanent system of general security”, which would “afford to all of the nations the means of dwelling in safety with their own boundaries’ at the war’s end” (cited in Luard 1982: 17). Churchill wanted a clear cut declaration to establish an international organization. But, Roosevelt did not favour Churchill because he feared the American people might not support an organization as till that time, America was pursuing isolationist foreign policy and was not party to the War (Yoder 1993: 26).

On January 1, 1942, 26 states reaffirmed Atlantic Charter and the London Declaration, and named themselves as ‘the United Nations’ and their endorsement was called the “Declaration by United Nations”. President Roosevelt used the title ‘United Nations’ to show the unity of allies nations against the common enemy, the Axis Powers (United Nations 2004c: 3). Later, 21 more nations adhered to it between June 5, 1942 and March 1, 1945.

In Moscow Declaration, first time an explicit reference to form an international organization was made. By a ‘Declaration of Four Nations on General Security’, in Moscow, on October 30, 1943, the four states- the US, the USSR, the UK and China made final announcement to establish a new international organization. They declared the organization would be “based on the principle of sovereign equality of all peace-loving states and open to membership by all such states, large or small, for the maintenance of the international peace and security” (cited in Yoder 1993: 27).

Having decided to create a new organization, the United Nations, and to replace the League of Nations, the allies convened a conference which was held at Dumbarton Oaks (Washington) in August-September 1944. The four principal allies- the United States, the United Kingdom, the Soviet Union and China assumed responsibility of the elaboration of a constitutional plan. The agreements were compiled in a document entitled “Proposal for the Establishment of a General International Organization” (Luard 1982: 32). With the exception of the voting procedure in the Security Council, on which the Conference yielded no agreement, these proposals covered all the subjects, which the four delegations then considered to be essential contents of a constitution for a new world organization. Under the League Covenant, the Assembly and the Council of the League each had equal powers to deal with any matter within

the sphere of action of the organization. The Dumbarton Oaks agreement advocated a radical change. The Security Council was entrusted “primary responsibility for the maintenance of peace and security” (Article 24 of the UN Charter) and the functions of the General Assembly were, in that sphere, to be reduced to discussions and, within certain limits, to recommendations (Bentwich & Martin 1950). It was agreed to have permanent members in the Security Council with veto powers. But, many differences arose over nature and scope of such powers. For example, the USSR wanted comprehensive and unlimited veto powers so that it could curtail any unfavourable move against its interests by any capitalist member of the Council in future.

Differences of Dumbarton Oaks Proposals were sorted out at Yalta Conference (February, 1945) between Churchill, Roosevelt and Marshal Stalin of the USSR, and a compromised formula was agreed upon voting procedure in the Security Council, which was later included in the Charter of UN. It provided that each member of Security Council should have one vote and the decisions on procedural matters should be made by affirmative votes of any seven members. The decisions of the Council on all other matters (substantive matters) should be made by the affirmative vote of seven members, including the concurring ‘yes’ votes of the permanent members (Fernbach 1945: 125-126). Thus, on substantive matters, a permanent member enjoys veto power by its dissenting vote as it can prevent the Council from acting. Later, Yalta Formula was subjected to extensive debates at the San Francisco Conference where the final shape to the new organization was given.

San Francisco Conference

A ‘Conference on International Organization’ was held in San Francisco on April 25, 1945, to prepare the Charter of the new world organization along the line of the Dumbarton Oaks Proposals. In the drafting of the UN Charter, decisive role was played by states which were making their chief contribution to win the War. All those countries which had declared war against Germany or Japan by March 1, 1945, and had signed the Declaration for that, were present at the inaugural, except Poland. By June 5, four more countries were included in the Conference making total strength of 50. Later, Poland was allowed to sign on the UN Charter as an original member.

The US President Truman insisted that the Great Powers must be good neighbours rather than dominating the small states. Mr. Maltov, the Soviet Union delegate, urged

to make organization with effective authority, pointing out the need in the future for strong machinery backed by military force adequate to check promptly any aggression. He wanted “Great Powers must provide leadership in post-War period” (cited in Fernbach 1945: 120).

The relations of Great Powers¹ with the smaller ones had been problematic back in history. It was the problem during Charter drafting and formation of the UN. In the League system, Great Powers had permanent membership in the League Council while non-permanent seats were filled by the periodical elections in the General Assembly. In the League Council, the smallest and the weakest non-permanent members of Council could block any decision. Under XV Article of the Covenant any party to a dispute, even a Great Power could not vote, thus sanctions could be imposed over a Great Power if it violated obligations under Covenant.² When number of small powers increased making Great Powers outnumbered in the Council, the Great Powers questioned the ability of the League Council to handle their affairs. They started consultations and conferences outside the League framework, thus weakening the effectiveness of that organization (Fernbach 1945: 127).

The Yalta Formula removed this equal veto power from the Security Council of the United Nations. Also, Yalta Formula prevented an action against a Great Power due to its unanimity positions. This privileged position was severely criticised by the smaller powers at San-Francisco (Fernbach 1945: 126). The smaller and middle powers were greatly worried by the veto provisions of the Big Powers. The smaller powers apprehended that if one of Big Five endangered the peace, the Security

¹ The yardsticks for the measurement of powers of states have been fruitless, with no common agreement. Yet, the countries that held permanent seats on the Security Council at that time were regarded as the Great Powers. A number of smaller states because of limited recourses or small population, or both, were commonly ranked as small powers. In between lied a number of other states, middle powers, that did not claim title of Great Power, but were capable of exerting a degree of strength and influence not found in small powers. Though, only marginal division existed between ‘small’ and ‘middle’ powers. The following members of United Nations were middle powers at the time of establishment of the UN: In Europe- Belgium, the Netherlands, and Poland; in the Americas- Argentina, Brazil, Canada and Mexico; in the Pacific- Australia and India (Glazebrook, 1947: 307).

² Art. 5 para.1 of the Covenant of the League of the Nations, stipulated that “... decision at any meeting of the Assembly or of the Council requires the agreement of all the members of the League in the meetings” (The Covenant of the League of the Nations).

Council would be powerless to act and they therefore, struggled to reduce the right to veto. Thus, one of the most controversial and debated issue at San Francisco was the veto right to the five permanent members in the Security Council. A large number of small and middle powers had great objections on such privileged position to the permanent five.

The Great Powers emphasised on the team which had won the World War II should be preserved. Earlier, in a radio address, on April 9, 1944, Cordell Hull, the US Secretary of State, told the American people that:

However, difficult the road may be, there is no hope of turning victory into enduring peace unless the real interest of this country, the British Commonwealth, the Soviet Union and China are harmonised and unless they agree and act together. This is the solid foundation upon which all future policy and international organization must be built (cited in Claude 1987: 75).

Asserting on veto rights, permanent five on May 18, 1946, together argued that it is important because “the organization would break down in the event that enforcement action were undertaken against a permanent member” (cited in Gupta 2006: 26). Further, they argued that since, they must bear the major cost of the decision of the Security Council; they ought to retain their veto power in that body. Also, they pointed out that organization would provide two sets of voting methods: the privileged veto right to Great Powers in the Security Council and one state with one vote in General Assembly. Since the vote of Iceland and of the US, or of Costa Rica and of the Soviet Union, would be of equal weight in the Assembly despite of their great differences in the population, size and power; certainly the special voting rights of the Great Powers in the Security Council would be no more undemocratic than the equality of votes in the Assembly (Fernbach 1945: 130).

The Yalta Formula met opposition from middle and the small powers alike. The smaller powers felt that the Yalta Formula was ‘unfair’ and ‘undemocratic’. A number of amendments were submitted, which aimed to modify the Yalta Formula and the powers, size and character of the Security Council. They argued that Yalta Formula was contrary to the sovereign equality principles, which was dear to the smaller nations (Fernbach 1945: 128). Yalta provisions made Big Powers above the laws as no action could be taken against them. Likewise, it was argued that even Great Powers might lose their Great Power status, but, would be able to maintain their

special status. Also, if a Great Power committed an aggression or willingly blocked the peace settlement of a dispute to which it was not a party, the net result would be the paralysed Council, forcing to settle the dispute outside the UN framework. Several delegates argued that if a Great Power defeated the will of other powers for pacific settlement of dispute, by using its veto power, then the body could not perform its duties (Fernbach 1945: 129). The Australian delegation at San-Francisco: 1) strongly opposed the concept of Big Power control, even though it grudgingly accepted such control as necessary; 2) opposed veto as most objectionable manifestation of such control; and 3) believed strongly that success for the UN depended upon its ability to apply informed judgement on the basis of law to the problems brought before it (Dennett 1949: 425). The Australian delegates, who often acted as unofficial spokesman for the smaller powers, reluctantly accepted the veto power of the permanent members with respect to the Council's enforcement action.

Sir Ramaswami Mudaliar, Indian Representative, addressing the Conference, expressed dissatisfaction with the present position and stated "...on the test suggested by several members of the past and potential contributions to the war effort, India deserved a better position" (cited in Rajan 1973: 438-39). The Indian delegation strongly felt that India could claim a permanent seat in the Council. Later, he made a unique suggestion to add a number of 'Observers' or 'Associate Members' to the Security Council who would not have right to vote. It aimed to ensure the "continuity of experience which inevitably be lacking under the proposed arrangement". He supported the privileged position to some Big Powers as agreed in the Yalta Formula, but found 'particularly unpalatable' the conferring of that position on China and France (Rajan 1973: 439-440). The privileged position was extended to China on the instance of the US and to France on the insistence of the UK. In fact, India was 'present at the creation' not as independent actor but more as witness to the proceeding, variably serving as an addition (proxy) vote/voice for the British (Saksena 1995: 2).

One interesting Canadian proposal was to enable a state, which was not a member of the Council, to "sit as a member" with equal voting right, when a matter concerning its interests was before the Council. Thus, this proposal aimed to slightly dilute and modify the discriminatory and privileged status of Great Powers. But, finally it was

defeated (Eagleton 1946: 7-9). This proposal was in the resemblance of a legal principal that nobody should have right to be judge in its own case and a party to a dispute be heard before the judgement is pronounced.

Despite severe criticisms, the five powers declined to compromise in any way over the veto provisions. They strongly defended this right putting forth their strong arguments. The Great Powers emphasised that since they were expected to play special role and have to bear special responsibilities, they should have special privileges, an acceptance of valid maxim "he who bears extra burdens carries extra weight". Its provision meant that Charter drafters wanted the 'collective decision of Great Powers' and making 'Great Power Unity' alive to take any action by the Council for its primary purpose. Further, the United States and the Soviet Union made it abundantly clear that the choice before delegates was the Charter with the veto or no Charter (Fernbach 1945: 143). Due to strong opposition once the US delegate, Senator Tom Connally asked the participants to go home without Charter if veto provisions were defeated. Connally wrote later "I sweepingly ripped the Charter draft in my hands to shreds and flung the scraps upon the table" (cited in Saksena 1995: 2).

On 12 June, 1945, the British delegate at the Conference, justifying the veto stated:

the unanimity of the Great Powers was a hard fact but an inescapable one. The veto was a means of preserving that unanimity, and far from being a menace to the small powers, it was their essential safeguard. Without that unanimity, all countries, large and small, would fall victims to the establishment of gigantic rival blocks which might clash in some future Armageddon (cited in Gupta 2006: 26).

It was argued that the Great Power opposition was dangerous, and it was better the Council to be reduced to the inactivity than for it to risk the showdown by pressing ahead in face of determined hostility on the part of major state. A deadlock might cause inconvenience but a showdown would be a disaster (Claude 1987: 153-157). Thus, it was important measure to protect the collective security from disruption in the consequence of cleavage among the Great Powers. Also, it proved a face-saving mechanism to smaller powers as not taking sides in a struggle among the Great Powers. It might act as a safety device within the system and for the system and prevented discussion among its leading members from exploiting the whole machine.

Without it, if organization were to take action against a major power, it could have been perished.

Rudzinki (1955: 366-368) presents the five separate but interrelated justifications for veto rights, which had been involved since the time of San Francisco Conference. First, it is assumed that the terms of Art. 27(3) of the Charter, by requiring Big Power negotiations before a vote is taken, in fact, guarantee preservation of international peace. The veto wanted to promote the inter-power negotiations. Secondly, permanent members should have right to veto on subject which might eventually lead to enforcement actions by the UN. Thirdly, veto is a kind of 'safety valve' which preserves status quo and prevents controversial changes which might cause conflicts among the Big Five. Fourthly, veto is a tool in the hands of minority to protect their vital interests from majority's tyranny. The veto checks the capacity of the majority to overrun the minority view. Fifthly, veto has been used as bargaining weapon. But, in fact, many times veto is being perverted into a tool to impose will of the one super power on all the members of the international community.

In the Security Council, veto is meant as weighing device which symbolizes the inequality among the states in their capacities and powers. It is based on principle that powerful and important states should have special privileges in international organization. A bigger state with much capacities and its role in international affairs cannot be ranked equally with states with insignificant role and ability. The Charter represents significant concessions to the reality. The granting of veto powers to the Great Powers could be said to merely "recognition of the reality" (Luard 1979: 10).

Finally, the small powers reluctantly accepted the Yalta Formula, which was included as Article 27 into the Charter by a very close margin. The Australian delegation put an amendment to exclude the veto from all Council decisions relating to the peaceful settlement of disputes, but was defeated on June 12 by a vote of 10 in favour, 20 opposed, 15 abstaining and five absent. But it was clear that such veto provisions did not have the support of two-thirds of the participants and voting patterns reflected the strong opposition and wishes of the participants. On June 13, the Yalta Formula was approved by a vote of 30 to 2, with 15 abstaining. Had these 15 votes cost against the Formula, it would have failed to obtain two-thirds vote necessary for the adoption at the Conference. The agreement on voting procedure had been sharply criticised by the

smaller nations, yet it was accepted on assumption that peace can be maintained by the common agreement and common action by the major powers (John Stone 1945: 215).

Thus, the small powers accepted privileged position of the Great Powers as a “fact of life”. Their first objective was to ensure that all Great Powers would accept their place in the leadership corps in the new organization, making the UN more effective than the League. Secondly, “to constitutionise the powers of international oligarchy” including the procedural break upon collective decision by Great Powers which was implicit in the role of unanimity. Thirdly, their objective was to gain assurance that the most powerful members “would negotiate positive collective action within and on behalf of organization in times of crisis” (Claude 1987: 73). So, in the new organization the power of the Great Nations and their responsibilities go hand in hand. The unanimity rule is the symbol of those special obligations and the responsibilities along with their privileged positions.

However, many amendments proposed by small powers were accepted, some of which were substantial in nature. One important point was accepted as Article 23 of the Charter regarding criteria for non-permanent seats, “to the contribution of members of the UN to the maintenance of international peace and security and to the other purpose of the organization, and also to equitable geographical distribution” (Fernbach 1945: 133). Also, lesser powers got some changes that under Articles 11 and 12, after the Council has decided not to take action in a dispute, the Assembly has power to discuss and make recommendations concerning it. Another amendment clarified the right of non-members of the Council to participate in discussion of a question before the Council whenever that body considers the interests of the member especially affected (Fernbach 1945: 133). The smaller powers were concerned that if they put the armed forces at disposal of the Council, they could exercise no control. A proposal by the Canadian delegation which was approved provided that a nation not a member of the Council should be invited to participate in the decision of that body regarding the employment of its forces, though not binding on the Council.

Besides controversy over permanent membership in the Security Council and their veto rights, there were also many debates in the San Francisco Conference over the status of non-permanent members, their numbers and the criteria for the election of

non-permanent members to the Council. A number of delegations, particularly from small powers wanted an increase in number of non-permanent seats. Several of Latin American states suggested that a portion of seats should be reserved for their group (Glazebrook 1947: 310-11).

One more related aspect of veto power subjected to heavy debates during the Conference. It was the Dumbarton Oaks Proposal's provision that permanent members should be able to veto the amendments to the Charter. Smaller states heavily criticised this great privilege to the Great Powers. Many countries expected modifications in veto provisions in near future according to new realities. The Indian delegation was prepared to agree on the Yalta Formula for ten years. It was in hope that when later on the amendment provisions come before the committee at the end of ten years, the Great Powers would accept the 'suggestions' made by the other Powers and unanimity principle would not apply at the end of that period to any proposal for an amendment to the Charter (Rajan 1973: 448-49). The Big Powers strongly defended it because there would be little point in permanent members in bitterly debating every Article of Charter if it could be easily amended later to their disadvantage. After heated discussions, present Article 108 was adopted which read as, "Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council" (Article 108 of Charter). However, permanent five agreed to call a conference to review Charter, free of veto, if demanded by two-thirds majority, which was included as Article 109. It was agreed that after ten years, the possibility of holding such conference should be considered, but a Canadian proposal that a conference would any way be held at that time was turned down (Luard 1982: 49). Thus, inclusion of these Articles 108 and 109 protected the special position of the Great Powers.

The drafting of the UN Charter necessarily involved many compromises short of perfections. The Charter emerged from many divergences and different point of views. It probably reflected, as well, the degree of unity obtainable in 1945. It represented a sincere attempt to obtain a synthesis of ideas with the current reality of

that time. It can be concluded that the UN Security Council was erected upon the fundamental assumptions of the need for 'Great Power Unity', an assumption which was expressed in the Charter provisions by assigning special rights and privileges for the Big Five. However, the point of this assumption was not that Great Power cooperation would infallibly take place, but that there was no hope for a peaceful world unless it did take place (Claude 1987: 73-75). It should be emphasised that the authors of the Charter, while recognizing the difficulties ahead, believed that the organization that they are establishing based on the principle of Great Power cooperation, was the only kind of organization that had any real chance of success (Goodrich 1974: 21). The dominant position of the five Great Powers in the Security Council and in fact, whole of the organization placed upon them the greatest responsibilities to make the organization operating successfully.

Significance of the Security Council

Upholding the international collective security mechanism is the fundamental guarantee for a more stable and prosperous world. According to the UN Charter, the UN Security Council is the core of such a mechanism and the most authoritative and legitimate institution of the multilateral security regime. It has originally been conceived and designed as a body encapsulating, and effectively institutionalising, the global balance of power (Claude 1962: 155-205). This global balance of power was reflected in the composition of the Council.

The Security Council is composed of two kinds of memberships: permanent and non-permanent members. Initially, the Council was provided with 11 members' body: 5 permanent members and 6 elected non-permanent members. In real sense, the Council has been built around the core of the Great Powers as Article 23 of the UN Charter uses the word 'shall be' for the provision of five permanent members and also names them as: the Republic of China, France, the Union of Soviet Socialist Republics (now Russia), the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Also, all the five permanent members have been given veto rights on important substantive issues including peace and security matters in the Council, where any one of the permanent members may block Council decision by casting its negative vote (Article 27). It should be assumed that where the permanent members have 'not' used their veto, they have in fact adopted the decision of the Council. So,

in the real sense, when we say that this is Security Council's decision, it is actually the permanent members' decision.

The non-permanent members are elected for two years by the General Assembly and a retiring member is not eligible for immediate re-election (Article 23). The distribution of non-permanent members was based on the "gentlemen's agreement"³ reached in 1946, on geographical and ideological grounds. Under the amended Article 23, non-permanent seats were increased from 6 to 10 making the Council composition of total 15 (5 permanent and 10 non-permanent members). The 10 non-permanent seats were to be fulfilled from four regions: 5 from African and Asian states; 2 from Latin American; 2 from West European; 1 from East European states.

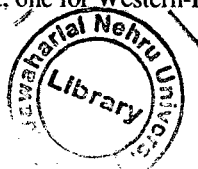
The powers and functions

The Council has been given enough powers to fulfil its primary obligations of maintaining international peace and security. For it, the particular measures which Council may take, and procedure that it has to follow are defined in considerable detail in the Charter. However, in between Charter provisions, the Council is given a very 'wide discretion' in the evaluation of circumstances, the choice of means and the timing of actions (Goodrich 1974: 111). The powers and functions of the Council are broadly specified in chapter VI (Article 32-38) of the UN Charter with respect to the '*peaceful settlement of disputes*' and in chapter VII (Article 39-51) with title '*action with respect to threats to the peace, breaches of the peace and acts of aggression*'. The Council has following powers and functions:

Chapter VI sets out a series of procedures that may be used by the Council in seeking to secure 'peaceful settlement of dispute' (Luard 1979: 20). The Council is empowered to call upon the party to settle their disputes by the peaceful means. The Council has power to investigate any dispute or any situation to see whether it is likely to endanger international peace and security. In the case of such dispute, the Council may intervene at any stage to recommend appropriate procedures for settlement, but it obliged, in so doing, to take into consideration such methods of

³ It was an informal agreement reached among five Great Powers in 1946, to distribute the six non-permanent seats of the Council in five main regions of the world as follows: two for countries of Latin America, one for British Commonwealth, one for Middle East, one for Western-Europe and one for the East-European Countries.

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settlement as have already been adopted by the parties. Under Article 35, it may consider any dispute or situation brought “to its attention” by any member. This procedure has been normally implied by the Council. The Council may take up note of dispute brought out by a non-member also, provided it is a party of dispute and ready to accept in advance the obligation of pacific settlement provided in the Charter (Bentwich & Martin 1950: 82). All the members of the United Nations, even who is not a member of Council may be invited to participate in the discussion of the Council by which its interests are specifically affected, but without vote (Article 31). Thus, all the members have direct access to the Council. Article 36 of the Charter enables the Council “to recommend appropriate procedure or methods of adjustment” on any dispute or situation. The parties to a dispute endangering international peace and security are obliged by Article 37 to submit the dispute to the Council, if they fail to settle among themselves. The Council may consider a dispute which it thinks is likely to endanger international peace and security and determine whether to recommend terms of a settlement.

Chapter VII sets out the procedures that may be used when a situation has gone past the stage of being a “dispute” and has become a “threat to the peace”, or “breach to the peace” or an “act of aggression” (Bentwich & Martin 1950: 20). The Council is empowered to prevent a breach of peace and aggravation of a dispute and possesses “power to preserve peace”. Here, it is one of the most novel features of the Charter and the greatest contribution to the development of international organization. The Council has assured effective power to maintain international peace and security, through its authority to order actions by the members against any state, which threatens to peace and commits an act of aggression, and through the provision to the Council of armed forces which it may direct to enforce its orders (Fernbach 1945: 137).

The enforcement measures by the Council is much effective than its predecessor, the League Council of the League of Nations. Under Article 39, the Security Council is to determine the existence of “any threat to peace”, “breach of peace” or an “act of aggression” and decides what actions to be taken in accordance with Articles 41 and 42. These are the Articles, which give the Council the “real teeth” to take up actions including war against offending states. The Council is authorised to decide upon the

measures, not involving the use of the armed forces like sanctions of various types including interruptions of economic relations and of communications (Art. 41). Article 42 goes much further in authorising the Council the power to take enforcement actions by military means of air, sea or land forces, if it finds the use of sanctions under Article 41 to be inadequate. Since, the Council has no standing forces; the Council can call upon all the member states to make available such required force and in accordance with special agreements or agreement. Further, Article 46 and 47 provide for the establishment of a Military Staff Committee, subordinate to the Council. Elsewhere, Article 26 of the Charter requires the Council to plan for regulation of armaments with the help of Military Staff Committee.

The Council not only possesses enough powers to deal all security situations, but it may take help of the regional arrangements for its purposes, if so required. Article 52 of the Charter of Chapter VIII, calls for settlement of disputes through regional arrangement or agencies, provided they are consistent with the principles and objective of the Charter. The Council is instructed to promote use of such arrangements and is authorised to make use of such regional structure for enforcement actions. Thus, the Council emphasises great importance to check the armed conflicts in the first place, but once a dispute arises, its first aim is to solve that by diplomatic means. If conflict continues, the Council may work towards cease-fire and deploys the UN peacekeeping forces. Further, it can impose sanctions and as, a last resort, may authorise military actions against an aggressor.

Apart from the primary functions of maintaining international peace and security, the Security Council has some equally important organizational functions. These functions are carried out jointly with the General Assembly, where the Council's consent is must. Such important issues are: the entry of a new state into the United Nations (Article 4), the suspension of the exercise of rights and privileges of the membership (Article 5) and the expulsion of a member state from the United Nations (Article 6). The other most important task is the process of electing the Secretary-General of the United Nations. It recommends the appointment of the Secretary-General, which is to be approved by the General Assembly (Article 97). Thus, the Council not only has influence in the General Assembly by regulating its membership, but also, effectively controls the UN Secretariat by recommending the

name of the Secretary-General of its choice. Further, it influences the International Court of Justice (ICJ) as well. It elects the judges of ICJ. On its recommendations, a non-member may become a party to the stature of ICJ (Article 93). Also, the Council may make recommendations to decide upon measure to be taken to give effect to the judgement of the ICJ (Article 94). It is to be noted that permanent five members possess veto rights on these organizational functions of the Council. Any one of permanent members may prevent an individual's nomination for the Secretary-General post. The veto rights are applicable on admission of new member; to prevent the expulsion; or the suspension of rights and privileges of a member of the organization. Also, a non-UN member approaching to the International Court Justice can be prevented by using veto power.

The other important constitutional power of the Security Council is regarding any amendment to the UN Charter, which has been provided in Articles 108 and 109. These provisions are quite tough and portray the UN Charter as 'rigid' in character (Wilcox 1954: 1). An amendment may be adopted through either Article 108 or 109, if it has ratified in accordance with two-thirds of the UN members with their respective constitutional processes, and including all the permanent members of the Council. These give special privileges to the permanent five, as no amendment is possible without ratifications of all of them. Thus, these provisions make sure that veto powers cannot be altered without the consent of the veto-holding powers and also, no country can join their ranks, howsoever powerful and capable that is, unless all permanent members of the elite club is ready to embrace that country themselves.

It may be concluded that the Security Council has substantial authority through its decision; it can both 'legitimise' and 'legislate'. Since it acts on 'behalf of United Nations', it legitimises the action of others. It legislates where its decisions potentially binding on all states: both, the members of the United Nations that are not sitting in the Council, and states that do not belong to the United Nations at all (Caron 1993: 562). For maintaining international peace and security, the Council has been delegated the power to decide whether peace is in danger, and whether preventative or repressive action is necessary. Though it advocates peaceful settlement of disputes and deploys peacekeeping operations, but it has enough teeth to punish effectively the offenders of peace. Further, its effective influence in almost all other organs of United

Nations and its Charter amendment powers as discussed above show its centrality and dominant position in the entire UN system.

Role of Non-Permanent Members

A non-permanent seat in the UN Security Council is of great importance to a member state. It enables that country to be part of decision-making process in the world body. It brings international prestige, powers and privileges to the country (Malone 2005: 6). Raymond Dennett points out the five categories of the political uses of the Council: members use the Council as a platform for propagandizing their political ideas and values; to influence the immediate actions of the other countries; in gaining or keeping allies and friends; to implement specific policies and have used the Council to increase the security of members of the United Nations by reducing unfriendly pressure against a country through publicity and discussions (Dennett 1949: 422-24). Many a times, the Council has been used for serving the national interests of the members of the Council. So, a Security Council seat is always a 'hot issue' among the UN members.

The non-permanent members of the Security Council share powers over security decisions together with the permanent members. Using these powers, non-permanent members had been able to play some very limited but important role in the early years of the United Nations. For example, the non-permanent members promoted the pacific settlement of the Korean Crisis (1950) as hostility broke in Korean Peninsula when North Korea attacked over South Korea leading to serious threat to peace. India, being member of the Security Council that time, supported the Council resolution branding North Korea as aggressor and embarked on a course to resist the aggression. India began to work in the direction of promoting a climate conducive to pacific settlement of the dispute and opposed the US led United Nations' move to cross 38th parallel and asked the communist forces to show restraint. A lot of bloodshed occurred in the conflict, much to India's pain and regret. Later, India played crucial role in exchange of prisoners of War (Luard 1982: 229-274).

But, generally non-permanent members could not play effective role in the Security Council decisions. There were many reasons for non performance of non-permanent members in the Security Council. Firstly, the non-permanent members are elected for the term of two years by the General Assembly and also, Charter prohibits their

immediate re-election (Art. 23). It acts as an impediment in effective role of non-permanent members. For a non-permanent member, two-year term is too short to understand the complex issues of world peace and security and particularly, more difficult for smaller nations elected to the Council. Many times before they understand the things properly, their terms are over.

Secondly, in spite of two-year term which aims to give chances to more states to be in the Council, only few prominent states from different regions got elected to the Council repeatedly by 1963, before the first expansion of the Council. For example, few major regional states like Brazil got four terms (in 1946, 51, 54, 63), Egypt three terms (1946, 50, 61) and middle powers like Australia, Canada etc. got two terms each (United Nations 2008a). Few states like Luxemburg, Saudi Arabia, Liberia, Haiti, Costa Rica, Ethiopia, El Salvador, Paraguay, Honduras and many other states could not get single chance to get elected to the Council. This led to dissatisfaction among the states. A larger Council could ensure inclusion of more member states in the Council.

Thirdly, non-permanent members lacked effective powers to take decisions as they had given responsibility without powers. The role of non-permanent members have been very limited as they enjoy equal power only in the procedural matters, not in the substantives one, where permanent five have veto rights. Further, though if all the non-permanent members get united over a security issue, they could effectively influence the Council's decisions but Great Powers adversely affected their unity by dividing them. The Cold War had its own shadow over the Council's functioning as the cross-vetoes by the major powers paralyzed the Council decisions most of the times. Finally, the non-permanent members who got elected to the Council like Syria, Egypt, Chile, Pakistan, Sri Lanka, Brazil etc. were developing countries, who needed aids and helps from the powerful countries for their development. So, these countries were easily influenced and co-opted and they rarely disrupted the pattern of work and decisions on which permanent five were able to agree among them (Malone 2005: 5).

Expansion of 1965

The number of UN members increased sharply in 1960s' due to decolonization. In 1955, sixteen new members were admitted, four states in 1956, six in 1957 and the

UN membership increased up to 99 by 1960. In between 1961-63, twelve new members entered in the organization, making it of total 112 members (United Nations 2004c: 304). Now, African, Latin American and Asian countries composed more than half of the total UN membership. They demanded more representation in the Security Council and asked for a new geographical distribution system for the non-permanent seats.

The question of enlarging the Council was first raised following the admission of 16 new states in 1955. At the 11th session of the General Assembly (1956), 16 Latin American countries and Spain introduced a draft resolution seeking an increase of non-permanent seats from six to eight, by adopting amendments to Articles 23 and 27 of the UN Charter (Bourantonis 2005: 15). They also asked for a change in the number of votes required for Security Council decisions from seven to eight. The Latin American countries proposed this expansion proposal because their numerical strength in the United Nations had increased significantly and also, they feared that the redistribution of non-permanent seats as demanded by Afro-Asian countries would not be in the interests of their region. They had been given two non-permanent seats, which might be reduced to one due to redistribution of seats. Despite of all these efforts, no action on this proposal was taken due to uncompromising attitude of the USSR and its allies who insisted that no positive solution was possible unless the Peoples' Republic of China was fully represented in the United Nations. The issue was postponed for its consideration further (Bourantonis 2005: 15-17).

After a gap of seven years, on December 10, 1963, twenty-one Latin American countries resubmitted their earlier draft resolution of 1956 to increase two non-permanent seats. But Afro-Asian countries wanted more increase in non-permanent seats, therefore, on December 13, another draft resolution was submitted by 37 Afro-Asian countries. It sought an increase in number of non-permanent seats from six to ten having five states from Africa and Asia (of which 3 from Africa and 2 from Asia); two from Latin America and Caribbean states; two from Western Europe and others; and one from Eastern European states. Later, the Latin American proposal was incorporated in the Afro-Asian draft after a series of meetings among various states and regional organizations in Latin America, Africa and Asia (Schwelb 1965: 840). This merger of two proposals took place as Latin American group agreed that second

proposal would make the Council more representative and also, the required Charter amendment was possible only with the unity of all these countries of Asia, Africa and Latin America.

The draft resolution was also called 'a searching proposal' for the reason it wanted to test the sincerity of the Western Powers, especially of the US, Britain and France which had favoured increase in non-permanent seats. In the debates of the draft resolution, the three Western Powers opposed the resolution as the US and UK was only in favour of increasing only two more non-permanent seats. Britain was worried about the loss of a commonwealth seat by this proposal, because earlier distribution of non-permanent seats had provision for the one commonwealth seat. France did not state the reason of its opposition but shared the views of other two (United Nations 1963a: 82-83). Thus, it was clear that these three countries favoured expansion in the Council, but not agreed over the number of seats to be increased.

The Special Political Committee of the General Assembly adopted the above draft resolution with 96 in favour, 11 in opposition and four abstentions on 16 December, 1963 and recommended its adoption by the General Assembly. It was possible by the supporting majority of Afro-Asian and Latin American countries in the General Assembly (Bourantonis 2005: 26). The US, UK, Portugal and South Africa abstained. Nationalist China did not participate in the voting, while France along with Eastern Block opposed the resolution. On 17 December, 1963, the Assembly adopted the resolution with 97 states (84.6%) in favour, 11 against, and 4 abstained.⁴ This time only change was Nationalist China's favouring vote.

This resolution raised non-permanent seats from 6 to 10, making the Council composition of total 15 (5 permanent and 10 non-permanent members). This resolution gave following pattern of non-permanent seats to be fulfilled from four regions: 5 from African and Asian states; 2 from Latin American; 2 from West European; 1 from East European states (United Nations 1963b). The resolution required ratification from member states by September 1965. The USSR became first

⁴ 11 countries in opposition were: Bulgaria, Belarus, Cuba, Czechoslovakia, France, Hungary, Mongolia, Poland, Romania, Ukraine, and the USSR and abstainers were: Portugal, South Africa, Britain, and the USA.

permanent country to ratify it. This was its complete reversal from its earlier point of view. It might be because it did not want bitterness with the developing countries and the consequent non-support from them. Later, other permanent members also ratified the amendment. More than two-thirds of member states including all permanent members submitted their instruments of ratification by the end of August 1965 and thus, first amendment to the UN Charter entered into force.

This amendment aimed to satisfy the demands of representation in the Council by countries of Africa, Asia and Latin America. "The only aim of the 1965 amendment was to have fairer representation for the countries of Asia and Africa. Germany was still divided and relatively weak and Japan did not count for much in the world economy..." (Seara-vazquez 1995: 285-287). By this amendment, the ratio of the general membership of the UN to member of the Council became 7.53 to 1 (113 to 15); the ratio of potential non-permanent members to available non-permanent seats became 10.8 to 1 (108 to 8) respectively (Winkelmann 1997: 40). Now, more UN member countries could be elected to the Security Council.

It can be summarized that the eight years long debate (1956-63) on the Council expansion was successful because of two reasons; firstly, the permanent five did not make a determined stand against the enlargement demands as it was aimed to increase in non-permanent seats only and hence, did not affect their privileged positions. The agreement in 1963 was possible because the addition of any new permanent members was essentially excluded from negotiations (Zacher 2004: 213). Secondly, the attitude of the Afro-Asian states was solid on the question and included the support of all the Latin American and also of the West Europeans, with a few exceptions.

It can be safely concluded that the Council was going through incremental growth form of adaptation as the ultimate purpose of the organization was not questioned. The Council tried to adapt by expansion in its structure due to rising demands of effective representation and changes in environment. Even in the functional aspect, the incremental growth form of adaptation was manifested when the Council failed to take military actions according to the Charter provisions. The Council devised a new mechanism of deployment of peacekeeping forces in the conflicting areas to control the situation.

Demands of Enlargement in Post-1965 Period

The decolonization process in 1960s and 1970s led to independence of many colonies of Africa, Asia and American continents. By 1979, the membership in the UN had increased to 152, due to entry of more states of Asia and Pacific, Africa and Latin America. Now, non-aligned countries emerged as the important force in international relations. The pressure for reform continued between 1970s and 1990s as the members of Non-Aligned Movement (NAM) developed a platform with the objective “to work towards further democratization of the United Nations” and “secure the widest participation of member states” in the UN decision-making (Bourantonis 1998: 90). On the principles of democratization, representation and legitimization, they forcefully put their demands of the Council’s expansion. They viewed the issue of the Council restructuring as a key towards democratizing the United Nations and accommodating themselves into the decision-making process of its various organs. So, the fresh demands for the Security Council reform were growing since mid-1970s. India and a number of the developing countries urged the General Assembly to include the issue of the Council reform on its agenda in 1979 (Freiesleben 2008: 3).

A draft resolution was proposed by a group of states⁵ in the General Assembly in 1979, in which they proposed to increase Council membership from 15 to 21 (United Nations 1979). It aimed to allocate non-permanent seats as follows: 5 for Africa; 4 for Asia; 3 for Latin America and the Caribbean; 1 from East Europe; and 2 from West Europe and others. The permanent five and the Western and Eastern European countries showed no interest in this proposal. The permanent five did not want to dilute their privilege position by any expansion in the Council and other European countries favoured smaller Council for its more effective functioning. Due to these reasons, these proposals could not get necessary majority in the Assembly. So, sponsors did not put the resolutions for a vote and the enlargement resolution kept on postponing till early 1990s. During this period Security Council moved from incremental growth to turbulent non-growth phase. There were radical changes in the environment, which demanded the overhauling of the structure of the Council to meet with the new circumstances. But, no consensus emerged on how to meet these

⁵It was proposed by Algeria, Bangladesh, Bhutan, Cuba, Guyana, Grenada India, Japan, Maldives, Mauritius, Nepal, Nigeria, Sri Lanka, and Syrian Arab Republic.

demands. The ends no longer had coherence with means as the internal consensus on both ends and means had disintegrated. The very founding principles of the Council (the Great Power Unity and selective representation) were in conflict with other the emerged principles like democratization, representativeness and legitimacy. Thus, the Council of this period was characterized by the turbulent non-growth form of adaptation. Further, the Cold War hostilities overshadowed the enlargement issue. However, the demands for expansion emerged again in post-Cold War era, during early 1990s in the changed international setting.

Conclusion

The United Nations was created mainly by the victorious Great Powers of World War II to “save succeeding generations from the scourge of war” as mentioned in the Preamble of the UN Charter. Their efforts started during the War time. The vague references to have an international organization were made in London Declaration (June 1941), Atlantic Charter (August 1941) and the United Nations Declaration (January 1942). But first time, an explicit reference to form an organization was made through a ‘declaration of Four Nations on General Security’ in Moscow, in October 1943, by the four states- the US, the USSR, the UK and China who announced to establish a new international organization. During Dumbarton Oaks Conference (August-September 1944), the elaborate constitutional plan for new organization was drawn. This agreement suggested the creation of a specialized Security Council with primary responsibility of maintenance of international peace and security with five permanent members. Later, during Yalta Conference (February 1945), a compromised formula was agreed upon voting procedure in the Security Council, which was later included as Article 27 in the UN Charter. It provided veto rights to the permanent five on substantive issues including peace and security matters.

Finally, a ‘Conference on International Organization’ was called in San Francisco on April 25, 1945, to prepare the Charter of the new world’s organization along the line of the Dumbarton Oaks Proposals. During the conference, the most controversial issue was the permanent membership in the Council and veto rights to those members. A large number of small and middle powers had great objections on such privileged position to the permanent five as it was against principle of sovereign equality. Also,

it could paralyze the future functioning of the Council when any of the permanent members disagree and hence, could block Council's decision arbitrarily. Despite severe criticisms, the five powers declined to compromise in any way over the veto provisions. They strongly defended this right putting forth their strong arguments. All permanent members and particularly, the US and USSR made it clear that either Charter with veto powers to them or no Charter. They insisted on veto powers to preserve the Great Power unity which had won the War and also, it was accordance to their Great Power status and the global power realities. In fact, by it they wanted to secure their special role in the new world order and use veto powers to serve their interests. Finally, the small powers reluctantly accepted the Yalta Formula into the Charter as it was approved by very close margin. Consequently, the veto rights on any future amendment to the Charter were also accepted. The small powers accepted privileged position of the Great Powers as a 'fact of life'. Further, it was expected that Great Powers would lead the new organization, making the UN more effective than the League.

The Security Council has been entrusted with the wide powers to fulfil its obligations of maintaining international peace and security. The Council has been given powers to decide whether peace is in danger and what actions to be taken. It has enough coercive powers like sanctions and also, military powers to punish effectively the offenders of peace. Also, it enjoys effective and dominant influence in almost all other organs of United Nations. While in the Council decisions, the permanent members dominate due to their permanency and veto rights, the non-permanent members have not been able to play effective role in the Council due to various reasons explained in the earlier section and have merely followed the decisions taken by permanent five.

The composition of the United Nations changed drastically in favour of developing countries in late 1950s and 1960s. This led to the demands of the Council enlargement to give due representation to them and making Council more legitimate. First, in 1956, Latin American countries demanded addition of the new non-permanent seats to the Council and Later, African and Asian countries joined them. Also, NAM countries repeatedly called for the Council expansion. After initial reluctance, the permanent members agreed for expansion of the Council due to Cold War politics and also,

accepted it because it was not going to affect their privileged position in the Council. Finally, the expansion of the Council came into effect by 1965. By this, the Council went through the incremental growth form of adaptation based on the new environmental changes and demands of representation from UN member states.

The decolonization process in 1960s and 1970s led to independence of many countries of Africa, Asia and American continents. With the inclusion of more states of Asia and Pacific, Africa and Latin America in the United Nations, the Council enlargement demands started again. These developing countries invoked the principles of democracy, representation and legitimization to forcefully put their demands of expansion. Accordingly, they viewed the issue of the Council restructuring as a key towards democratizing the United Nations and accommodating themselves into the decision-making process of its various organs. These countries because of their numerical strength could place many of their concerns in the Council agenda.

A draft resolution was tabled by a group of developing countries to increase Council membership in the non-permanent category in 1979. The permanent five did not show their interests in this proposal as it could dilute their position in the Council. Also, other member countries favoured smaller effective Council. Since, there were no favourable chances of getting support on this proposal; the sponsors of the resolution did not pressed for vote on it. During this period, the Council moved from the incremental growth to non-turbulent form of adaptation as there was no consensus on enlargement of the Council and the ultimate purpose of the Council was questioned. The enlargement issue kept on postponing till early 1990s, due to the Cold War divisions and rivalries. However, due to changes in the international environment and in the light of new power realities in the post-Cold War era, this issue gained focal attention.

CHAPTER 2

DEMANDS OF EXPANSION SINCE 1990s AND MAJOR CLAIMANTS

The disintegration of the communist regimes in USSR and Eastern European countries in early 1990s marked a paradigm shift in international politics. With it, the Cold War ended and brought a series of changes in international environment. The climate of cooperation resulting from rapprochement of two old adversaries-East and West, created an environment where the United Nations could play effective role. Earlier, the United Nations was sidelined by the major powers due to their Cold War policies. But, now the United Nations became important as it started getting cooperation from the major powers of the world. Russia was ready to cooperate with the United Nations to play its influential role in world politics and regain its old prestige. This all gave rise to hope that the collective security practices of the UN Security Council, which was held hostage of Cold War politics, would now be released and Council would become more important on international peace and security matters. Nevertheless, in post-Cold War era, a number of new global powers including few developing countries emerged, who also wanted to take advantage of changed circumstances and sought to play bigger role in the global international politics through the UN Security Council.

This chapter aims to look into the changes in the international environment in post-Cold War era and how these changes gave rise to demands of Security Council enlargement. Then, it analyzes the cases of the important claimants of the permanent seats. Further, it investigates in detail the different models of the Council enlargement proposed by the member states during deliberations in the General Assembly's Working Group on the Security Council expansion. The chapter also discusses the Razali Plan (1997) and concludes with the major developments on the issue up to 2003.

The Changed International Setting

At the end of 1980s, several major developments occurred in the world politics which led to the significant changes in the international political environment. The sudden

collapse of the USSR, the dissolution of the Warsaw pact, the end of the communist rules in Central and Eastern European countries and the fall of Berlin wall in 1989 marked the end of the Cold War and the bipolar international system. The two opposing blocs, East and West came closer and ideological struggle came to an end. This period has been considered as a turning point in the world history. It left the world with the sole superpower, the USA and its subsequent predominance in the world politics.

Further, with end of Cold War hostilities, it was expected that United Nations would bring peace and security and clouds of fears and suspicions among the former rival camps would end. Iraq invasion of Kuwait was an opportunity to this new era of collective security. During Gulf War, all Great Powers of the Council worked effectively through all the stages outlined in the Chapter VII of the Charter to restore Kuwait sovereignty and to reach the final ultimatum on the use of force in Iraq (Imber 2006: 330). It was first time after the Korean War (1950-53) the UN Security Council took military actions against an aggressor involving the Chapter VII (Bourantonis 2005: 34). The changing attitudes of Russia and China made the Security Council work more efficiently than ever before in its history. The radical supportive changes in the Soviet attitude towards the United Nations under Gorbachev's leadership rejuvenated the Security Council. Russia backed the Security Council resolution for economic sanctions and use of force against Iraq in 1990s. This changed attitude of Russia towards the Council was linked with its search for a new role after the loss of its empire and its status as a global superpower. China also supported UN moves as they "were anxious to re-establish their reputation after the disaster of Tienanmen Square, and were also keen to demonstrate that they were worthy of Western economic aid" (Taylor 1995: 212).

The success enjoyed by UN-mandated, US-led coalition forces in this conflict increased credentials of the Security Council as a world body capable of bringing peace and security. Further, the success of the Security Council in the Gulf War encouraged it to launch several peacekeeping operations in different parts of the world. From the early 1990s, it began to launch an unprecedented number and range of peace operations and activities from the El Salvador to Cambodia, more frequently than in the past and passed more resolutions than ever before in its history. Many of

these peacekeeping operations were sanctioned under chapter VII leading to humanitarian interventions in intra-state wars. Peter Wallenstein and Patrik Johansson (2004: 18) indicated such radical change in the Council's activities as follows, "For the period 1946-1989, the annual average number of passed resolutions was fifteen; since then the average has been more than sixty. The Council has moved from roughly one decision per month to one per week". In all, the Council emerged as a powerful actor in area of conflict or potential conflict.

However, the United Nations was forced to depend on major Western Powers for political leadership and material helps as it did not have its own source of resources or manpower (Morris 2000: 266). The Council was often criticized for its selective actions and dominance by elite group of states, led by the USA. Major decisions of the Security Council were decided through informal meeting of the five permanent members and the non-permanent members were not made party to the consultations. They were marginalized and their role in actual decision-making was thus often reduced to "rubber-stamping decisions" (Whitfield 2004: 320). The UN members started questioning the secret and non-transparent working methods of the Council proceedings, its decision-making processes and its composition. Thus, the momentum for demands for the Council restructuring was built together with the UN reforms in general, according to the new international political environment. Luck (2006:115) observes that the "question of equality, representation, transparency and accountability were being raised once again precisely because the Council had begun so active, so consequential and potentially so intrusive in the political and security affairs of the member states. The Council's rediscovery of the chapter VII enforcement tools gave a renewed urgency to question of how, why and by whom its decisions were made".

Further, along with these events, change in the power structure in international politics fuelled the demands for the Council reform. During the Cold War years, France and Britain, the two permanent member states of the Council had declined from Great Power status to middle-ranking powers. After Soviet disintegration, Russia as successor to the USSR remains nuclear power but its military effectiveness declined and it lacked political unity and economic might of a superpower. China was the only developing countries' representative in the Council, but it was more

dependent on Western Powers for its economic development (Morris 2000: 266). There was emergence of Japan and Germany as global economic powers which started demanding their permanent place in the Council since mid 1990s. Furthermore, the emerging developing countries, viz. India, Brazil, South Africa and Nigeria, who had become important international actors, invoked “representativeness” factor as there was not appropriate representation to the developing countries in the Council (Blum 2005: 639). By mid 1990s, some developing countries put forth claims for the permanent membership in the Council. In this light of new global power realities, it was clear that the Council did not reflect the new world power configuration and the Council’s decisions taken by a few permanent members, no longer regarded as legitimate. So, these changes in international setting pushed the demands for restructuring of the Security Council by the UN members.

Rationale for the Demands of Reform

Although the issue of the Council enlargement was on Assembly’s agenda since 1979, but got no attention in the Cold War era. The major changes in the international environment as mentioned in the earlier section led to fresh demands of the UN Security Council reform in the post-Cold War era.

In September 1992, India and 35 other Non-Aligned states tabled a draft resolution in the General Assembly, calling for inclusion of an item entitled the ‘*Question of equitable representation on and increase in the membership of the Security Council*’ in the provisional agenda of 48th session of the Assembly. This was passed in the Assembly unanimously as a resolution on December 11, 1992 (United Nations 1992b). The resolution recognized the “crucial role of the Security Council in maintaining international peace and security” and also, “the changed international situation and the substantial increase in the membership of the United Nations”, hence underlined the need to continue the process of revitalization and restructuring of certain organs of the United Nations. Further, the resolution called for the members to submit reform proposals to the Secretariat by the summer of 1993 on ways to reform the Council.

Accordingly, more than hundreds responses came from the member states. Russett *et al.* (1997: 154) broadly summarizes the responses as follows: a) to make the Council

more representative of the UN membership; b) to achieve greater international status for certain states or their representatives; c) to augment the powers of the countries of the Southern hemisphere; d) to lessen, through expansion of the Council, the perceived monopoly of power by the present permanent members. Subsequently, the General Assembly passed a resolution on December, 1993, which set up an “*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*” (generally known as the OEWG on Security Council or the Working Group) (United Nations 1993c). It provides a formal forum for the consultation of the reform of both, the expansion of the Council (Cluster I) and working methods (Cluster II). Since its establishment, the Working Group is continuously functioning in this direction and much debate has taken place on all aspects of the UN Security Council reform.

In past, demands for the Council reform have been forcefully made by non-aligned countries. NAM countries were successful in increasing the non-permanent seats in 1963. They see the UN Security Council reform in the context of measures to democratize the United Nations with a view to accommodating themselves into the decision-making process of its various organs including the Security Council (Bourantonis 1998: 90-106). The NAM members have invoked principles of democratic representation and equitable geographical distribution to expand the Council. Most of them see that such expansion would promote greater democratization of the Council, ensure a more balanced allocation of the permanent seats and strengthen the Council by making it more responsive and relevant to the new world realities. Most of them are supportive of permanent seats to Japan and Germany provided that some states from NAM countries also granted permanent seats. Brazil has argued that “an increase in the permanent membership of the Council limited to industrialized countries not only aggravate present imbalances in regional terms but would fail to acknowledge the increasing role played by developing countries in promoting international the peace and security” (United Nations 1995g). The non-aligned group wanted a stronger role in the UN Security Council, as India stated the position adopted at Cartagena summit by the group that “any attempt to exclude non-aligned countries from an expanded Council membership, including permanent membership, would be unacceptable to the movement” (United Nations

1995d). Thus, a number of non-aligned States like India, Brazil, South Africa, Indonesia, Nigeria and Egypt have advanced arguments for their case for permanent seats. But, there are also a number of NAM states who categorically reject the new permanent seats' proposal. However, the majority of non-aligned states favour increase in non-permanent seats to rectify the "non-democratic nature" of the Council's membership, even if there is no increase in permanent seats (Winkelmann 1997: 63). Unlike 1965 expansion, this time NAM displayed a picture of divided house with strong divergence of positions on expansion issue, particularly, over new permanent seats.

The Changed Composition of the United Nations

The United Nations at the time of its establishment had 51 members with 11 members in the Security Council. In 1963, as the decolonization process doubled the UN membership, the Council was added with 4 more non-permanent seats. The permanent membership remained unaltered, though measures were introduced to ensure improved representation, specifically through a formula providing for the allocation of the ten elective seats along regional lines (Bailey and Daws 1998: 141-153). The UN membership continued to rise due to further decolonization process after first Council's expansion. By the beginning of the 1990s, the UN membership stood 183 and by now, it is 192. In simple numerical figures, this increase in membership in itself is much more significant. Further, taking it in conjunction with the end of bipolarity and the radically different power configuration of 21st century, it has been central to the demands for change, which the United Nations is currently being called upon to address (Morris 2000: 269). The changes taken place in the last 60 years in the UN composition raise the serious questions about the rationale of its current Security Council composition and its representative character.

Member states during deliberation in the UN Security Council reform debates have argued that there should be a reform in the Council in accordance with the transformations in international structure. For instance, Iraq pointed out "the world has changed dramatically since the Council's inception some 60 years ago. Indeed, there are many more states playing active and substantial roles in determining international affairs, so it is clear that the Council's, membership must be enlarged to make it more democratic reflection of the century" (United Nations 2006c). Cambodia

stated, “the rational to democratize the Council was initiated on the legitimate need of member states, which had grown” (United Nations 2000b).

New Problems and Challenges

Today, the international peace and security is threatened by many new types of challenges. The wars in Iraq and Afghanistan are over but the order has not been restored. The Middle-East problem is dragging on and bloodshed continues unabated in many parts of the world. Thus, the traditional security threats like border or territorial dispute still exists, while non-traditional security problems such as ethnic and religious conflicts, terrorism, cross-border crimes and drug-trafficking etc. have become much more serious problems (Guofang 2003: 18). Terrorism remains rampant and unpredictable. Increased transportation, communication and transactions, which are gifts of globalization, have given additional tools in hands of terrorists to carry out their operations globally. The use of biological, chemical, cyberspace and other high-tech means make terrorist more brutal and dangerous. These problems can be effectively tackled if all countries including developing countries affected by it decide the course of actions.

Thus, the nature of security threats after 1990s is quite different than when the United Nations was created. The more serious problems which developing countries are facing are the ethnic and religious conflicts leading to civil wars and intra-state conflicts. These countries have wars within their states’ territories rather than dangerous threats from outside. These conflicts not only threaten security of one state but affect many other states together in their respective regions. There have been increased humanitarian interventions by the Security Council in the developing countries to address such intra-state conflicts. For example, African continent which has been worst hit by such conflicts, host the largest and most numerous peacekeeping missions in the world- a staggering 90 percent of the organizations’ peacekeeping personnel (Spies 2008: 99). The Security Council takes decisions about such problems of developing countries and decides the course of action, but these countries are not consulted and have no representation in the Council to decide their matters. So, the developing countries have legitimate demands of their permanent presence in the Council to decide the issues of their concern.

The Arbitrary Working Methods

A large number of UN members have criticized the working methods of the Security Council for being secretive, undemocratic and closed door negotiations. Further, the permanent members particularly, the Western-three have dominated the Council's decisions by their veto powers and influential positions. The Council has been selective in taking the actions during crises in different parts of the world. For example, during Rwandan genocide in 1994, the Council acted inefficiently and inadequately to check the genocide at time because the permanent five did not had direct interests in Rwanda. But, the Council had effectively acted during the Gulf war because the Western countries had direct interests of controlling oil stocks in that region.

Also, most of the problems on the agenda of the Council are from developing world. The Council takes decisions about issues of these countries without involving them in decision making process. The impact and fallout of these decisions taken regarding lives and deaths by the Council are to be borne out by these countries. The developing world, in fact has been treated as objects, without any voice in the Council. So, developing countries are demanding their essential representation in the Council to be active and productive at the highest level of global governance (Okumu 2005).

Though there are always some developing countries on the Council, but it is well known that permanent numbers rely heavily on their own resources and beliefs; non-permanent numbers are only peripherally engaged. The effect, therefore, many times, the Council takes poor decisions than it should have been. In the present Council decision-making structure, only the permanent members can influence decisions; non-permanent memmbers are done courtesy, sometimes, of being consulted, but have limited impact. A more "democratic" Security Council, with more "equitable" geographical representation, will be necessary to satisfy the developing countries (Tadokoro 2004: 126).

Also, permanent five have not engaged non-permanent members in the Council decisions. In general, non-permanent members could not play effective role in the Security Council decisions. Most of the times non-permanent members act merely as a rubber stamp on the decisions of the permanent five. The elected members have been given 'responsibility without powers'. The experiences of past years show that

there has been growing unhappiness among members of the United Nations that states elected to the Security Council have been excluded from the decision-making processes on certain issues, most prominently was reflected during the Iraq war (Mahbubani 2004 : 256). They enjoy very little say in the Council decisions. This has led to demands of inclusion of developing countries as permanent members for their effective role in the Council.

Issue of Representation of the developing countries

The developing countries of Asia, Africa and Latin America are much vocal to enlarge the Security Council for their fair representation. Most of them see the Council as unrepresentative and undemocratic. Though the vast majority of UN membership is of developing countries, they are grossly underrepresented in the Council. Four out of five permanent members are from the developed world, contrary to it, there is no African and Latin American permanent member in the Council. The Council may maintain its legitimacy only if the large regions of the world feel suitably represented in it. Since the last enlargement of the Security Council in 1963, developing countries like India, Brazil, Nigeria and South Africa etc. have emerged as important players in the world politics. They must be given representation in the Council (Tadokoro 2004: 128).

The developing countries on the principles of democracy have challenged the UN Security Council composition. The United Nations which has promoted the democratic values and norms within the member states must adopt same values within the organization and its composition including UN Security Council. Boutros Ghali argues that “democracy within the family of nations means the application of its principles within the world organization itself” (United Nations 1992a: 47).

The major rationale cited for the Council membership expansion is ‘representation’ issue which has different meanings. Representation may be based on population ground; major cultures, religion and civilization; economic weight and most common on the grounds of different regions of the world. Russett *et al.* (1993: 156) points out that the Council is unrepresentative on two grounds- firstly, from geopolitical stand point, of the five permanent powers, four are European or European- associated (US). Only, china is considered as the developing country. On the other side, the United Nations as a whole is now numerically dominated by post-communist and post-

colonial states. The very effectiveness of the Council has engendered fear of dominations by the permanent five, especially by the US, at the cost of other states' sovereignty. Further, dissatisfaction among developing countries has increased due to selective use of veto powers by the permanent five.

Secondly, in a quite contrary perspective, the Council is no longer representative of those countries with the greatest capacity to contribute to the maintenance of international peace and security as the founders of the United Nations had intended. *In 1945, legitimacy derived from winning the war; now legitimacy accrues more to those who can prevent or end wars.* Germany, Japan and a number of non-aligned countries like India have contributed significantly in this regard, but they don't have representation. If financial contribution weight is taken into account, then Japan and Germany are suitable candidates for the permanent Seats. Moreover, the campaigns of these Northern industrial countries for permanent membership only strengthen the demands of Southern developing countries for representation based on principle of equitable geographical distribution, or, in some cases population.

Major Contenders of Permanent Seats

In present times, getting a permanent seat in the Security Council is cherished dreams of many of the countries. A Campaign for permanent membership of Security Council cannot be solely based an assertive claim of entitlement. It must be mix of several factors together, like campaigner should be able to persuade the larger UN community about it rationale Claim; a proper strategy to achieve the claim with individual efforts and working with a winning coalition; and a strategy to defeat the opponents' moves and potential competitors. All countries who are important contenders of a permanent seat have taken care of the above points (Thakur 2004:72-73). The opposition comes from three quarters- the permanent five who are status quoist as they wish not compromise their privileged positions; the regional rivals of the leading candidate countries particularly rival neighbouring countries; and a large group of medium and smaller countries who find their status further diminished due to addition of some more permanent member with the privileged positions in the Council.

There are several claimants of the permanent seats of the UN Security Council, both from developing and developed states. They have cited different criteria for their claims. The prominent aspirants for the permanent seats in the Council are following:

Japanese and German Claims

Japan and Germany were the most likely candidates for the permanent membership as they initially got wider supports on their claims. Their claims are basically on the ground of their financial and global strength, and great shares of financial contributions to the UN budgets. Japan and Germany are the second and third largest world economies respectively, and so are their contributions to the United Nations. Their contribution to the UN budgets in 1995 was 13.95 and 8.94 percentage respectively (Bourantonis 2005: 51). They have increased it to 19.47 (Japan) and 8.66 (Germany) in 2005.

From the onset of the 1990s, a reunited Germany and a reformed Japan sought more important role in the international relations. The increasing effectiveness of the UN Security Council after the Gulf War encouraged these countries to play their roles through it by securing permanent seats. The growing financial burdens, which both countries shouldered in 1992, led them to believe that since they are major contributors to the UN budgets, so they must be represented in the Council. It was in the tune of the popular maxim 'no taxation without representation'. So, the public opinions were built in both the countries to get the permanent seats.

Japan contributed \$ 13 billion at the time of the Gulf War. Despite of it, Japan was paralyzed by self-imposed prohibition over its military activities beyond its territory proper and was humiliated rather than respected for its pacifist diplomacy (Tadokoro 1997: 129). To play a bigger and due role in international relations, Japan staked claimed for Council's permanent seat in 1993 (United Nations 1993d). It has served eight times to the Council as non-permanent member, which shows the goodwill and influence enjoyed by it in larger UN community (United Nations 2008a). Also, it has played important role in the conflict resolution in Far-East and Cambodia. Moreover, Japan is a rich source of development aid programs and it is already the largest donor of Official Development Assistance (ODA). Japan's contribution to the peacekeeping operations is so crucial that no peacekeeping operations without its financial supports are possible.

Except China, all the permanent members of the Council have supported Japanese bid for permanent membership. China is the regional rival and has some boundaries disputes with the Japan. US, from beginning supports the Japanese claim as it is an ally and also, US wants to lessen its financial contribution burden towards United Nations.

Besides Japan, Germany is other prominent candidate for the permanent seat on several valid grounds. Germany is Europe's biggest and the world's third largest economy. It is the third largest contributor to the UN regular budgets. It has begun to play an increasingly active role in world affairs, and is contributing more militarily, and demonstrated the capacity to be independent of Washington on the Iraq War (Thakur 2004: 73). It has served five times to the Council as non-permanent member (United Nations 2008a). Germany's engagement with UN activities, its ranking as a great power, and its international influence in world politics, goes in its favour to secure a permanent seat. Despite of these, the most often criticism of German case is that its inclusion would make the Council with heavily domination of European states, as Europe already has two permanent seats in the Council (Thakur 2004: 73).

Initial reactions of permanent members: The five permanent members were initially very reluctant to any change in the Security Council and guarded their positions as any addition to the permanent seat would had meant sharing of their privileged positions. They were successful in averting debate on Council reform in the UN during the period 1990 to mid-1992. At the beginning, Council's weakest members Britain and France rejected demands of both countries. Russia kept low profile on the issue, but its position was basically similar to Britain and France. China took ambiguous position. Though it recognized that there was a need for membership expansion, but it asserted that it was not right time (Bourantonis 2005: 47-49).

Surprisingly, only permanent member who supported the new permanent seats for the two candidates, Germany and Japan, was US in summer 1993. It supported their claims because of their economic strength and their huge contribution to the UN budgets. The US wanted to lessen its financial burden towards United Nations. In June 1993, the US stated that "the current permanent members of the Council are countries with global and economic influence and a capacity as well as a will to

contribute to global peace and security through peacekeeping and other activities... the United States supports permanent membership for Japan and Germany as well” (United Nations 1993b). In 1995, the US representative even said that the US “enthusiastically endorses the candidacies of Germany and Japan” and it “could not agree to a Council enlargement that did not result in their permanent membership” (United Nations 1995f).

The US position on the matter forced France and Britain to change their attitudes towards these candidates. In between, Italy proposed a model of the Council expansion which opposed addition of any new permanent seats to the Council, but, wanted to replace the present two European countries by a single European permanent seat in the Council. At this time, Both Britain and France saw that their oppositions to Germany would only harm their interests. So, Britain in summer 1993, and France in spring 1994, gave lukewarm support to the candidacies of the Germany and Japan. This move to include the two in the Council as permanent members was called as ‘*quick fix*’ formula, adding the two, Germany and Japan quickly. The Russian and Chinese position changed little. In early 1994, they supported Council reform but continued to maintain low profile and did not supported candidacies of any country (Bourantonis 2005: 48-49).

The Linking of Developing Countries’ Demands with Japanese and German Claims: In fact, the supports of some permanent members of Germany and Japan claims encouraged the developing countries to put their demands for expansion of the Council more forcefully. The developing countries like India and Brazil who aspired for the permanent seats saw this as opportunity to forward their individual claims for permanent seats in the Council. They opposed quick fix formula and wanted that any future expansion must fulfil their demands of inclusion of developing countries as permanent members in the Council (Bourantonis 2005: 56-60). In early 1990s, at the beginning of debate in the Assembly, the industrialised states of North were not supportive of creating new permanent seats for the developing states of the South. The argument made was that adding more states to the Council would make it incompetent and ineffective (Paul and Nahory 2005). But the continued pressure from the developing countries for their due share in the decision-making processes of the UN Security Council forced the permanent members, first, to make reform in the working

methods of the Council and later, to agree to on demands of expansion of the Council. Further, the uncompromising demands of the African states to expand the Council, forced the permanent five to become favourable to their demands. Otherwise, no future Charter amendment is possible without the numerically powerful African states in the Council. Thus, the '*plus three*' model, i.e., to accommodate three developing states in the Council as permanent members from Asia, Africa and, Latin America and the Caribbean regions, started getting support from developed countries of the world.

Indian Candidature

India is one of the leading developing countries, which has a legitimate claim for a permanent seat in the Council. Way back during San Francisco Conference (1945), India put forth its claim of permanent seat but in feeble voice as it was a British colony at that time. Later, in early 1950s, Nehru had reportedly politely rejected the US enquiries if India would accept a permanent seat in place of China. Nehru wrote:

It would do us little good and it would bring a great deal of trouble in its train...India, because of many factors is certainly entitled to a permanent seat in the security Council. But we are not going in at the cost of China (cited in Rana 1970).

India with other NAM countries has a forceful voice to democratize Security Council, which it had displayed at the time of the first expansion of the Council. In the post-Cold War period, since early 1990s, India has started campaigning for the permanent seat openly. It officially claimed a permanent seat in the Council in 1994 (United Nations 1994b: 16). India believed that consistency in supports and participation in important political and economic activities, and peacekeeping operations of the United Nations, and in fulfilling financial obligations should be the most important consideration in judging the suitability of a state that aspired to permanent membership (United Nations 1993b).

India has significantly contributed to peacekeeping operations of United Nations with contributions of troops, administrators, and professionals etc. Over the years, it has provided around 75,000 troops and police forces to around 33 United Nations peacekeeping operations. India ranks around fourth contributors of troops to the UN peacekeeping operations. Indian troops have taken part in some of the most difficult

and risky operations and have often suffered casualties (Choedon 2009: 286). Thus, Indian place in enlarged Security Council would strengthen the role of the Council in peace maintenance.

India, with population of more than one billion, nearly one-sixth of world population, and second most populated country in the world, believes that she should be given representation in the Council as “population represents both an expression of the principle of democracy and an element of power. With including emphasis on the principle of democracy at national level, there is need for extending this principle to the international level also” (United Nations 1993b). India is world’s fourth largest economy and emerging global economic power. India stresses the importance of the size and self-sufficiency of the economy of a potential member as one criteria, which it pointed out “are factors that have a bearing on a particular country’s ability to exercise independence of judgment and action on international issue” (United Nations 1993b).

India’s case for a permanent seat is conceived on a wide canvas of self-perception (Murthy 1998: 119). It has been a peace-loving, non-violent country with ancient civilization. In 1997 summit of General Assembly, Indian Prime Minister, I. K. Gujral, Stated in justification of Indian case:

We are the largest democracy in the world, with ancient civilization values and attainments, and a world view based on universal inspiration, participative governance, respect for diversity and pluralism, as well as the readiness for constructive engagement in the world’s affairs (Gujral 1997).

The major oppositions for Indian candidature come from its regional rivals, particularly from Pakistan as an Indian seat may jeopardise its interests in the South Asian region. Among, permanent members only France and Britain have come in supports for Indian Seat. Russia prefers wait and watch policy. China has adopted an ambiguous stand and USA is silent on Indian candidature (Choedon 2009: 298-299).

Despite of these, Indian contributions to the United Nations, its economic capacities, military strength and stable democratic political traditions, make it a strong candidate for the permanent seat. It can be said that India becomes an obvious choice, as it claims, when objective criteria are applied to expand the Council.

Brazil's Case

Brazil is the largest country in Latin America in terms of population, gross domestic product and land area; in addition to having one of the largest defence budgets and armed forces in the world (World Fact Book 2008). Furthermore, with Africa and Oceania, South America is one of three inhabited continents without permanent representation in the Security Council.

Brazil has been elected nine times to the Security Council. It has contributed troops to UN peacekeeping efforts in the Middle East, the former Belgian Congo, Cyprus, Mozambique, Angola, and more recently East Timor and Haiti. Brazil is one of the main contributors to the UN regular budgets. Brazil has mainly cited the size of its population and also, considerable contributions to the UN peacekeeping around the world as main ground for its claim (Blum 2005: 638).

Prospects for a permanent Brazilian seat are looking up. Brazil has received strong indications that the US was willing to support its membership, but without a veto. Another prospect that possibly looms is the sharing of the permanent seat with Argentina, and possibly Chile as well. But what is lacking in Brazil's case is the Spanish speaking population, which links the rest of South America together (bar the Guyana). The greatest impediments to its candidacy are the regional oppositions from both Mexico and Argentina, two important countries in Latin America.

African Demands

Africa, one of the most populous continents of the world, has no permanent seat in the Security Council and it is seen as a major reason to have at least one African nation in the Council. In 1945 only four African countries- Liberia, Egypt, Ethiopia and South Africa were UN members, which now has increased to 53 states constituting one-fourth of total UN membership.

Non-representation of the African states has led to dissatisfactions amongst its members. Africa has been challenging this relationship as the Organization of African Unity (OAU) had called for the UN Security Council expansion since its early years (Luck 2006: 113). It is evident that Africa dominates in sheer number of unresolved conflicts and humanitarian crises. Of special mention is that 70 percentages of issues considered by the Council are problems in Africa. Africa, therefore, has a

fundamental stake in the deliberation of the Security Council (Spies 2008: 96). The UN peacekeeping missions have been based largest in Africa. If Africa then dominates the works of the UN Security Council, the question arises as to whether a permanent presence in the Council is not indeed essential, rather than merely desirable.

African demands for seats in the Council are based on the principles of democratic and geographical representation, equity and rule based just international order. The UN Security Council is now more important than ever to Africa, when its agenda comprises mostly problems of the continent, particularly concerning matters of interventions in the conflicts occurring within the region. These decisions will become more legitimate and easier to implement if they are made through democratic processes (Okumu 2005).

Africa was, and remains, the only continental bloc to endorse a common position on UN Security Council reform. The African position is drawn on 1997 Harare Declaration in which OAU called for the enlargement of the UN Security Council, with two rotating permanent seats and five non-permanent seats be allocated to Africa (OAU 1997).

The African Contenders: The main claimants of African continent for permanent seats who have officially declared themselves ready, able and willing to take up permanent seats are Egypt, South Africa and Nigeria. Though Senegal, Kenya and Libya have also staked their claims for the permanent seats at different times, however, they are not widely perceived (either in the continent or abroad) as real contenders.

Nigeria possesses some very strong credentials that qualify it for one of the African seats on the Security Council. Nigeria is the most populous nation in Africa and sixth largest oil producing member of Organization of Petroleum Exporting Countries (OPEC). It has, since 1960, acted as continental leader against decolonization and anti-apartheid struggle and has been active in peacekeeping efforts even before independence. Militarily and economically, Nigeria is a giant of the Western Africa and a key member to Economic Community of West African States (ECOWAS) and its regional peacekeeping operations. It has led such operations successfully in Sierra Leone and Liberia. Some of the factors that strengthen the country's chances include:

its past experience, including its service as a non-permanent member of the Security Council for three terms; its impressive peacekeeping profile, not only under the aegis of the United Nations, but also under the OAU (the present AU), ECOWAS and through bilateral channels; and its unparalleled African leadership role. The return of the country to the path of democracy after years of military rule has enabled it to start redressing the roots of the crisis and the contradictions in its domestic and international political economy (Saliu and Omotola 2008: 81-82). Despite these credentials, the country has to face some odds. These include, among others, the worsening state of national security, exemplified by rising ethno-religious conflicts; the proliferation of small arms and uncontrolled crimes; the slow pace at which the national economy has been responding to reforms, evidenced by higher levels of poverty and unemployment coupled with long standing corruption; challenges posed by other serious African contenders, particularly Egypt and South Africa; and Nigeria's continuing image problem, despite attempts to address it (Spies 2008: 106-107). This is the paradox of Nigeria's candidacy for permanent seat in the Council.

Egypt is the largest and most influential Arab-African country, which has record of successful diplomatic influences in Northern Africa and Middle East. It enjoys strategic partnership with US. Despite these, it has failed to conclude negotiations with its southern neighbours over Nile river resources. But, Egypt is considered as 'too Arab' as Okumu (2005) points out. For example, Egypt has displayed a very strong pan-Africanist orientation during Nasser's rule, but has not since prioritized its African role. It lacks real influence in Sub-Saharan Africa.

South Africa's diplomatic leadership credentials are not as entrenched as those of Nigeria or Egypt. Nevertheless, since its transition to democracy in the early 1990s, it has assumed superior moral leadership in the continent and in the multilateral forums globally. It has become first country to disarm its nuclear arsenal unilaterally. It has promoted peace in the region, including mediation in Burundi, Congo and Ivory Coast. South Africa is one of the largest economic and military powers. Also, South Africa accounts for nearly 40 percent of Africa's economy. For its critics, South Africa's economic dominance of the continent is white capital-driven, and demonstrates selfish hegemonic interests at the expenses of less-developed African states (Spies 2008: 106-108).

Thus, South Africa, Nigeria and Egypt, are all undisputed leaders in their respective sub-regions and their impacts on African history has undeniably transcended their own borders and immediate regions. The obvious question arises as to which of three candidates would be most representative of Africa. To check South Africa's well-oiled diplomatic machine, Nigeria has launched a desperate and dirty campaign aimed at stemming what is appearing to be a sure victory. Davo Oluyemi-Kusa, a close ally of President Obasanjo, has dismissed South Africa and Egypt as not being "black enough" to represent Africa, compared to Nigeria that has "true blacks." (Okumu 2005). Thus, Africa is exhibiting deep divisions along regional lines as countries scramble for the coveted seats. These contenders for permanent seats are competing to each other leading to disunity in African continent.

Demands for a Muslim Seat

Since the collapse of the Ottoman Empire, the predominantly Muslim Middle East has been an area of persistent international conflicts and the periodic flare-ups in the region have been the subjects of many UN Security Council debates and resolutions. Therefore, the prospect of introducing a permanent Islamic member to the Security Council is highly sensitive, especially if such a member were to be granted the power of veto. Nations grouped under the Organization of the Islamic Conference are seeking a seat on the United Nations Security Council in a bid to expand representation of Muslims. In December 1997, the Leader of the Islamic Republic of Iran, in his remarks to the opening session of the Islamic summit held in Tehran proposed that in the Council's expansion, a permanent seat should be accorded to the member states of the Organization of Islamic Conference (OIC) (Daws 2005: 7). While there seems no immediate prospect of this proposal being adopted, the recent focus at the United Nations on building a dialogue among civilizations, at a time of increased globalization, gives particular importance to the contribution of the OIC countries at the United Nations. "The Muslim world, that is one fifth of the world's population, cannot remain excluded from the activities of the Security Council, which assumes a fundamental role in keeping security and peace in the world", Ekmeleddin Ihsanoglu, Secretary General of the 57-member OIC, the world's biggest Islamic organization, said a speech delivered at the group's meeting in Yemen, posted on its Web Site (cited in Expressindia 2005). The group includes Malaysia, Saudi Arabia, Egypt, Indonesia and Turkey. However, oppositions to Muslim permanent seat may

come as it may restrict the United Nations ability to act forcefully in the Middle East or within the boundaries of the Islamic world.

Open-Ended Working Group (1993-96)

The President of the General Assembly is the chairman of the Group and presides over its meetings, which usually, but not always, takes place in the first semester of the year. Since the discussions of the OEWG are not open to the public and no official records were kept, the observers mainly rely on the annual reports submitted by the group to the General Assembly, press releases of the member states' missions and information obtained from members of delegations. Further, non-papers are presented and periodically revised by the vice-chairs of the group, which try to summarize and organize the views expressed by the member states and indicate major lines of thought, and identify areas of agreement.

Initially, the discussions in the OEWG were divided into six clusters such as equitable representation, other matters, effective and efficient functioning, decision making, election and terms of office and modalities for bringing change into effect (United Nations 1994a). Later, possible reform elements were divided into two clusters. Cluster I and Cluster II elements. Cluster I included the elements: equitable representation and increase in membership of the Security Council, permanent membership, non-permanent membership, new categories of membership and alternative proposal for an increase in the present categories, voting procedure including the veto and periodic review. Cluster II was about enhancing transparency in working methods, institutionalization, consultations with interested parties, like troop contributors etc.

On October 24, 1995, the Assembly adopted a Solomon Declaration, "the Security Council should, *inter alia*, be expanded and its working methods continue to be reviewed in a way that will further strengthen its capacity and effectiveness, enhance its representative character and improve its working efficiency and transparency" (United Nations 1995c).

By September 1996, member states had before them 18 concrete proposals regarding new composition and size of the Council (United Nations 1996a). These models have been divided in three major groups by the Winkelmann (1997: 59-75) as follows:

Status Quo Solutions: The first group of models were known as “zero models” because of their firm oppositions to any new permanent seat. These models were elaborated by Italy, Turkey and Mexico. They differed in details, but not in essence. Italy’s model was most prominent and got much attention. Italy argued that addition of developed countries to the permanent status would make Council more undemocratic and also, new permanent seats would extend a situation of an ‘eternal’ privilege to other countries (United Nations 1996a). Italy proposed that 10 new non-permanent seats should be added, each being shared by 3 states so that a total of 30 seats would rotate on a biennial basis, where the states should be selected by Assembly by using objective criteria like contribution to the peace and security, geographical representation etc. Turkish model also proposed 10 additional non-permanent seats. But Instead of 30 seats, however, it suggests that 40 states be rotated in accordance with objective criteria, with a revision of the rotation list every 12-16 years (United Nations 1995b).

Parallel Enlargement solutions: These models were in favour of expansion of both membership categories, i.e. additional *plus* permanent and non-permanent seats. They rejected creation of third in-between categories based special privileged rotational arrangements. These were:

- a) The informal group of small and medium-sized countries proposed a ‘plus’ model with two or five additional permanent members. They asked that increase in permanent seats should be accompanied by an appropriate increase in non-permanent seats, in order to preserve as much as possible a balanced configuration of the Council (United Nations 1995a).
- b) Cuba, Monaco, Australia, Germany proposed fair representation of the Southern countries on the principle of geographical representation (Winkelmann 1997: 62-63).
- c) Singapore, Indonesia and NAM countries generally supported increase in both the categories of the members in the Council. The NAM proposed that the Council members might be increased to 26. It did not give details how new

seats were to be distributed among the existing membership categories. However, it said that if there was no agreement on the other categories of membership, expansion should take place only for the time being, in the non-permanent category (Winkelmann 1997: 63).

Modified Parallel Enlargement Solutions: These comprised the 'Region' Models. The 'region' models aimed at enlarging both membership categories. However, they left it up to the countries of the regions and their regional groups to allocate permanent seats or to establish appropriate rotational systems. Such models had been brought forward primarily by the OAU (especially Tunisia), Malaysia, and Norway (United Nations 1996a).

In addition to above mentioned categories, there were some *Mixed Solutions* proposed by the Nordic countries, Ukraine, and Belize, which combined the characteristics of above categories. For instance, the Nordic countries proposed that there should be increase in both the categories of the memberships (United Nations 1995b). Five permanent seats could be allocated to qualified states. Regional groups should be encouraged to establish equitable systems of rotation for non-permanent members.

Those countries who were afraid of their regional competitors and have some regional influence to get seats in rotating seats supported the 'zero' models. The alternate 'plus' model gave fair representation to both countries of North and South. But no country from South was able to consolidate its candidature during the discussions. Though 'region' model gave fair representation to all regions and chances for all countries to be in Council, but problem was that common organizational structures in Asia and Latin America were not well established as in African region. The various models at hand seemed confusing at the first sight. Having looked closely at them, the main trends and differences of opinions regarding the future composition and size of the Council could be seen (Winkelmann 1997: 70-74).

Razali plan (1997)

On 20 March 1997, the then President of the General Assembly, Malaysian ambassador, Ismael Razali, put forward some concrete and workable proposal for the Council reform before the OEWG. It was a compromise formula to end the expansion issue. This solution called as "Razali Plan" was the most important and coherent

proposal till then. It was an ambitious three-stage plan, which provided for the enlargement of the Council from the 15 to 24 members, with the addition of 5 new permanent members and four non-permanent membership seats (United Nations 1997a). The five new permanent seats envisaged in the plan were to be distributed as follows: two for industrialized countries and three for developing countries with one each to Africa, Asia, and Latin America and the Caribbean region. The four additional non-permanent seats were to be distributed among Asia, Africa, Eastern Europe, and Latin America and Europe.

According to the plan, in the first stage between June and September, the General Assembly should vote on a resolution calling to enlarge the Council. In second stage by February 1998, through a resolution the candidates would be decided to fill the above seats. In the third stage, the Assembly would vote on a resolution implementing two previous resolutions as the Charter amendments. This resolution would need to be approved by two-thirds of member states as stipulated in the article 108, while earlier two resolutions would pass according to article 18, with the required two-thirds majority of members present in voting.

Razali proposed that new permanent members would not be given veto rights and also, the current permanent members would be encourage to limit the use of veto right under the chapter VII of the Charter which provide enforcement measures. He also suggested several measures to improve the working methods of the Council (United Nations 1997a).

Reactions of the member states to the Plan: Razali plan received a divided reaction from UN member states. A number of countries saw this proposal as solution to this complex issue of enlargement, ending the fruitless discussions of more than three years. India, Brazil, Germany and Japan welcomed the Plan. Germany and Japan found that it was important to get developing countries in their favour. So they had to agree inclusion of some developing countries as permanent members. However, they expressed disappointments with the Plan as it withheld the veto rights to the new permanent members (Bourantonis 2005: 76-77). The Central and Eastern European states also welcomed the proposal as it provided an additional non-permanent seat to the region.

Among the permanent members, only France welcomed the proposal as it saw this as an opportunity to begin the process of the expansion (United Nations 1997e). Britain and China did not take any position over the plan. The American diplomats hailed the proposal for being the stage-by-stage proposal. America agreed to add Germany and Japan along with three developing states in the Council. But it made clear the USA would not support any plan, which increases the Council more than 20 or 21 (United Nations 1997c). Russia took the similar stand. However, no vote was ever taken on Razali plan due to negative attitudes of America and other permanent members.

Razali plan had given a significant place to the developing countries of the NAM in the Council, by awarding three permanent seats to them. But majority of the NAM countries chose not to associate themselves with it. NAM found that its members were deeply divided over the issue of the reform. There are several reasons for negative attitudes towards the plan. Some of its members were to be given the permanent membership by this plan, but the NAM countries were divided on the name of such candidates. Also, few NAM members were totally opposed of idea of adding more permanent seats to the Council. Some of its states like Pakistan, Indonesia, Argentina, and Mexico were more militant against Razali plan, which would not like to see their regional rivals elevated to the permanent membership and other regional powers such as Egypt, Indonesia which were unlikely to be permanent seats. If the individual members were allowed to take stand on the plan, it could have been fatal for the NAM. Thus, it felt that for its own survival, it had to tie its members down to an agreement not to go ahead with the plan (Bourantonis 2005: 74-85).

NAM countries were also against the different majority required for passing the three stage enlargement process. They wanted the all the issues regarding the Charter amendment must require majority stipulated on the Article 108. Italy also supported this stand of the NAM, as it feared that its opposition to elevating Germany and Japan to permanent member states could be overridden if a plan similar to that purpose by Razali were actually adopted (Bourantonis 2005: 76-77).

The Razali Plan fell to its death because of its above oppositions, though it reconciled all the views express earlier and it was a proper compromised solution of the complex issues of the Council reform. The direct outcome of the Razali proposal was a resolution of General Assembly, which was passed on 23 November, 1998. It was

joint victory for NAM and Italy as it stipulated that any future resolution expanding the Council would need at least a two-third majority to pass (United Nations 1998). This requirement is applicable to even minor adjustments and it has made decisions on the Council expansion extremely difficult ever since.

If one takes a general look at the proposals, the “question of the Security Council expansion is first of all is a North-South issue” (Fassbender 2004: 344-45). Though the permanent five have changed their attitudes, but they want a limited increase in the permanent states in the Council as any expansion certainly amounts to restraint on their influence. Also, according to their reasoning, it would impede the Council’s ability to fulfil its missions speedily and effectively. The developing nations of the South by contrast, tend to promote a stronger increase in the Council’s membership in order to improve their representation in that body. Of course, this contrasting of views of North and South holds well only in general terms, because there are numerous difference of opinion within the two camps and overlapping of views that give developed and developing nations some common ground like increase in non-permanent seats. But addition of new permanent members and veto right issue remain unresolved. On the whole, the OEWG continued to function but without results in the following years. The reasons are the divided views of the permanent members and differences among developing countries among themselves over the issue.

The Secretary-General Kofi Annan after assuming office in 1997, began a far reaching review of UN system and its activities. Annan had identified ways to get the organization and its decision making more effective, at the same time emphasizing on it being a “continuing process, not a single event” (United Nations 1997b). In September 2000, in the UN Millennium Declarations, the member states found that there is global agreement on the need for a “comprehensive reform of the Security Council in all its aspects” (United Nations 2000a: para.30). Further, in 2003, Annan expressed its worry on the impasse over the reform when he told flatly to the General Assembly: “I respectfully suggest to you, Excellencies, that in the eyes of your peoples the difficulty of reaching agreement does not excuse your failure to do so. If you want the Council’s decisions to command greater respect, particularly in the developing world, you need to address the issue of its composition with greater urgency” (United Nations 2003). With the appointment of the Secretary-General’s

High Level Panel on Threats, Challenges and Change, later that year, Annan sent another strong signal to push for reform. The Panel, consisting of a number of international dignitaries, was asked to analyze and assess future threats to peace and security and to evaluate existing approaches, instruments and mechanisms, including the Security Council reform, and was meant as a stimulus for further discussions in time for the UN World Summit 2005.

Conclusion

The dynamic global changes occurred in the world politics since late 1980s. The end of Cold War had quite positive impacts on the functioning of the United Nations and particularly on the Security Council. With the end of ideological tussle between capitalist and communist blocs, the Council became very active. Its members led successful war in Iraq and several peacekeeping operations in different parts of the world. There was emergence of new global Powers on the international scene viz. Germany, Japan, India, Brazil and others, who saw the rejuvenated Security Council as good forum to play their due role in the world politics. Particularly, the developing countries of the world wanted reform in the Security Council working methods and its composition. In the context of these demands for Council enlargement, the General Assembly set up an Open-Ended Working Group on the Security Council reform in 1993, which is functioning since then over the issue.

The developing countries see the Council as 'unrepresentative' and 'illegitimate'. Except China, it does not have any permanent member from the developing countries of Asia, Africa and Latin America, which now form two-thirds of the total composition of the United Nations. They have invoked principles like democratic and geographical representation, legitimacy, equality and just international order. Further, they opposed any idea to include only industrialized countries like Germany and Japan (quick fix formula) into the future Council's expansion. Thus, the expansion issue became a North-South issue. Later, they made clear that they would not support any expansion, which does not provide addition of new permanent seats for the developing countries of Asia, Africa Latin America. The uncompromising demands from them forced the developed countries to accept their demands.

Initially, Germany and Japan in early 1990s had put their claims for permanent seats basically based on their financial contributions to the UN budgets and their global power status. When developing countries successfully linked their demands of permanent seats with these both prominent contenders, several important developing countries like India, Brazil, Nigeria, Egypt and South Africa etc. also put forward their claims for permanent seats. Indian claim is based on its contributions to the UN activities and peacekeeping operations, its size, population, financial and military capabilities. Brazil has mainly cited the size of its population and also, considerable contributions to the UN peacekeeping around the world as main ground for its claim. The African contenders have given different reasons of their claims. Nigeria is most populous country of African continent, a major contributor to UN peacekeeping from the region and a military and economic giant of Western Africa. Egypt is the largest and most influential Arab-African country, whereas South Africa is one of the largest economic and military powers of Africa. Also, South Africa accounts for nearly 40 percent of Africa's economy. Besides these candidates, there are also demands of a Muslim permanent seat in the Council by OIC.

However, developing countries have divergence of views on the enlargement issue and also, have no consensus of the candidates for the permanent seats. This was first time reflected during the deliberations of the initial years of the Working Group (1993-96). By September 1996, the member states had before them 18 concrete proposals regarding new composition and size of the Council. Those 18 proposals could be divided in four following types: Status Quo Solutions (opposing any addition of permanent seat supported by Italy, Turkey and Mexico), Parallel Enlargement solutions (favouring expansion in both permanent and non-permanent categories supported by Cuba, Monaco, Australia, Germany, Singapore, Indonesia and NAM countries), Modified Parallel Enlargement Solutions (favoured expansion in both categories, but wanted selection of candidates from respective regions, supported by OAU) and Mixed Solutions (having character of second and third solution together supported by Nordic countries, Ukraine and Belize). These different proposals reflected the differences and divisions among the member states over the issue.

Further, in 1997, the then chairman of the Working Group came out with a compromised formula known as Razali plan, which provided enlargement of the

Council from 15 to 24 members with the addition of 5 new permanent members and four non-permanent membership seats. But the plan could not be agreed upon because of opposition of all permanent members except France and differences of opinions among developing countries over the plan. However, the Working Group deliberations over the issue are continuing to explore the agreed solution of this much complex issue. Further, a High Level Panel was set up by the Secretary-General, Kofi Annan, in 2003, which was seen as the another step to break the stalemate on the issue of the Security Council Expansion.

CHAPTER 3

MAJOR GROUPINGS AND REFORM PROPOSALS

The UN Security Council reform debates have reached to such a stage where the question is no longer, whether to have or not to have enlargement of the Council. The debates are over the type of category, how many and which states, and with what powers be included in the Council. The member states have very severe differences over these issues which have marred the discourse. Particularly, the positions of the developing countries of Asia, Africa and Latin America draw a picture of differences and divisions of opinions. It is to be noted that in any future enlargement of the Council, the major stakeholders are the developing countries. So, developing countries are competing among themselves to get major shares by all possible calculations and politics.

This chapter analyzes the groupings of developing countries over the enlargement issue and their respective positions. It also analyses the models suggested by the High Level Panel appointed by the Secretary-General and further, looks the Secretary-General's report. Then it highlights the reactions of the developing countries to these proposals. It focuses on the proposals put up by various groupings in the form of draft resolutions and their outcomes. The chapter concludes with highlighting the major developments in connection with enlargement issue since the UN Summit of 2005.

Differences and Divisions

When the claims of main contenders of permanent seats as discussed in the previous chapter were known, the developing countries of the Asia, Africa and Latin America displayed the sharp differences and divisions over the various aspects of the Council enlargement. The divisions are there on questions whether there should be extension of permanent membership or not; and the creation of new categories of membership. If extension, then how many new seats and with what rights; what should be the criteria; and how the new permanent members would be selected, whether by universal election or by the regions themselves.

Most of the developing countries of Asia, Africa and Latin America are members of non-aligned group (NAM). Many a times, they had common positions on different

issues, but over the enlargement of the Security Council, they have differences on many aspects of the issue, especially, expansion in the permanent seats (Bourantonis 2005: 57-62).

Asian Continent

Among the Asian countries, the differences on additional permanent seats and extension of the veto rights are quite acute because “the diversity of views on these issues is dictated by geopolitical dynamics and contention in each of the Asian sub-regions and their corresponding equation with extra-regional alignment” (Murthy 1998: 114-117). As discussed in the previous chapter, India and Japan are in favour of expanding permanent membership and are main contenders of such seats. To decide the permanent membership seat, India highlights the criteria of population, economy and contribution to peacekeeping operations (United Nations 1993); whereas Japan emphasises over the financial contribution to the United Nations and a country’s economy strength. Further, the countries like Syria and Qatar advocate a permanent membership for Arab regions in any future expansion of seats. Here, ethnicity has also come to play. By demanding a permanent seat for an Arab state, Syria has essentially put forth the idea of ethnically and culturally-based permanent seats instead of geographically based seats (United Nations 1999). It is an interesting notion but one wonders how such seat should be apportioned.

In contrast of the above views, there are many countries who are opposed to any idea of adding few more states as permanent members. Malaysia, Syria and Turkey stress that permanence of seat and the concomitant privileges will become meaningful when granted to a collective rather than individual entity. Pakistan, Indonesia, Republic of Korea, Singapore and others see addition of any permanent seats would be “against the principle of democratization of the world politics as it would further add few more privileged members in the Council” (Murthy 1998: 115). However, the real motive of these countries is to check their regional rivals to get permanent seats. An evidence of it is that these countries who are opposing expansion in permanent seats are regional rivals of either India or Japan, the two prominent candidates from Asia.

These countries like Pakistan, Malaysia, Syria, Turkey and Republic of Korea (Center for UN Reform Education 2008: 1-10) have envisaged idea of semi-permanent membership for four years on rotational basis, on agreed criteria, so that they may get

chances to get elected in the Council. However, India strongly opposes this idea, so does Indonesia, which finds it would increase regional rivalries among countries (Murthy 1998: 115).

The countries vary on the objective criteria for selection of additional seats, for example, Pakistan gives importance to adherence of a country's records to UN resolutions, while Indonesia emphasises on a country's role in conflict prevention and leadership in the region (Murthy 1998: 116). It would be in accordance with democratic principles and sovereign equalities. It is interesting to note that initially some countries were either silent on addition of permanent seats or were supporters of addition of permanent seats. But now they have changed their views. For example, Singapore which supported permanent seat expansion, now have joined the opposition group (Center for UN Reform Education 2008: 8) for future interests as may get chance for rotational seats. There are few Asian countries like Maldives, Cuba, Iran, Uzbekistan, Afghanistan Iraq and Kuwait etc. that acknowledge need for enlarging Security Council but avoid any commitment to an increase in permanent seats (Center for UN Reform Education 2008). Thus, differences and divisions among Asian states are acute and a consensus over addition of new permanent seats seems difficult.

African continent

A picture for differences of viewpoints of African states can also be seen over the issue. Since African continent has no permanent seat since beginning, the African states started demanding their adequate representation in the Council with their increased strength in the United Nations due to decolonization process. But, in contrast, initially many countries like Libya, Botswana, Djibouti and Swaziland believed that there should be no increase in the permanent seats because, in their view, the five permanent seats stipulated in the San Francisco Charter were more than enough. The countries like Ethiopia though supported enlargement of the Council, but not addition of permanent seats (Bourantonis 1998: 95). But, sooner African countries might have realised that their divisions would do no good but harm their interests. The countries agreed to have a common African position.

As early on September 29, 1994, the Council of Ministers of the Organization of African Unity (OAU) unanimously declared Africa to be entitled to two permanent seats, to be occupied on a rotating basis according to criteria to be established by the

OAU (Fassbender 2004: 348). Later, African countries in their common position, again agreed in Harare Declaration for not less than two permanent seats to the Africa (Organization of the African Unity 1997). Regarding veto power, they want same privileges to be extended to all new permanent members. The OAU which has now turned into African Union (AU) with its 53 members endorsed this proposal in 2005 in Sirte Declaration (African Union 2005b). Though African countries have adopted this 'common position' in various AU summits and declarations, but some serious concerns have been raised about it, for example Spies (2008: 108) calls it as a 'mythical African consensus'. It is to be noted that only 36 of the 53 AU members actually voted for the Sirte Declaration in July 2005 which endorsed African common position. It meant remaining 17 countries had reservations on the common position, though for the sake of African unity, they might have not opposed the Declaration.

Though AU have adopted common position on number of permanent seats to be extended and veto rights, the real challenge which it is facing is on selection of candidates for such seats. As discussed in previous chapter, Nigeria, South Africa and Egypt have emerged as prominent contenders and have made their claims on several grounds. Among African countries, the battle over selecting candidates for permanent membership is such fierce that till now AU has not been able to present the two suitable agreed states. However, no other group has managed to address the issue in a regional context based on the principles of cooperation and solidarity except Africa. Africa has addressed the regional dimension of Council expansion because it wants to strengthen the ties between the performance of new African members and the continent's core issues (United Nations 2005). It has presented an integrated vision of a just Council expansion, which takes account of all geographic regions and guaranteed a balanced representation of all civilizations and cultures.

Latin American Region

As discussed in previous chapter, in Latin American region, Brazil is a strong claimant for permanent seat but it has not been able to achieve much support from that region. The candidacy of Brazil is largely opposed by Latin American Spanish speaking countries (Fassbender 2004: 347). The Caribbean Community (CARICOM) may support increase in permanent seats. Some countries like Brazil, Colombia,

Namibia, Zambia and Zimbabwe go further, arguing that the Caribbean region should also be represented on the Council as well (Bourantonis 1998: 94).

Chile has firmly supported the Brazilian case but many countries of that region like Argentina, Colombia, Mexico, Costa Rica and Bolivia do not support any additional permanent seats but favour regional rotating seat for the region (Center for UN Reform Education 2008). Mexico in 1998 stated in the Working Group “We believe the five permanent members are too many... extending inequalities and disparities by such increase would only intensify the Council’s undemocratic character” (cited in Fassbender 1998: 249). Thus, it is obvious that the countries opposing permanent seats would in no way favour the extension of the veto rights to the new permanent members if included.

Latin American countries also differ regarding criteria for the new permanent seats. Brazil has mainly cited the size of its population, economy and also, considerable contribution to the UN peacekeeping operations as main ground for its claim (Blum 2005: 638). Earlier, when a few Central American countries like Costa Rica, Ecuador, Nicaragua, Panama etc. were supporting addition of permanent seats (now joined the opposition group), emphasised on the same criteria as set forth in the Charter for election of non-permanent members (United Nations 1995e). For other states, such as small states of Caribbean Community, the most important criteria was ability and willingness to carry out a large portion of the financial burden of the UN (Bourantonis 2005: 58). Thus, like Asia and African region, Latin American region is also divided where Brazil, which claims for a permanent seat, enjoys very limited support but strong opposition from many countries of the region, which do not support addition of new permanent seats.

The debates and discussions of awarding permanent seats to some countries, “have hit some serious snags, owing to the entirely predictable surfacing of old enmities, rivalries, resentments, and jealousies in various parts of the world” (Blum 2005: 632). This is particularly true for the developing countries which are much divided in their opinions. The aspirants of permanent seats like India, Brazil, Japan, Nigeria, South Africa, and Egypt are major powers of the developing regions and by acquiring permanent seats, they want to enhance their roles in international politics. Their

interests clash with their regional rivals, who do not want to see these countries elevated to the privileged positions. It would lower the status of the regional rivals and may prove detrimental to their national interests. This is reason why the major opponents of permanent seats' expansion are the "regional rivals" of the aspirants of the permanent seats (Freiesleben 2008: 3). Also, many smaller or low ranked states have joined hands with them in opposing expansion of permanent seats in the Council because any more addition to the permanent seats would be further relatively decline the position of the non-permanent members in the Council, to which these smaller countries have good chances to get.

Major Groupings

The differences and divisions among the developing countries have led to the emergence of three major groups. These groups differ in their goals and are trying to secure the magical 128 votes required for the resolution to be passed for Council enlargement (Ariyork 2005).

The Group of Four: Japan, Germany, India and Brazil, all influential middle powers, have come together as the Group of Four (G-4), lobbying together for permanent seats on the Security Council. They seek their representation in the Council based on their prominent contributions in the United Nations and positions in the international politics. As discussed in previous chapter, Germany and Japan claim permanent seats as they are major donors to the United Nations. Brazil and India are leading developing countries of the Global South having large territories, populations and economies in their respective regions.

Earlier, these countries were campaigning separately for the permanent seats. Japan and Germany started their campaigns in early 1990s. Sooner, Japan and Germany realized that they cannot get permanent status without other new permanent members from Asia, Africa and Latin America. So, they aligned with the prominent southern candidates like India and Brazil in order to strengthen their case for permanent seats (Blum 2005: 641). India and Brazil, have grabbed the opportunity of grouping with the two most widely favoured claimants to increase chances of their cases. Thus, the Group is based on realistic common purpose. It is a solid bloc of major influential players of North and South, which is ready to add two countries from Africa in their

joint bid for permanent seats in order to make their proposal based on principles of democratic and equitable geographical representation. Initially, the members of the G-4 favoured permanent membership with the veto power. However, many states view veto as inconsistent with the principle of democracy and sovereign equality. So, G-4 countries have realized that in order to get wider support from UN membership, they have to forgo their demands for permanent seats with veto rights (Choedon 2009: 296).

The Uniting for Consensus Group: Other group is Uniting for Consensus (UFC), made up of those countries who are staunch opponents of the addition of new permanent seats to the Council, they favour Security Council enlargement for the non-permanent seats only. It refuses to accept anything less than consensus over the enlargement of the Council (Spies 2005: 103).

This Group is reminiscent of the powerful lobby known as 'coffee club', which is opposing the expansion of permanent membership since the early 1990s (Ariyork 2005). This group clearly solidified after Razali Plan to which it opposed vehemently (Bourantonis 2005:82). This time, the Group led by Italy, Pakistan and Argentina and Mexico has emerged as the Uniting for Consensus (UFC) movement. The course of action suggested by it is the continued consultations led by the President of the General Assembly and the Secretary-General to come around the broadest possible agreement. The members of the UFC, perhaps most vocal Italy and Pakistan, oppose addition of any new permanent member as it violate the principle of sovereign equality and create new centres of power, both within and outside the United Nations (Freiesleben 2008: 3).

The formation of UFC is motivated by two reasons. The UFC wants an increase in Council's membership in non-permanent category primarily and they oppose any new permanent seat in the Council. Secondly, a close observation of the UFC's members reflects that its vocal members are the regional rivals of the G-4, the aspirants of permanent membership of the Council. So, these rivals do not wish to see G-4 members elevated to the permanent membership of the Council as it is detrimental to their national interests. The oppositions by few UFC members of their regional rival's are open, for example, Italy opposes Germany's bid for a permanent seat; Pakistan

oppose India's; South Korea opposes Japan's and Mexico and Argentina oppose Brazil's permanent membership (Blum 2005: 646).

Also, other supporters of UFC are mainly middle and small powers who are less likely to get ever chance to permanent seats in present international power structure. So any addition in the permanent membership would further decline their relative position, in the Council in particular and the United Nations in general. They support expansion of non-permanent seats, so that their chances to serve in the Council may increase.

African Union Group: Third group is of African states represented by AU. This African Union group is very much assertive to their due representation in the Council together with the veto rights. The solidarity of the Group is caused by unequal treatment and historical injustice done towards them. The bloc with 53 states has no permanent seat and lesser number of non-permanent seats in the Council. Currently their claim is based on "Ezulwini Consensus", a '*common African position*' adopted by the members of the AU in 2005. It calls for two permanent seats like Harare Declaration of 1997, but omitted any reference to rotating permanent seats for Africa (Spies 2008: 104). It also states that the AU would be responsible for the selection of Africa's representatives and that "the question of the criteria for the selection of African members ... should be a matter for the AU to determine, taking into consideration the representative nature and capacity of those chosen" (African Union 2005a). It may be because AU is now more conscious to its members' interests and finds that their interests will be better preserved by members elected by it. It was further endorsed by Sirte Declaration on the Reform of the United Nations (African Union 2005b).

The High Level Panel Report (2004)

In 2003, the UN Secretary General set up a *High Level Advisory Panel⁶ on Threats, Challenges and Change*. The Secretary-General requested that the Panel *inter alia*, “make recommendations for strengthening the United Nations so that it can provide collective security for all in the twenty-first century”. (United Nations: 2004b). The Panel, consisting of a number of international dignitaries, was mandated to analyze and assess future threats to peace and security and to evaluate existing approaches, instruments and mechanisms, including Security Council reform, and was meant as a stimulus for further discussion in time for the 2005 World Summit (Freiesleben 2008: 5). Thus, with the appointment of High Level Panel, Annan wished to break impasse over the Council reform.

Of all the recommendations of the Panel, the two Models concerning the enlargement of the Security Council has attracted the greatest attention worldwide. The Panel provides two alternative Models A and B for the Council enlargement. Both Models would lead to a Council of 24 members (rather than the present 15 members Council), from four (rather than current five) main regions in the world: Africa, Asia and the Pacific, Europe and the Americas. Model A envisages six new permanent members (without veto) and three additional non-permanent members and model B provides eight new semi-permanent members with four-year renewable terms and one additional non-permanent seat.

Here, the new element in both of the models is that for the reformed Security Council, the Panel replaces the traditional five regional grouping with the four new ‘regional areas’: ‘Africa’ (Unmodified); ‘Asia and Pacific’ (the existing Asian group plus Australia and New Zealand); ‘Americas’ (the old group of Latin America and Caribbean countries expanded with the United States and Canada); and ‘Europe’ (all European countries).

⁶ The Panel was chaired by former Prime Minister of Thailand, Anand Panyarachun. The other members were from Australia, Brazil, China, Egypt, France, Ghana, India, Japan, Norway, Pakistan, Russia, Tanzania, the United Kingdom, the United States, and Uruguay. The members were eminent persons from around the world, who represented a wide range of experience and expertise. The panel’s overall composition, however, closely reflected that of the Security Council by including eminent persons on the basis of the geographical distribution of its seats among the various regional groups, as well as nationals of the five permanent members.

The Panel's Security Council Enlargement Model A:

Regional Area	Number of Seats	Permanent seats (Continuing)	Proposed new permanent seats	Proposed 2-year (non-renewable) seats	Total
<i>Africa</i>	53	0	2	4	6
<i>Asia and Pacific</i>	56	1	2	3	6
<i>Europe</i>	47	3	1	2	6
<i>Americas</i>	35	1	1	4	6
<i>Total</i>	191	5	6	13	24

Source: *A More Secure World*, UN doc. A/59/565 (2004), pp. 67-68

The Panel's Security Council Enlargement Model B:

Regional Area	Number of Seats	Permanent seats (Continuing)	Proposed 4-year renewable seats	Proposed 2-year (non-renewable) seats	Total
<i>Africa</i>	53	0	2	4	6
<i>Asia and Pacific</i>	56	1	2	3	6
<i>Europe</i>	47	3	2	1	6
<i>Americas</i>	35	1	2	3	6
<i>Total</i>	191	5	8	11	24

Source: *A More Secure World*, UN doc. A/59/565 (2004), pp. 67-68

The old Eastern European Group would disappear and be merged with the old Western European and others Group, from which the three 'Others'- Canada, Australia, and New Zealand-would move to other groupings. In the reformed 24 members Council each new regional area would get six seats in both of the models.

The proposed size of the Council as twenty four seems to be generally a "sacred number" (Kesteren 2005: 266) and accepted figure for the total size of a new Security Council, as most of the proposals start with early 20s and go up to 27 members. Neils Blokker (2005: 260) supports this figure and points out that "The recommendations by the Panel in both Models A and Model B that the Security Council should have 24 members is in line with the trend in universal organizations within the UN family during the past decades, to increase membership of their non-plenary organs." Apparently, in the Panel's view, a body expanded to 24 would not become too unwieldy and could still meet the criteria of effectiveness, as expected from the Security Council. Also, without compromising effectiveness of the Council, the representativeness is other most important principle before Council. So, the Panel proposes that "countries more representative of the broader membership, especially of the developing world," be brought into the decision-making process, that such reforms "not impair the effectiveness of the Security Council" (United Nations 2004a: 67, para.249a & c). So, the Panel by 24 member's recommendation has rightly mixed the criteria of "responsibility" and 'effectiveness" with the healthy dose of "representation" and "democracy" (Blum 2005: 645).

In Model A, the number of permanent seats would be increased to 11 from the current five permanent seats. Although, the Panel does not name the occupants of the new permanent seats, yet it leaves little doubt for speculations. Out of six new permanent seats, two would go to Asia and Pacific (presumably for India and Japan); one to Americas (Brazil); one to Europe (to Germany); and two to Africa (not clear to whom, but 2 out of 3 contenders Nigeria, Egypt and South Africa) (Kesteren 2005: 264). But positions of these new members have been placed inferior to the existing permanent five as they would not have veto rights. The reason given by Panel is:

We recognize that the veto had an important function in reassuring the United Nations' most powerful members that their interests would be safeguarded. *We see no practical way of changing the existing members' veto powers.* Yet, as a whole the institution of the veto has an anachronistic character that is

unsuitable for the institution in an increasingly democratic age..." (United Nations 2004a: 68, para.256).

This view of Panel reflects the popular opinions of UN members, particularly of the developing countries who are much more critical of veto right. It shatters the hopes and dreams of aspirants of the permanent seats like Germany, Japan, India, and Brazil and particularly, the African countries are frustrated with this recommendation of the Panel.

As table of Model B suggests, enlargement under it does not add new permanent seats to the Council. It proposes 11 two-year non-renewable seats (rather than 13 such seats of model A) and 8 four-year renewable seats (rather than 6 new permanent seats created in model A). Though both models maintain position of the current five permanent members, but model B differs with Model A in structure. It would leave the permanent membership of the Council unchanged. It also differs in allocation of the eleven non-permanent seats, as here each Europe and Americas get one seat less than provided in model A. The most striking point of this model is that it does create a new category of membership, the "semi-permanent" (or the "permanent non-permanent") membership of 4-year renewable seats. These eight semi-permanent seats may provide chances of many emerging powers to get elected to the Council for larger period on rotation. These 8 seats may be distributed as follows, though Panel doesn't provide the specific names; Germany would fill one European seat and other seat may be rotated among Italy, Spain and Turkey. Japan and India would occupy Asia and Pacific seat; Brazil would get American seat and other seat may rotate between Mexico, Argentina and Canada; whereas for African seats, Nigeria would get seat together with another rotating seat among Egypt and South Africa (Blum 2005: 641).

The model B has some merit over model A. It is flexible as it provides re-electable seats. It has 'permanency element' in it because it is hoped that some members like India, Japan, Germany and Brazil would get elected after every four years and would become virtually permanent members. Also, in future, according to new geopolitical realities and power positions, the occupants of the semi-permanent membership may change. This model, also, increases the chances of few more important countries like Italy, Spain, Mexico, Argentina and others to get elected to the Council for longer

times and contribute significantly. Contrast to it, model A would add, 6 more countries permanently to the Council which would be difficult to change.

The Panel is silent over the number of affirmative votes required for making decisions in the Council. It is not clear whether more number of affirmative votes than present nine votes would be required or it will remain same for the enlarged Council. Also, both models protect the privileged positions of permanent five without making any limitation on them or sharing their special powers with other members.

One important recommendation of the Panel is about criteria for election of Council members. It says that in addition to 'representativeness' factor, the countries who contribute most to the UN financially, military and diplomatically, should be elected to the Council (United Nations 2004a: para.245). This is a very positive point of the Panel because it doesn't give importance to military element (by which permanent five got permanent seats in 1945), but includes all other equally important factor to eligibility for Council seats. It would enhance legitimacy, representativeness and effectiveness of the Council decisions.

The Panel's proposal to revisit the composition after 15 years, in 2020, is a welcoming point. It would include a review of the contribution of its permanent and non-permanent members from the point of view of the Council's effectiveness in the field of collective security (United Nations 2004 a: para.255).

It is to be noted that the first time in recent history that an independent commission or Panel has made a 'recommendation' that is optional in nature. It is evidence of paralysis and disagreements. A valid question has been asked by Weiss and Young that if a group of 16 individuals cannot come up with a single model, how will 191 states and their parliaments would concur on one agreed model (Weiss and Young 2005: 151).

Reactions of the Members

The African states out rightly rejected the Panel's two models. As already discussed, in their various declarations, these states asserted two permanent seats with veto rights. But, none of the models fulfilled African states' aspirations (African Union 2005a). Though, Model A proposed two permanent seats to Africa, but without veto rights, leaving Africa as only continent without the veto rights. In Model B, there was

no provision for African permanent seats. So, African states rejected the Panel's models.

Smaller European countries showed their opposition to the both of the models as they felt the Panel did great injustice to them. In Model A, 4 of 6 European seats went to permanent members, so that, remaining 43 European states had to rotate over two non-permanent seats. In Model B, they were at worst position, as 40 countries had to run behind just one non-permanent seat. The Eastern European countries were more critical to it because their earlier position (one non-permanent seat to Eastern European group) was better than it (Kesteren 2005: 267).

Initially, in July 2004, after an earlier leak about Model A, the group of four, the countries with the highest hopes of a permanent seat at the UN's new high table - launched an aggressive attack on the proposals as it was not going to recommend veto right rights to new permanent members. (Weiss and Young 2005: 151). But, later they changed their attitudes as they found that the report had created new momentum in the debates. So, in December, 2004, Brazil, Germany, India and Japan welcomed the report of the Panel and thanked the Secretary-General as well as the Panel for having created new momentum in the debates about reforms needed to face tomorrow's interconnected threats. Further they stated that "the expansion of both categories of Security Council membership, permanent and non-permanent, and the inclusion of developing countries in both, will remedy the Council's structural shortcomings. Such a proposal figures, *inter alia*, in the High-level Panel report and will enable the Security Council to reflect today's realities" (Permanent Mission of Japan to the UN 2004). They did not insisted veto as they found that there was not wider support from the UN membership on veto rights to the proposed new permanent members.

On the contrary, Coffee Club members became quite active against the model A of expanding permanent seats. Their opposition was basically to check any Council expansion with the new permanent seats. Blum (2008) quoted a news report of Financial Times (London) of April 12, 2005 that on previous day, the Italian delegation in New York initiated a meeting together with Mexico, Pakistan, Spain, South Korea, and other countries and attended by representatives of nearly 120 states-whose purpose was to scuttle model A and to promote Model B. The model B resembled to their demands of long-term seats in the Council.

Secretary-General's Report (2005)

In March 2005, the then Secretary-General, Kofi Annan brought out a report entitled *"In Larger Freedom: Towards Development, Security and Human Rights for All"*, which was the follow up of the key recommendations of the Panel report of 2004. Its aim was to recommend the most comprehensive reform proposals for United Nations including reform of the Security Council. It was another effort of Secretary-General, after High Level Panel's report, to push further the Security Council reform process. His conviction was that the United Nations Security Council could not act effectively unless its decisions 'command worldwide respect' (United Nations 2005a: para.167). For which, a change in the Council's composition is needed to make it more broadly representative of the international community as a whole, as well as of the geopolitical realities of today, and thereby, more legitimate in the eyes of the world (United Nations 2005a: para.168).

This report was very similar to the report of the High-level Panel as he supported the positions set out in the Panel concerning the reform of the Security Council. The Secretary-General stated that the Council should reflect through its decisions "more representative of the broader membership, especially of the developing world" and also, it "should not impair the effectiveness of the Security Council" (United Nations 2005a: para.169). He did not give any new model for the Council enlargement. In referring to the High Level Panel's models, the Secretary General urged "Member States to consider the two options...or any other viable proposals" (United Nations 2005a: para.170). This request on the part of Annan was significant. Firstly, he did not tell his preference in the two models. Secondly, it was one more indication that how little the political convergence existed over the issue. Thirdly, understanding the oppositions of the models, he left open door for any other possible agreed model for the negotiations.

The report differed from the earlier Panel report only in one respect that this time Annan curiously suggested a time table to resolve the issue of Council enlargement. He urged member States to "agree to take a decision on this important issue before the Summit in September 2005. It would be very preferable for member states to take this

vital decision by consensus, but if they are unable to reach consensus this must not become an excuse for postponing action” (United Nations 2005a: para.170).

Annan’s report was criticised by the UN members because it asked to look for the two models of the Panel over which countries already differed in opinions. So, a consensus on any of the models was not possible before Summit. Also, the permanent members like United States and China did not favour any decision in hurry (Weiss and Young 2005: 152). Thus, immediately after his report there started regrouping and positioning themselves for a new power struggle. Secondly, as a result of Annan’s appeal for early consensus before Summit on the issue, several draft resolutions from different groupings of members were introduced in the General Assembly before the Summit in September that year.

Major Groups’ Proposals

The report of High Level Panel (December 2004) and Secretary-General’s report (March 2005) created a momentum in the Security Council enlargement debates. The earlier groupings emerged around the Council enlargement solidified their positions and came out with their draft resolutions in July 2005 to garner support from the UN membership. In all, during course of July, the General Assembly had draft resolutions from G-4, AU and UFC for the discussions.

Group of Four (G-4) Proposal: The Group of Four presented a draft resolution in the General Assembly on 6th July 2005 in their efforts towards expanding the Council⁷. This resolution called for increase in the Council’s membership from 15 to 25, by adding 6 new permanent and 4 non-permanent members. The new permanent members would be elected as follows: two from African states, two from Asian states, one from Latin American and Caribbean States, and one from Western European and other States. The non-permanent seats would go one each to Africa, Asia, Eastern Europe and Latin America and the Caribbean. The right to veto have not been asked for new permanent members. Furthermore, the number of affirmative votes will be increased from 9 to 14, and there will be re-evaluation of the representativeness of the

⁷ The draft resolution was sponsored by: Afghanistan, Belgium, Bhutan, Brazil, Czech Republic, Denmark, Fiji, France, Georgia, Germany, Greece, Haiti, Honduras, Iceland, India, Japan, Kiribati, Latvia, Maldives, Nauru, Palau, Paraguay, Poland, Portugal, Solomon Islands, Tuvalu and Ukraine.

Council after 15 years from the proposed reform (United Nations 2005b). The permanent seats are meant for the Germany, Japan, India, Brazil and African states. The Group proposes the two African permanent seats, though it does not mention their names.

The countries of G-4 have found supports from the permanent members of the Council individually, but not for the whole group. For example, the US supports openly for Japanese case but is silent over Indian candidature. Other problem with G-4's resolution is that it may force the member states to make the difficult choices too early because not every country who favours a permanent seat for Japan and Germany is sympathetic to India or Brazil or on an Africa country. It is quite obvious that each additional candidate for permanent status stirs the opposition of its regional rivals, multiplying the number of opponents (Paul and Nahory 2005: 3). The opponents have come together as discussed earlier in an organized grouping called "Uniting for Consensus".

The Uniting for Consensus (UFC) Proposal: The UFC's draft resolution was proposed by Argentina, Canada, Colombia, Costa Rica, Italy, Malta, Mexico, Pakistan, Republic of Korea, San Marino, Spain and Turkey. On 21 July 2005, it was presented in the General Assembly asking enlargement of the Council with 10 new non-permanent seats. It sought a Council of 25 members with current permanent five members continuing as permanent members. The proposal distributes the total 20 non-permanent seats as follows: six seats for African states, five for Asia, four for Latin America and the Caribbean, three for Western Europe and other states (United Nations 2005f).

Furthermore, UFC suggests that the affirmative votes will be increased from 9 to 15. Since the UFC sees the veto powers as of arbitrary nature, it suggests the limitations in its use by permanent five. The Group asks for provision of immediate re-election for non-permanent members of two-year term, in favour for "States who feel they have something special to contribute to world peace and security". The regional alignment could be formed with one or more states as spokesmen for their region working together to get their voice heard in the Council more frequently (United Nations 2005f). Further, the Group asks for consensus for any expansion of the Council. The real motive of the group to insist on consensus is to obstruct any move

of their regional rivals, G-4 countries, to get support for the permanent seats for themselves, as getting consensus on new permanent seats seems quite difficult.

The UFC has been successful in mobilizing the UN member states to resist any change in permanent membership. Ayca Ariyork (2005: 1) points out that in 2005, approximately 140 member states attended the G-4 meeting and 115-119 countries were present at the coffee club meeting, though attendances at these meetings need not translate into support for any model. At the United Nations, one cannot really tell who is going to vote for what until the actual vote takes place.

African Union Proposal: The African Union (AU) which represents the African states put forth its draft resolution on 14 July, 2005 in the General Assembly demanding 2 permanent and 5 non-permanent seats for Africa, where new permanent members would have same privileges and veto rights as other permanent members of the Council have⁸. The proposal asks for increase in Council's membership from 15 to 26. The additional seats would be distributed as follows: 2 permanent and 2 non-permanent seats for African states; 2 permanent and 1 non-permanent seats for Asian states; 1 permanent seat for Western European and other states; 1 non-permanent seat to Eastern European countries; 1 permanent and 1 non-permanent seat for Latin American and Caribbean states (United Nations 2005d). Their proposal is in the line with the already discussed '*African Common Position*' agreed in Harare Declaration of Organization of African Unity (1997), Ezulwini consensus (8 March 2005) and Sirte Declaration of AU (5 July 2005).

Thus, in course of July, there were three draft resolutions by three different groups. Since none of these drafts had a realistic chance of harnessing 128 votes of UN members required for the an amendment to Charter to change the UN Security Council composition, AU and G-4 realized that an alliance with harmonized solution of two is important to gain requisite support. Their proposals had similarities. The G-4 proposal to call for new permanent seats could accommodate demand of AU of two

⁸ The draft was sponsored by following countries: Algeria, Angola, Botswana, Burkina Faso, Cameroon, Cape Verde, Chad, Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Tunisia, Uganda, United Republic of Tanzania, Zambia and Zimbabwe.

permanent seats. Only major difference was AU's insistence on veto rights while G-4 was ready to leave it for next 15 years. A consensus position would see the G-4 supporting Africa's proposal to enlarge the Council to 26 (differing from its own preferred 25 seats), while Africa would have to drop its demand for veto rights.

A meeting of G-4 and an AU delegation consisting of 18 foreign ministers took place in London on July 26, 2005, where G-4 and the AU team led by Nigeria's Foreign Minister, Olu Adeniji, produced a joint resolution combining elements of the separate drafts presented by the two groups in the General Assembly. Under a compromise, the Africans were to drop their demands for veto power and G-4 agreed for expansion proposal of Security Council of 26 members, with six new permanent seats without veto power- one each for Brazil, Germany, India and Japan and two for the African continent. In place of G-4's earlier 4 new non-permanent seats proposal, both parties agreed to have total 5 non-permanent seats such that this one increased non-permanent seat was to be circulated among developing countries of Africa, Asia and Latin America and the Caribbean states (China Daily 2005). But serious disagreement arose among AU delegation. Some AU states like South Africa and Nigeria (supported by Botswana, Mauritius and Benin) were willing to compromise on veto and agreed to merge with G-4 proposal; however North African nations such as Algeria and Egypt totally rejected this compromise (Spies 2005: 103). It was decided that the decision to change African common position and compromised resolution of London meeting would be discussed at a special AU summit in Addis Ababa.

After London meeting, the perception in knowledgeable quarters was that never before had India been so close to its long-cherished goal of getting the permanent membership of the UN Security Council as was after successful AU and G-4 negotiations for compromised draft. The then Indian External Affairs Minister, K. Natwar Singh, played a pivotal role as he was able to reap a diplomatic harvest from traditional ties between India and Africa and persuade the AU to freeze its veto powers' demand until 2020, like G-4 had done (Sharma 2005a). Mr. Singh could successfully persuade Nigerian foreign minister, who was heading AU delegation, for the compromise draft. There were suspicions in the AU that Nigeria, a front-runner for a permanent seat from the continent, had come to an "unofficial" understanding with the G-4 to bolster its own chances. Later, statements from Nigerian officials

indicated that their country was willing to sacrifice the veto power to get into the Security Council (Cherian 2005). Also, Nigeria, the then chairman of the AU, had not taken the majority of AU members into confidence while reaching a compromise with the G-4.

Following the negotiations in London, Nigeria (then president of AU) requested an emergency AU summit to garner support for modifying the African common position. It was hurriedly held in Addis Ababa on 4th August 2005. The Addis Ababa Summit witnessed a blame game by the members and Nigeria. Nigerian President Olusegun Obasanjo left no stone unturned in persuading AU to align with G-4. He said in his speech:

We Africans in isolation cannot impose our wish on the 191 members of the UNGA. We need to negotiate with other groups, unless our objective is to prevent any decision. If that happens, let us be under no illusion, Africa stands to lose more than any other region. Our objective today, therefore, is to confirm the understanding reached between the AU Follow-up Mechanism on the one hand, and the G-4 acting on behalf of the co-sponsors of the other draft resolution initiated by them so that both sides can jointly submit a common resolution to the General Assembly (cited in Sharma 2005b).

However, he could not successfully pursue other countries. Eighteen countries spoke during the deliberations and almost everyone put the blame on Nigeria. Every speaker asked Nigeria how it could seal the deal with G-4 (Sharma 2005b). Zimbabwe, Egypt, Libya and Algeria led the 'either all or nothing' camp and opposed any change. The Egyptian Foreign Minister, Ahmed Aboul Gheit, criticised Nigeria for willing to back down on the African demands that its two permanent seats in the Security Council should have veto powers. He also regretted that Nigeria would also accept a total of four rather than five non-permanent seats for Africa in the Council, adding that the intention was to boost its own chances of gaining a permanent seat (Abubakar 2005). The Egypt and several others opposed this compromise because they feared to be left out of the race for permanent seats as this compromise could increase Nigerian and South African chances to get permanent seats (Freiesleben 2008: 7). So, in reality, many of the rivals of Nigeria and South Africa were not in favour of letting two of them getting the permanent seats and therefore, they strongly opposed any understanding with the G-4 (Choedon 2007: 28). Finally, the 53 states of AU voted and 90 percent of votes were in favour of sticking to the groups' original position of

calling for permanent seats with right of veto. Thus, the African common position remained unchanged and efforts to AU and G-4 finally failed.

It may be concluded that an agreement between AU and G-4 could not be reached despite of several efforts for compromise by G-4 countries, Nigeria and South Africa due to internal rivalries among AU members. As a result, hope to get any solution before UN Summit in September 2005 failed and no progress could be made on either of three proposals of AU, G-4 and UFC.

UN World Summit (2005)

The UN World Summit was held from 14 to 16 September 2005 to mark the sixtieth anniversary of the United Nations. More than 150 Heads of states met at the United Nations' headquarters in New York, which marked as the largest ever gathering of the world leaders. After months of negotiating and reviewing around, the Summit was to discuss the proposals set out by Annan in his report earlier in the year including the Security Council enlargement issue. Annan had hoped earlier:

This important issue has been discussed for too long. I believe member states should agree to take a decision on it - preferably by consensus, but in any case before the Summit - making use of one or other of the options presented in the report of the High-Level Panel (cited in Freiesleben 2008: 6).

Further, he wanted that Summit should make a concrete decision on the Council enlargement. But, the reform proposals discussed and debated in the General Assembly so far were not put before the Summit. By 13 September 2005, the proposals of the Uniting for Consensus, the G-4 and the African group lapsed without any action having been taken. The obvious reason for it was that none of the proposal was able to obtain required majority. It had been a close call as AU and G-4 tried to cooperate unsuccessfully, but in the end the African insistence on the veto rights and the US opposition to Germany and Chinese opposition of Japan's claim had sufficiently obstructed the process to block any concrete results (Freiesleben 2008: 7).

During Summit, the statements made by member countries were not new, but they asserted their older positions. For example, Indian Prime Minister stated that there is need of "the expansion of the UN Security Council in both permanent and non-permanent categories of membership", as the United Nations suffers from a

“democracy deficit”. Pakistan emphasized that expansion should not be done “by adding a new elite (new permanent members)”, but through “patient dialogue and general consensus” (Reform the UN 2005). Egypt proposed “increasing the membership of the Council so as to be more representative of the developing countries, particularly the African countries that have not yet had their fair share of representation in the Council”. Among permanent members the divisions reflected as France favored plan put forward by G-4, while China wanted full consultations before any decision is made on the basis of the broadest consensus (Reform the UN 2005).

The outcome of the Summit did not come up to the expectations of the Secretary-General had hoped for, as UN members could not agree on any specific method towards the reform as the world so long had been waiting for. In the final outcome of the World Summit outcome document, the formulations on the Council reform were very brief and non-committal. It merely stated that:

We support early reform of the Security Council-an essential element of our overall effort to reform the United Nations-in order to make it more broadly representative, efficient and transparent and thus to further enhance its effectiveness and the legitimacy and implementation of its decisions. We commit ourselves to continuing our efforts to achieve a decision to this end and request the General Assembly to review progress on the reform set out about by the end of the 2005 (United Nations 2005g: para.153).

There were several reasons why no concrete resolution could take place in the World Summit. Firstly, till now Council did not have any agreed proposal for enlargement, which could receive required majority. Competing proposals of G-4, UFC and AU did not have any chance for broader support from the UN membership. Secondly, the most of the permanent members did not show their interests in the Council enlargement. Thirdly, some commentators have noted the moment to push for the comprehensive reform package seemed fairly ill-chosen by the Kofi Annan. The large reform initiatives on sensitive issues such as the Council enlargement, they argued, have traditionally left to the member states, and not to the Secretary-General (Freiesleben 2008: 7). Annan could not realise that how deep divisions were there among the member states over the issue. It may be Annan was heavily influenced by the negative influence of the US led war in Iraq and wanted to strengthen the Council by enlarging it. This time secretary-General rather than member states tried to be catalyst for the radical change, but the efforts succeeded only in generating the heated

debates than concrete and constructive results. In all, member states could only agree to disagree on the issue of the Council reform. The enlargement issue was put in stalemate as many times before. The World Summit ended with mere commitments on the Council enlargement.

Post-Summit Developments

Not much has changed since 2005 as the deadlocks continue over the enlargement issue. In December, 2005 as commitment made in Summit, a review on progress on the Council reform was presented by the President of General Assembly, Jan Eliasson. He pointed out that “views remain divergent with regard to modalities for enlargement”. He recommended that the work of the OEWG should be continued in the sixtieth session of the Assembly to facilitate the process of reaching a general agreement (United Nations 2005h).

In December 2006, member states agreed to negotiate on Security Council and other reforms again which led to resumption of discussions on the Council reform in the Working Group. In February 2007, the President of the General Assembly appointed five ambassadors as five facilitators⁹ to execute wide ranging consultations on the Council reform process.

The five facilitators recommended a “transitional approach” to Security Council reform. A transitional approach assumes “an intermediary arrangement” and also proposes as an integral component “a mandatory review” to take place at a predetermined date. In intermediary arrangement, the Council would add some extended seats for two-years or longer terms with possibility of re-election (United Nations 2007b: 11). The rationale for engaging in an intermediary model was that at present none of the major positions that had been advanced so far had seen sufficient acceptance to be implemented. Thus, the report was an effort to break the impasse and foster new ways.

⁹ The five facilitators were: Ambassador Heraldito Muñoz of Chile, Ambassador Mirjana Mladineo of Croatia, Ambassador Andreas D. Mavroyiannis of Cyprus, Ambassador Frank Majoor of the Netherlands and Ambassador Ali Hachani of Tunisia.

This report led to varying opinions. The G-4 criticised the above mentioned transitional model and also, opposed the report as it failed to recognise that a substantial consensus existed to expand both the categories of the membership: non-permanent and permanent. They demanded that new facilitators be appointed to present few models integrating this approach. The UFC faction denied that there was any consensus to expand both categories and firmly opposed appointment of new facilitators. AU also rejected the report as it did not find any assurance for their demands.

In pressures of G-4, the President appointed two new facilitators¹⁰, who came with their own report in summer of 2007. It offered the types of transitional arrangement that members could consider. With regards to the mandatory review clause, the transitional approach assumed that a mandatory review to take place at a later date to assess and review the viability of any agreed arrangement, and was especially central to those aspects on which member states would not be able to agree upon in negotiations. In the facilitators' view, the review should also entail a comprehensive assessment of the Security Council's composition (United Nations 2007b: 25). Finally, the document offered suggestions on how to proceed with the reform. According to the report, delegations had already showed an interest in basing the next step on negotiations, rather than consultations. Finally, the two facilitators suggested that negotiations should utilize a text containing all the concrete elements of the negotiable issues highlighted in their report (United Nations 2007b: 28). The G-4 members urged the chairman to launch a direct negotiation process as the next step.

In early July 2007, with these debates in mind, the chairman of the Working Group, Haya Rashed Al Khalifa, released a draft version of her progress report including a concise resolution. In brief, the report summarized the efforts made by the Working Group during the year and made some modest recommendations on how to proceed during the next General Assembly session. By adopting the report and resolution, the General Assembly would have recognized the efforts of the Working Group and formally placed the issue of Security Council reform on the agenda of the 62nd session of the General Assembly (Freiesleben 2008: 12).

¹⁰ The two new facilitators were: Ambassador Heraldo Muñoz of Chile and Ambassador Christian Wenaweser of Liechtenstein.

However, early on it became apparent that certain member states were nowhere near satisfied with the work of the Chairman. The members in support of permanent membership wanted inclusion of stronger language calling for direct negotiations between countries to be undertaken during next General Assembly session. On the other hand UFC members wanted inclusion of a note on facilitator's reports and suggestions as the basis for any further discussions. So, this led to another controversy (Freiesleben 2008: 12).

Differing from the chairman's draft resolution and as a stronger and concrete step, a group of 27 members submitted an alternative draft resolution (known as 'L69' or 'India Proposal') using stronger language. The draft was apparently drafted by India and sponsored by Brazil, South Africa and Nigeria. It wished that the inter-governmental negotiations eventually undertaken must be "results-oriented" and "element-based". It proposed for the radical steps to be taken in the following General Assembly. It wanted to take into account, *inter alia*, the following elements for a comprehensive reform of the Security Council, so as to adopt an outcome preferably before the end of 2007: expansion in both permanent and non-permanent categories, greater representation of the developing countries, and comprehensive improvement in the working methods of the Security Council etc. (United Nations 2007a). This proposal sent a shock and surprise to the Working Group because it demanded a vote on the proposal, rather than usual consensus method of working. The greatest problem arose that if no agreement could be reached in time, the mandate of the Working Group could be terminated. This proposal led to heated negotiations.

The chairman finally called the discussions to end and presented a compromised amended draft report that specifically added new wording as following:

It decides that the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council should be considered during the 62nd session of the General Assembly, so that further concrete results may be achieved, including through intergovernmental negotiations, building on the progress achieved so far, particularly in the 61st session, as well as the positions and proposals made by all Member States" (United Nations 2007c).

The text was a compromise between the initial positions that favoured direct negotiation (G-4) as the next step and those that favoured negotiations based on the facilitators' reports (UFC). The term "intergovernmental negotiations" seemed to be a

sufficiently watered down and undefined term to be acceptable to all sides. It could be interpreted as meeting both direct negotiations on a text, or direct negotiations based on facilitators' report, latter favouring an intermediary adding only non-permanent seats for time being (Freiesleben 2008:13-14). Both factions hailed their victory and 'L69' was pulled by its proposers and amended draft report of chairman was adopted.

With 62nd General Assembly in session, the newly elected President of the General Assembly, Sgrjan Kerim, decided to convene a General Assembly debate in mid-November 2007. Following Kerim's initiative, 90 member states stated their opinions on the composition of the reformed Security Council and way towards it. Many states showed their frustrations over the slow speed of the reform processes. Different groupings continued to back their well-known reform models, with the main factions as usual G-4, UFC and AU. The discussions also revealed huge differences in opinions on how to move the process forward, that is, how to interpret the results of the last session's Working Group. The delivered statements clearly showed that there was no consensus on how to understand the term 'intergovernmental negotiations'. In all, debate did not come up with any concrete results but same arguments were asserted. Thus, there is no major change in stands of major groupings in present than past.

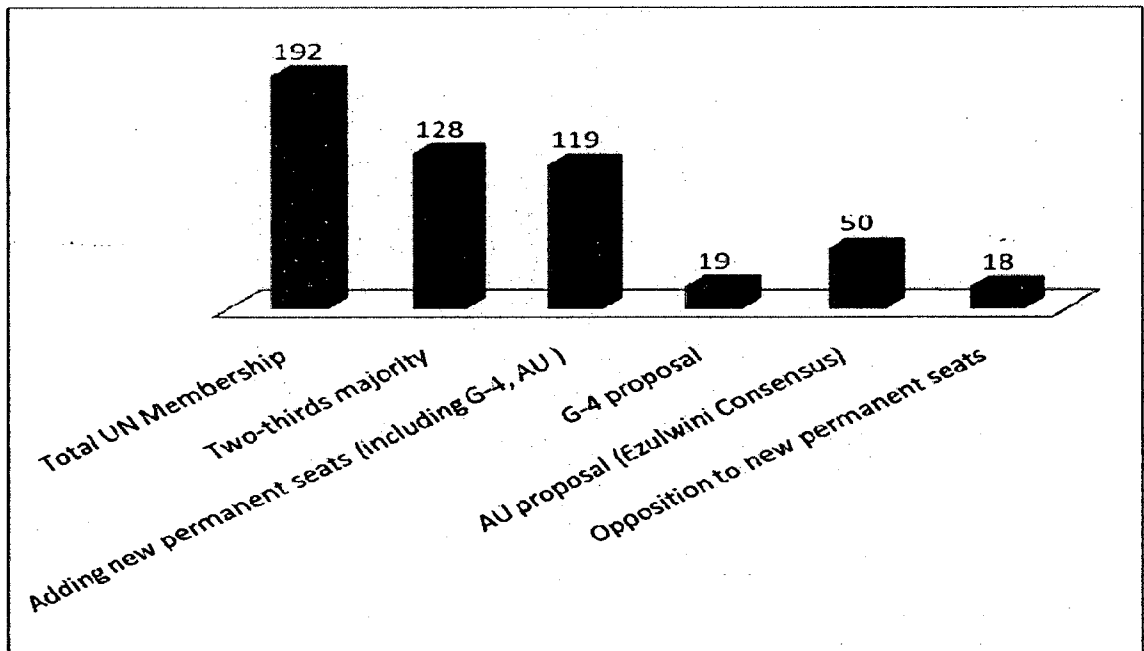
Further, over intermediary models, the Uniting for Consensus group proposed to "reach general agreement on an "intermediate" solution to Security Council reform on the basis of the variations outlined in report of the five facilitators" (United Nations 2008b: 6). It urged the membership to continue to use the Working Group as the main forum, to build upon the facilitators' report and not to adopt any 'artificial' deadlines. On the contrary, the supporters of permanent membership, AU and G-4 have shown no positive signs to agree on intermediary model proposed by facilitators. For example, India stated that they would not be interested in any interim or intermediary model that had been recommended by the different facilitators during the 61st session (Freiesleben 2008: 16). Members of the G-4 asked the membership to act as soon as possible in order to use the current momentum. Germany, Brazil and India indicated their willingness to pursue a solution outside the Working Group. A common theme of many of the statements from across the different factions was the desire for a more forceful approach from the President.

In December 2007, President decided to convene a closed meeting of the Working Group to infuse some momentum in the debate, where he formed a new “Task-Force on Security Council Reform” under the auspices of the Working Group. The Task Force sought to identify negotiable elements of Security Council reform and lead member states into “results-oriented intergovernmental negotiations”. In its report, it suggested “timeline perspective” in which member states should begin by identifying the negotiables to be included in short-term intergovernmental negotiations (United Nations 2008b).

During further discussions, Germany once more asserted G-4 proposal and interestingly, announced to organise formation of an “overarching group” open for all members to negotiate over issues of size of Security Council and categories of membership and other related issues. The “Overarching Process” focused on points of convergence rather than divisive elements, with the possibility of creating of 7 new seats (2 for Africa, 2 for Asia, 1 for Latin America and the Caribbean, 1 for Western Europe and Others and 1 for Eastern Europe) (Reform the UN 2008a). Brazil and India supported this move who stated that any solution must work for inclusion of new permanent membership. This was in conjunction of the general view of G-4 countries who now wanted to discuss this enlargement issue outside the framework of Working Group. Italy and Pakistan opposed this move and stated that the aim of the process should be a general agreement based on consensus, not on a vote, and the Working Group was the only legitimate place for negotiations on Security Council reform.

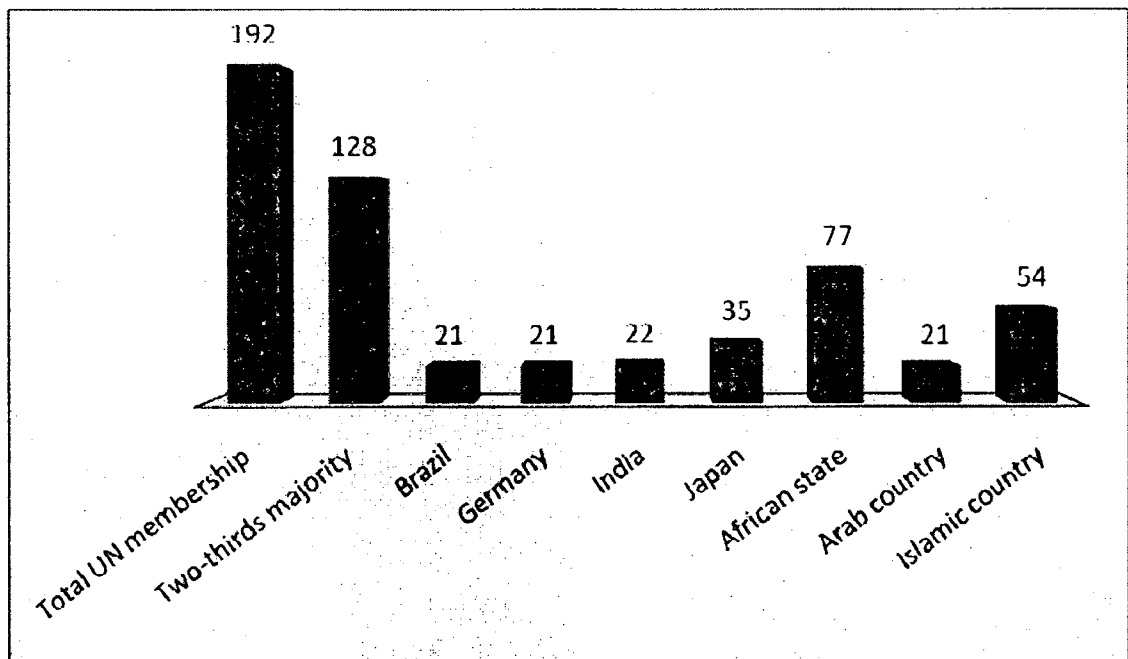
In latest developments, President of 63rd General Assembly, Mr. Miguel d'Escoto Brockmann decided to launch *inter-governmental negotiations* on the five key themes: categories of membership, the question of the veto, regional representation, size of an enlarged Council and working methods of the Security Council, the relationship between the Council and the General Assembly (Reform the UN 2008b).

Support received by Different Proposals from UN Member States (December 2008):



Source: Center for UN Reform Education, December 2008

Support Received by Claimants of Permanent or Regional Representation (Dec. 2008):



Source: Center for UN Reform Education, December 2008

In the first round of negotiations which was held between 4 March to 20 April 2009, the above five themes were discussed. Summarizing the outcomes the Chair

commented that during the meetings “states both clarified their positions and showed flexibility on some issues”. More than three quarters of the membership expressed their positions, which according to the Chair is “a substantial increase in comparison with the level of engagement in the Open-Ended Working Group of late” (Reform the UN 2009a).

Nevertheless, as member states delivered their statements, it appeared that several countries from the main factions, mainly the G-4 and the Uniting for Consensus, were actively rethinking their positions and potentially inching closer to some common ground for compromises. Among others, the UFC stepped forward with a compromise proposal involving longer-term seats, and Germany reportedly replied that they could consider longer-term seats instead of the permanent ones they had been advocating for (Reform the UN 2009b).

Conclusion

An enlarged Security Council may not necessarily be more efficient, but in a democratizing world, it will certainly provide more legitimacy to the Council. The structural transformation of the Council is overdue. But, on the debate on the composition of the Council, the processes have so far progressed very slowly. More than one and half decades have passed in debates over the Council enlargement without any common agreed proposal over the issue. The two major impediments in progress are: the negative attitude of the permanent five and the differences among the developing countries of the world over the issues. The second obstacle is more crucial and complex. The developing countries that form majority in the United Nations are not able to harness their numerical strength for the enlargement due to differences among themselves. The developing countries have severe differences on question of adding new permanent membership in the Council, criteria for selecting such members and veto rights to them.

The G-4, its opponents UFC and reluctant AU have emerged as major groupings from developing world on the Council enlargement. They could not agree on any of the two models suggested by the High level Panel and several such other proposals. Also, the request of Secretary-General to agree on any models suggested by the Panel in its report (March 2005) went in vain. The three groups came out with their different draft

resolutions before the General Assembly to garner support from UN membership. However, none of the proposals got required support. The G-4 and AU reached to a compromise solution in their London meeting on July 2005, whereby AU agreed to drop the demand of veto rights and G-4 agreed for a Council of 26 members. Nigeria which led AU delegation played very important role and it was reported that Indian side pursued Nigeria for it in reward of future permanent seat for Nigeria. But, this compromised solution could not get approval from AU in its meeting held in Addis Ababa on August 4, 2005. It was due to reason that African countries could not agree for compromise on veto rights for African permanent seats, particularly North African countries like Egypt bitterly criticised Nigeria for its compromise. The result was that no agreed solution could be put before UN World Summit held in September 2005. The Summit could not make any major breakthrough, but ended with a brief and non-committal note on necessity of reform of Security Council.

Now, it seems most importantly, African states have the key to any reform and they are reluctant to use it. Had they agreed with G-4, the process might have moved. But, due to their internal dissensions till now, they are not even able to come up with two suitable candidates as per their demands of two permanent seats. It is doubtful that the AU would drop its insistence on veto rights. The AU's call to get veto rights has no chance of collecting wider support at the UN in immediate future and it is equally doubtful that other countries or groupings are going to negotiate them without knowing names of their candidates. This situation has disappointed the G-4 countries for their hopes to get permanent seats in the Council as without AU's support it is practically impossible.

In post-Summit period, the Working Group is continuing its functioning over the issue but without any concrete results. In 2007, the five facilitators appointed by President of General Assembly, in their report suggested intermediary solution for enlargement of the Council, which proposes creation of longer-term seats in the Council for the time being, instead of creating new permanent seats. The supporters of new permanent seats, AU and G-4, have shown no positive signs to agree on intermediary model proposed by facilitators. A *Task-Force on Security Council Reform* is also assisting the Working Group in its work. At present, '*intergovernmental negotiations*' over the issue is underway in OEWG. Through

these mechanisms, discussions are moving forward but there is not very positive sign that an agreed solution is coming in immediate future due to divisions among members and their various groupings. The very challenging roads for the compromises and negotiations are ahead over the issue of Council enlargement. Any further expansion of Council for permanent membership would not only need AU and G-4 cooperation, but would essentially require broader South-South cooperation.

CHAPTER 4

POSITION OF THE PERMANENT MEMBERS

The major powers of the world, who wrote the UN Charter at the end of Second World War, have not only honoured themselves with the permanent membership and veto rights in the Security Council, but also held the key to any future reform in the Council. Article 108 of the UN Charter makes the concurring votes of all the permanent members, as a necessary condition for any Charter amendment. It amounts to effective veto power of the permanent members over any Charter amendment.

As less forceful demands came from the larger UN membership for the expansion of permanent seats during the Cold War, the permanent five enjoyed their privileged positions quietly. Also, as discussed in previous chapters, the five permanent members were initially very reluctant to any change in the Security Council and guarded their positions because any expansion of permanent seats would mean sharing of their privileged position. So, in the early 1990s, they reached to a “tacit agreement” and adopted a common stance on the reform issue: to resist claims for permanent seats and to do their utmost to prevent discussions on the subject in the United Nations (Bourantonis 2005: 35-37). The successful UN mandated operation in the Gulf War made permanent members to argue efficiency logic to resist any demand for the Council reform. They claimed that the Council is working well and could do work efficiently because of the small and compact size of the Council. America stated, “if it ain’t broke, don’t fix it” and Britain opposing change asked “why Change a winning team” (Bourantonis and Panagiotou 2004: 88). They at the outset of setting of the working group on the Council reform in 1993, outrightly rejected any expansion of the Council. Thus, the permanent members were successful in averting debates on the Council reform in the United Nations during the period 1990 to mid-1993.

Significantly, since mid-1990s onwards there have been remarkable changes in the attitudes of the permanent members over the Council enlargement demands. The forceful demands of the Germany and Japan to include them in the Council and subsequently, forceful linked demands from the developing countries for their place in

Council coupled with changed international settings as discussed in previous chapters played important role in changing views of the permanent five.

The present chapter aims to analyze the changing perspectives and positions of the five permanent members on the demands of the Council enlargement in general and on the various contenders' claims and expansion proposals in particular. It studies the initial positions of permanent members, the gradual changes in their views and reasons for it. The chapter has been concluded together with the consequences of these changing perspectives and possible consequences if permanent members do not agree on the Council enlargement.

The United States' Views

The prominent role of the US is not only due to its permanent membership since the United Nations' establishment, but also owes to its enormous military and economic powers and influences in world politics. This makes the role of US, the sole superpower of the world, crucial for any expansion proposal of the UN Security Council.

Initially, the United States, like other permanent members, opposed any expansion of the Security Council and tried to maintain status quo. However, as pressures mounted for the Council enlargement from Japan, Germany and developing countries, the permanent members including US could no longer contain discussions on the issue. The Working Group was set up for debates on the Council reform with consent of all permanent members including US (Bourantonis 2005: 47). During the first few years after the creation of the Open-Ended Working Group on the Security Council Reform (1993), there was an attempt on the part of some Western Powers to adopt the so-called 'quick fix' formula. As discussed in previous chapters, by it they meant to support the candidacies of the Germany and Japan and tried to add both the countries quickly to the Council due to their forceful demands (Bourantonis 2005: 59).

The United States in summer 1993, was the first among five permanent members who publicly declared its support of permanent membership for the two states, as it fully recognized that for the two states "permanent membership entails assuming an active role in global peace and security activities" (United Nations 1993a: 92). American

support for Germany and Japan did not amount to unconditional endorsement. The United States made it clear that, in return for permanent membership, Germany and Japan would have to pull their own financial weights as well as be willing to participate in peacekeeping operations and discharge other global responsibilities (Bourantonis 2005: 48). At the beginning, the US interests in the game were two-fold. On one side, the USA thought that by formally recognizing the status of Germany and Japan within the Security Council, it could lessen its financial burdens towards the United Nations as they were huge contributors to the UN budgets. On the other side, the USA insisted on the idea that any enlargement of the Council should be in limited proportion, in order not to compromise the efficiency of the decision-making processes in the body (Pedrazzi 2007: 187).

Shift in Position

The West-supported quick fix formula was bitterly opposed by the Southern countries. The developing countries were ready to support the candidatures of Japan and Germany on only one condition that three countries from developing world would get representation in the Council. As discussed in previous chapter, they propounded the '*plus three*' model, i.e., to accommodate three developing states in the Council as permanent members from Asia, Africa and, Latin America and the Caribbean regions. Their demands forced the United States and other permanent members to change their position. On 17 July 1997, the United States moved beyond its four-year old policy of supporting permanent membership for only Japan and Germany. It recommended that three out of five new permanent seats should be given to developing states representing Africa, Asia and Latin America (Bourantonis 1998: 96), thus expanding the Council in 'low twenties'. The United States tried to justify its shift in attitude, arguing that the inclusion of developing states would increase their voices in the Council. It seems, however, that such a shift was dictated by the need to redress criticism to the effect that the Council is a club of the industrialized rich countries (Bourantonis 1998: 96).

But the US has not named any developing country for the permanent seats. In past, the United States has been less than enthusiastic about Indian demand for permanent seat. The US position on India has been the hardest among the permanent five. Former Clinton administration officials have on several occasions designated India

and Japan (along with Brazil and South Africa) as “legitimate candidates” for membership. Clinton administration, despite the President’s inclinations to come out more strongly in support of India’s bid, failed to seize the opportunities (Wilcox 2003). The reasons may be that there has been no history of Indo-US strategic collaborations in past. In the post-Summit period, several US diplomats have come out in support of permanent seat to India. Karl Inderfurth, former US Assistant Secretary of State for South Asia, in January 2009, calling for stronger Indo-US ties under the present Obama administration, said that “It is time for the US to publicly support India’s bid for a permanent seat on the UN Security Council and to work actively with India (and others) to accomplish the goal of Security Council expansion” (cited in Headlinesindia 2009). Later, the former Under Secretary of State for Political Affairs, Nicholas Burns stated in June this year that “India should be a permanent member of the Security Council. The US should support it”. Identifying India as an emerging regional and global power, Burns, said “India and the US can play a major role in shaping the future of the world by working together” (cited in The Times of India 2009). This is for the first time, someone as influential as Burns has come out in support of India getting a place in the Security Council as a permanent member. The US has only endorsed the case of Japan as permanent member of the UN Security Council. Burns in his speech also supported Brazil for the same. But, till now no official statement showing significant change in US stand for permanent seats for India and other developing countries has come out from US.

There is remarkable change in US position on Germany’s candidature for permanent seat after Iraq War (2003) due to non-support of Germany to the US in that War. At present, the US is against Germany’s bid to get a permanent seat in the UN Security Council, believing the European Union is already sufficiently represented in the powerful body. “In many respects, Europe already had a common foreign policy, and that needed to be taken into account in the Security Council” stated former US Secretary of State Condoleezza Rice as she “thought that there was a very poor rationale for giving another member of the European Union a permanent seat” (cited in Mahony 2005). Though, the first Bush Administration and later Clinton Administrations backed Germany and Japan for Permanent membership, Washington had distinctly cooled towards Berlin given the political peregrinations of former socialist Chancellor Gerhard Schroeder’s policies towards the Iraq War. Germany’s

stand over the Iraq crisis in 2003 has clearly influenced the position of the US on it (Ward and Hackett 2005:2) and marred its favourable image in US.

Further, addressing the General Assembly on 12 July 2005, Shirin Tahir-Kheli, a senior advisor to US Secretary of State Condoleezza Rice, said the G-4 measure would damage the Security Council. "I ask all countries to very carefully consider the resolution before us and to ask the critical question: does this resolution serve to strengthen the United Nations? We believe it does not. We urge you, therefore, to oppose this resolution", said Tahir-Kheli. She continued by stressing that the US does not want the Security Council to grow so large that it becomes ineffective. "Efficiency is essential. The Security Council has been an effective body, and is more relevant today than ever. One of the first principles of reform should be to do no harm" (cited in Kern 2005).

Also, in July 2005, the former US Under Secretary of State for Political Affairs, R. Nicholas Burns, in a testimony before the Senate Foreign Relations Committee, Department of State, stated that, "We are open to considering expansion proposals, the primary purpose of Security Council reform should be to make the Council more effective." Rejecting all proposals he stated, "The G-4 proposal is opposed by a number of countries, including the U.S. We do not think it is timely to support any proposal until broader consensus is reached". He reiterated strong support for a permanent seat for Japan and expressed openness to the Security Council expansion to "adding two or so new permanent members". In addition, the US endorses the addition of "two or three additional non-permanent seats, based on geographic selection, to expand the Council to 19 or 20" (cited in Crook 2005: 906-908).

Burns advocated criteria based approach under which potential members must be supremely well qualified, based on factors such as: economic size, population, military capacity, commitment to democracy and human rights, financial contributions to the United Nations, contributions to UN peacekeeping, record on counterterrorism and non-proliferation and geographic balance. Further, he cautioned that "... [W]hile Security Council reform is an important issue, we cannot let discussion on expansion divert our attention from, and delay action on, other important, more urgently-needed UN reforms" (cited in Crook 2005: 906-08).

Reasons of US Reluctance: The reasons of US's rejections of all present expansion proposals are many. Firstly, while the US administration has stated that it is open to a modest expansion of the Security Council, it "does not support an expansion of 10 or 11 new members" because it would decrease efficiency of the Council. Secondly, the administration believes that any vote on expansion should follow implementation of other, more urgent UN reforms. The U.S. has argued that management failures, corruption, and lack of transparency and accountability do far more to undermine the effectiveness and reputation of the United Nations than the composition of the Security Council and that these issues should be the immediate focus of reform discussions. Thirdly, US has stated that expansion should only be considered if it does not impede the effectiveness of the Council. However, even a modest expansion of the Council fails that test because it would make the Council even more unwieldy, contribute to gridlock, dilute U.S. influence in the Council, and likely result in a Council less supportive of the United States on many key issues (Gardiner & Schaefer 2005: 2). For US, it was already difficult to obtain support from the present membership, too large a body would become totally ungovernable.

The United States also does not favour the prominent candidates due to their poor records of supporting US on various issues in General Assembly. Certainly, the voting records of the key Security Council contenders would be cause for concern to the US as it considers expansion of the Council (Gardiner & Schaefer 2005: 2-4). Analysis of actual votes (not including consensus votes) in the General Assembly over a six-year period (1999 to 2004) reveals that five of the leading candidates voted against the United States more than 70 percent of the time. Only Germany (55 percent) and Japan (50 percent) voted with the U.S. at least half of the time. Brazil, the only contender from Latin America, voted with the U.S. just 29 percent of the time, while India, often touted as a major future ally of the United States, voted with the United States just 20 percent of the time. The records of the three leading African contenders for the Security Council seats are equally poor. Nigeria and South Africa voted with the U.S. just 25 percent of the time, while Egypt—a huge beneficiary of American aid-sided with the U.S. in only 18 percent of the votes (Gardiner & Schaefer 2005: 2-4). It is hereby clear that if these contenders win the Security Council seats, then US would face unsupportive and hostile environment in the Council and its interests would be severely affected.

Thus, it is clear that the Security Council expansion will make it far more difficult for the United States to work through the Council. As the war on terrorism continues to unfold around the globe and greater urgency is paid to limiting the spread of weapons of mass destruction, then an efficient UN Security Council can play important and useful role. The Council can help in addressing these issues on the international stage. So, it is in the U.S. national interest to have a lean and effective Security Council that can help address these issues effectively (Gardiner & Schaefer 2005: 10). The most prominent proposals to expand the Security Council will have the opposite effect as all wish to expand the Council in around 24 to 26 which would make Council cumbersome. A larger Council may delay in taking timely decisions and hence, may result inefficient Council. By proposing of the Council of near twenty members after expansion, the US aims to balance the representation demands of the Council enlargement with effective Council. In all, US is ready to change its stand on the Council enlargement only if it does not jeopardize its interests and its dominant position in world politics.

British and French Perspectives

For their parts, Great Britain and France initially were reluctant to accept the idea of additional permanent seats. It was clear from the beginning that any such addition would give testimony to a relative loss of global power of the United Kingdom and France. It might also increase Germany's regional influence in Europe, thus adding to the perceived imbalance that was brought about by Germany's reunification in 1990. However, in the 1990s both states became strong supporters of Germany's candidacy.

The United States supported the new permanent seats for Germany and Japan in summer, 1993. The policy reversal by US forced France and Britain to change their attitudes towards these candidates. In between, Italy proposed a model of the Council expansion which opposed addition of any new permanent seats to the Council, but, wanted to replace the present two European countries by a single European permanent seat in the Council (Bourantonis 2005: 48). At this time, Both Britain and France saw that their opposition to Germany would only harm their interests. So, Britain in summer 1993, and France in spring 1994, gave lukewarm support to the candidacies of the Germany and Japan (Bourantonis 2005: 48). This move to include the two in the Council was called as '*quick fix*' formula, adding the two, Germany and Japan

quickly. As discussed earlier, these two countries forcefully demanded permanent seats as they were major contributors to the UN budgets. This led to support for their candidacies from many countries including permanent members like US, Britain and France.

As discussed in previous chapter, as the pressures from developing countries for the Council reform became more intense and their linked support to any reform proposal only when three developing countries are given permanent seats, forced Britain and France to change their attitude towards their demands. So, Britain and France started supporting the '*plus three*' model of adding three more countries from Asia, Africa and Latin America in mid 1990s. Also, both Britain and France were not in position to resist the inclusion of powerful developing countries as their own powers had declined. As, discussed in earlier chapter, during San Francisco Conference, they had argued importance of 'Great Power unity' for success of the UN collective security arrangements. So, if new powers had emerged in post-Cold War period, they had to accept it. Later, both countries supported G-4 proposal of the Council expansion as it proposed to give permanent membership to both of their earlier favourites, Germany and Japan and the prominent countries of developing world. They did not support United for Consensus proposal as it proposed for increase in only non-permanent seats.

British Foreign Secretary Jack Straw stated in September 2004 that, "Britain backs bids by India, Brazil, Germany and Japan for permanent seats on the UN Security Council" (cited in Press Trust of India 2004). This support from Britain came in accordance with its commitment as discussed above to support the permanent membership for Japan, Germany and other prominent developing countries like India and Brazil. A clearer official statement came from Emyr Jones Parry on the fifty-ninth General Assembly's plenary meeting (2005) which stated, "facing the challenges of today's world an enlargement of the Council, both for permanent as for non-permanent members, would make the UN better equipped. A Council more transparent and better engaged with other UN bodies would enable the members to better fulfil their responsibilities" (United Nations 2005c). It supported candidacies of the states of the G-4 as well as permanency for Africa. On the extension on veto

power, the United Kingdom stated that they “did not see it as a necessary feature for the permanency or being in the interest of the UN” (United Nations 2005c).

Like Britain, France has supported the accession of Germany, Brazil, India and Japan to permanent member status. France also supports an increased presence of African countries within the Security Council as permanent members. In 2004, French Foreign Minister Michel Barnier backed bids of G-4 to join the Council and also called for a new permanent seat for an African nation (Press Trust of India 2004). The French support for the permanent membership to them was to fulfil their legitimate demands and to give them proper representation in Council. Further, France indicated that it would support any common proposal of G-4 and AU for their inclusion in the Council. The French Prime Minister Dominique de Villepin further made it clear that, “It’s up to the African countries and the G-4 to talk to each other” (cited in Leopold 2005).

Both French and British positions on expansion have not undergone change in post-Summit period. Addressing the United Nations General Assembly, French Deputy Permanent Representative to the United Nations Jean-Pierre Lacroix said that inclusion of India and other members of G-4 will make the Security Council more effective and reflect current realities. “There was no time to lose in reforming the United Nations. Enlarging the Security Council must be geared to making it more effective. Both permanent and non-permanent members should be increased and include Germany, Japan, India, Brazil and a just representation for Africa” he said (cited in Expressindia 2007). Later, Lacroix also urged consideration for “an Arab nation to become a permanent member of the UN Security Council” (cited in Earthtimes 2009). France again during ongoing intergovernmental negotiations in the Open-Ended Working Group on the Council reform has stated in favour of an expanded number of permanent (for G-4 and African states) and non-permanent seats in the Security Council, so that its composition reflects the reality of today’s world and takes into account the emergence of new powers that possess the willingness and capacity to assume significant responsibilities (Permanent Mission of France to UN 2009).

Further, in May 2006, at highest political level, former British Prime Minister Tony Blair while addressing students of Georgetown University, Washington D.C., stated that “A Security Council which has France as a permanent member, but not Germany; Britain, but not Japan; China, but not India -to say nothing of absence of proper representation from Latin America or Africa- cannot be legitimate in the modern world” (cited in The Hindu 2006). He strongly came out in favour of India’s candidature for a permanent seat in an expanded United Nations Security Council. The Indian candidature was again strongly endorsed by British Prime Minister Gordon Brown together with other G-4 states in January 2008. Though, Mr. Brown’s supported permanent membership to G-4 countries, but, in his views, the new members would not initially win veto powers similar to the existing five permanent members. Instead, places on the Security Council “would be offered without blocking powers in a first phase”, followed by “subsequent changes that included veto rights” (cited in Hurst 2008).

The common views of both France and Britain on the Council reform have been expressed during their summit level talks. In UK-France summit which was held on March 27, 2008 in London, declared that in the same spirit of adapting institutions to the new realities of the world, “the UNSC should be reformed to ensure that it better represents the world of today, while remaining capable of taking the effective action necessary to confront today’s security challenges” (cited in UK-France London Summit 2008). Both countries reaffirmed the support of candidacies of Germany, Brazil, India and Japan for permanent membership, as well as for permanent representation for Africa on the Council. Acknowledging the difficulties in negotiations over Council reform, France and the United Kingdom proposed the option of an “intermediate solution” at the summit. This could include a new category of seats, with a longer term-five years for example- than that of the current elected members, and this term would be renewable. At the end of an initial phase, it could be decided to turn these new types of seats into permanent ones (UK-France London Summit 2008). Though it is not clear that if this intermediary solution proposed in the London summit has basis in the intermediary arrangements proposed by five facilitators in their report in 2007, but one thing is for sure that both have similarity in their proposal as both talks about long term seats with review mechanism. In the present situation when there is deadlock on the Council enlargement, this

intermediary solution of London summit may break the impasse and different groups like G-4 and UFC may come to compromise on it. It is because it is in line with UFC's demands of creation of longer term seats and also, may satisfy G-4 as after initial phase of such enlargement the new seats may turn into permanent seats.

Chinese Position

Beijing's long-declared position is to support Security Council enlargement provided it takes due account of the principle of equitable geographical representation and accommodates the interests of developing countries (Malik 2005: 20). In 1996, China had announced that any expansion of the Council must; "Focus on redressing imbalanced regional representation, particularly serious inadequacy in the representation of developing states. It must in no way further aggravate such imbalance...therefore, no reform plan that excludes or discriminates against developing countries will even be accepted by the general membership of the UN, including China" (United Nations 1996b). So, it believes that in the Security Council the representation of developing countries must be strengthened. Further, China has it made clear that Beijing would not back any formula which does not address the concerns of Africa, stressing, "This is one of the fundamental principles of China regarding Security Council reform" and China will use its geopolitical clout to influence its African allies and at the same time champion their cause (Metzler 2007). China sees itself as an advocate for developing countries and especially it supports stronger representation for the African nations because these countries are severely underrepresented in the Council.

A commentary in the authoritative Beijing Review (May 13, 2004) by Chinese Foreign Ministry analyst, Wu Miaofa, for the first time, lays out "five principles" for the UN Security Council reform (cited in Malik 2005: 21-26). According to the first principle, "top priority (should be assigned) to achieving equitable geographic distribution" in the Security Council. Second principle pleads for fulfilling "the earnest and legitimate wish of developing countries by granting them reasonable representation in the Security Council permanent category". Acknowledging that "a number of developed and developing countries from different regions" are keen on a permanent seat on the Security Council, the third principle cautions that the Security

Council is “an organ of fairly high authority and moderate size,” and therefore “its expansion should not go without ceiling or restriction, and that a high degree of diplomatic wisdom and expertise is called for in this regard”. Fourth, the issue of “whether the newly elected permanent members shall be granted the power of veto” will be determined by “discussion and consensus among the present five permanent members.” The fifth and last principle delinks the issue of the Council reform from the democratization of international relations. It states: “(T)he concept of permanent membership and that of democratization of international relations belong to two different categories, with no fundamental links between them”

China has been the least specific among all the permanent members as it has not mentioned any specific number of new seats that should be added to the Council. Until recently, China had deliberately avoided expressing support for any country or reform proposal of G-4, UFC or AU proposals. However, in a significant policy departure, Jiang Zemin, former President of China, offered support to Germany and Brazil’s bids for the UN Security Council membership during his official visits to these countries in mid-2002 despite Beijing’s stated position that the Council is already over-represented by “rich and white” nations (Malik 2005: 20). At the same time, Chinese leaders have persistently refused to endorse India or Japan’s bid primarily because it would “undercut Beijing’s role as the sole Asian voice in the UNSC” (Malik 2004).

To the question of whether the five permanent members should maintain their veto power and if that power should be expanded to new permanent members, China has not offered an official position; but it is improbable that the five permanent members will give up the veto or agree to grant it to other states. China also stresses the principle of achieving consensus through consultation, and opposes setting a time limit for the Council reform or forcing a vote on a consensus-lacking proposal (Xinhua 2005a) and emphasizes that the Council reform should be carried out on the “basis of broad consensus” (United Nations 2006a). A critical scrutiny of Chinese stress on principle of consensus seems to be intended for the sole purpose of stalling an expansion of the veto-holding permanent membership as it is impossible to reach on consensus at the present juncture. At best, it provides a valuable insight into

China's insecurities and fears regarding the gathering momentum for UN reform and at worst, it is an "unconvincing plea for maintaining the status quo" (Malik 2005: 21).

Chinese opposition to Japan's Candidature

The Chinese oppositions of Japanese case is identified with "Opposition from History" problem. Resentment still runs high after Japan's invasion of China from 1931 to 1945 led to death or injury of up to 35 million Chinese, and sexual slavery of hundreds-of-thousands of women in mainland Asia (Homes 2008: 39). This is the criticism that Japan receives from her Asian neighbors, for her perceived inability to properly atone for her militarist past. China and the two Koreas are very vocal opponents of Japan's bid on this ground. China's relations with Japan further deteriorated in 2005 due to Japanese Prime Minister Koizumi's repeated visits to Yasukuni Shrine, which also honors 14 first class war criminals. In China, the prospects of a Japanese permanent seat have led to a mobilization of grassroots anti-Japanese sentiment and distinct cooling of relations between the two countries. The collected evidence suggests that the Chinese government "gave tacit consent to the anti-Japanese protests" in 2005 in order to undermine Japan's bid for a permanent seat on the UN Security Council and mitigate the international reputation costs to the Chinese government of making an eventual veto threat. The protests were instrumental in shifting the negotiations in China's favor: compelling the United States to concede its support for Japan's candidacy and work jointly with China to block the proposed reform (Weiss 2005). Secondly, it is entirely feasible that China would use the veto to block any change in the UN Charter that would jeopardize its place as the sole Asian state with permanent membership and the supremacy that brings.

Thus, in China, Tokyo is still viewed with suspicion and hostility as Japan continues to be haunted by border disputes and its Second World War-era occupation of China. China would never wish to see its adversary elevated as permanent member in the Council. Zhenqiang (2005) gives four major reasons which are cited by the opponents in China as to why Japan seems not suitable for that position. These are: Japan's failure to face up to the responsibility in its past aggressive wars, the World War Two in particular; Japan's lack of regional support; the country's lack of an independent foreign and security policy; and that there are other suitable candidates for the

permanent member of the UN Security Council in the region like India or Indonesia. The Chinese state-controlled newspaper, People's Daily, in an editorial, opined:

If an obsequious country dancing to the US' tune becomes a permanent member it is not different from giving the US two seats. In terms of being representative India and Indonesia in Asia and several countries in continental Africa are obviously more qualified than Japan. Even Germany is more qualified than Japan in terms of morality and justice and human concept (People's Daily: 2004).

Stand on Indian Candidature

In past, China had uneasy affairs with India due to disputes over boundaries. Also, China is suspicious of India's great power ambitions, and is therefore now holding out for the status quo. Beijing fears that with Japan and India inside the UN Security Council, Washington would be able to work around Russian intransigence, French resistance and outweigh Chinese opposition. In fact, China's vociferous opposition to its Asian rivals' bids is the major obstacle to the realization of their UN Security Council aspirations.

In June 2004, in an interview with an Indian correspondent, State Councilor and former Foreign Minister Tang Jiaxuan was non-committal about China's position regarding India's bid. He only said that "the Chinese government values India's influence and role in international and regional affairs and is willing to see a greater Indian role in the international arena, the United Nations included" (cited in Malik 2005: 22). However, a few months later, during his visit to India in October 2004, it appeared that China's public position have softened somewhat. With Beijing endorsement for the first time, he stated, "a bigger role for India in the international community, including in the United Nations Security Council" (cited in Srivastava 2004). This statement prompted the Indian media to jump to the conclusions that China, hitherto ambivalent, was now backing New Delhi's claims. But after it, China made no clear positive stand on Indian case.

Further, during Chinese Premier Wen Jiabao's visit to India, in April 2005, the Indian Foreign Secretary, Shyam Saran, told presspersons that the "Chinese side would be happy to see India obtain a berth in the United Nations' Security Council" (cited in The Hindu 2005). The Hindu quoted a news of the New Delhi-dated Xinhua's report, the official Chinese Xinhua news agency, in support of what the Foreign

Secretary said as following “Visiting Chinese Premier Wen Jiabao said China supports India's bid for a permanent seat in the United Nations Security Council ...He [Mr. Wen] said he had conveyed the support to Indian Prime Minister Manmohan Singh during their talks” said (cited in The Hindu 2005).

But, it is worth recalling that this “support” did not figure explicitly in the joint statement between two, the Chinese Premier and Indian Prime Minister, as it only stated that “The Indian side reiterated its aspirations for permanent membership of the UN Security Council. Chinese side also reiterated that India is an important developing country and is having an increasingly important influence in the international arena ... It understands and supports India’s aspirations to play an active role in the UN and international affairs (cited in Xinhua 2005b). So, it is clear that the visit did not yield with any definitive comment that China would be happy to second India’s goal of bagging a permanent seat at the Council; and the Indian officials and a section of the press over-interpreted the point made during the talks between Prime Ministers Manmohan Singh and Wen Jiabao.

In the post-Summit period, China indicated on 14 April 2006 that it could consider Indian case if it did not go along with Japan. Addressing a seminar on emerging trends in Sino-Indian relations at the Centre for Policy Alternatives, Chinese ambassador Sun Yuxi said, “We need developing countries in the expanded Security Council and hope India would play a larger role in international affairs, including the UN”. He added that China “was not an obstacle to New Delhi's bid”. He said China had “worked against the G-4, comprising India, Brazil, Germany and Japan, because Tokyo was in the group”. Extending condition support to Indian bid for permanent seat, China virtually asked India not to make a claim jointly with Japan as part of G-4 if it wanted Beijing’s backing (cited in The Times of India 2006). Thus, it tried to create divisions among G-4.

The concrete support from top Chinese leadership still has to come. Despite the assertion of Indian Foreign Secretary Shivshankar Menon that Chinese President Hu had “assured” India on a bilateral visit in 2006 that China “would not be an obstacle” to New Delhi's push for permanent membership of the Security Council, no concrete guarantee was given in writing at the Joint Declaration. The more realistic, reading of the situation is that Indian officials have been applying a glossy spin to the

chameleonic Chinese positions of the past, which never overtly pledged approval of a permanent Security Council seat for New Delhi (Chaulia 2008).

In May 2008, again, China refused to support Indian case at the Conclave of Foreign Ministers of BRIC countries (Brazil, Russia, India and China) at Yekaterinburg, Russia. In the joint communiqué issued at the end of the meeting, Chinese delegates scotched Russian proposals of supporting India's cause of entering the elite league at the Security Council (Chaulia 2008). Thus, the firm refusal of China to sign a communiqué at Yekaterinburg that unambiguously championed a permanent seat for India at the UN Security Council is actually consistent with Beijing's hide-and-seek strategy on the issue.

Since no official change in policy has been announced, the Chinese position on India's claim to a seat is still veiled in ambiguity, perhaps deliberately so. Beijing continues to reiterate general support for greater representation from developing countries and seems favourably disposed toward Brazil and Germany, and strongly opposed to Japan, but says little about India. But, in real politik terms, China can no longer afford to be seen as publicly opposing India's bid or ganging up with Pakistan, which would only push India toward Japan. Furthermore, since China has long opposed Japan's gaining leverage in Asia, it may prefer to live with India in an expanded Security Council (Srivastava 2004).

Russian Position

When the debate on the expansion of the Security Council began in the UN General Assembly in 1993, Russia was quick to reject radical reform like other permanent members. The Russia felt threatened by the prospects of the Council reform because it feared that it might dilute its power in the most prominent organ of the United Nations. After Soviet disintegration, Russia found UN Security Council as sole major international forum where by having permanent position with the veto right; it could still rank as a global player (Bourantonis & Panagiotou 2004: 98). Russia perceived its national interests would be best defended through maintenance of the status quo.

But when in mid 1990s US, France and UK supported bids of Germany and Japan for the Council, that development put pressure on Russia. Russia feared that now further

oppositions would isolate it as one of the few members of the United Nations opposing change. However, while Russia portrayed itself as being in favour of reform, it did not directly and specifically express support for the candidature of Germany and Japan. When 'plus three' model got popularity among the UN members to include developing states, Russia supported it. Russia declared in General Assembly in 1997 that "Germany and Japan are real candidates for a reformed Council. It is also clear, however, that the attainment of a broad agreement with regard to the parameters of the expanding Council implies the granting of permanent seats to representatives of Asia, Africa and Latin America" (United Nations 1997d). Later, Russia called India as "a strong and worthy candidate for permanent membership", though it did not mention the names of Germany or Japan (United Nations 2001). It is to be mentioned that Indo-Russian ties have been very firm; in fact the Russian veto saved India's position on several occasions. The Russian President Vladimir Putin was quoted in the Indian media as saying, 'India should have the veto power as a potential permanent member' (cited in The Hindu 2004); however others believe that he was compelled to say this. Russian policy on India's claim is described as wait-and-see, and even with the dropping of the veto demand Russia's position seems to be unclear (Mathur 2005: 19). Thus, it is clear that though Russia wants to maintain its privileged position, it is continuously adjusting with the new demands of the Council reforms.

The Russian representative, Andrey I. Denisov stated in General Assembly that his country is supportive of any enlargement of the Council leading to a more effective body. To create a better geographical balance, the "inclusion of developing countries is of great importance". Having said this, the Russian Federation expressed that the representativeness was not to undermine the efficiency and the Council therefore insisted that after enlargement "the number of members in a new Council should not exceed a reasonable size", for example, "20 plus". The question concerning the veto power would be taken in consideration after the permanent members would have been chosen. One thing that Russian Federation firmly expressed was that there would be no diminishing measures taken towards the duties and privileges for the current permanent members therein included the right to veto (United Nations 2005c).

Like Britain and France, Russia also supports an intermediary model of enlargement of the Council. On 14 December 2007, Russia stated that they stood “ready to explore an intermediary approach” (cited in Center for UN Reform Education 2007) which was presented in the five facilitators’ report in April 2007 as discussed in previous chapter. In 2008, Russia supported the “interim model” which is same like intermediary model of the five facilitators’ report. Alexander Yakovenko (2008), the Official Spokesman of Russia’s Ministry of Foreign Affairs, stated that Russia believes, “the reform of the UN Security Council, aimed at raising the effectiveness of this body through its limited enlargement, meets the world’s interests”. He also underlined that “there is still a wide divergence of opinion on Security Council enlargement among the UN member states” and further he stated that:

For us the key guideline remains the task of imparting to the Council a more representative character, but not to the detriment of this body’s capacity for work. Overall, we believe that as there is no agreement between supporters of different schemes for the Council’s enlargement, the ‘interim model’ (calling for an enlargement only in the category of nonpermanent membership that has a longer term and which allows members to run for re-election) or its possible variations can move the debate on Council reform off dead center” (Ministry of Foreign Affairs of the Russian Federation 2008).

Further, the Russian Ambassador Vitaliy Churkin in 2007 General Assembly session stated that “the intermediary approach means deferring the final decision and in the meanwhile increasing the number of non-permanent members, some of whom might have much longer term than the current two year” (cited in Expressindia 2007). Thus, Russia is ready to explore alternative prospects for the Council reform and to end the deadlock in negotiations over reform.

Possible Consequences

There is a peculiar nature of the amendment procedure of the UN Charter which means that procedurally, the agreement of the permanent five to expansion of the Security Council is not required during an initial vote of the General Assembly. The veto of the permanent five comes into effect only at the stage of ratification by national legislatures, often a number of years later. The evaluation of permanent members’ stands over three discussed proposals G-4, UFC and AU, suggest that any one or all permanent members would exercise veto if any of these proposal is put for vote. For example, China may veto G-4 proposal as it adds Japan as a permanent

member. Not all permanent members till now have supported the permanent seats for the African states, so AU proposal would be opposed.

As discussed in previous chapters, no single proposal enjoys two-thirds majority from the UN members at this stage due to severe differences of opinions among members. But in case, if it happens in future, then Daws (2005: 4-5) points out that the three possible consequences discussed below would stem from the passing by two-thirds majority of an initial General Assembly resolution against the wishes of one or more of the Permanent five as discussed below:

First, one or more of the Permanent five may be so opposed to the provisions and likely consequences of the resolution that they resist ratification for many years, leaving the United Nations in a limbo whereby the majority of the UN member states have agreed that the Council's current size and composition lacks legitimacy, but expansion is prevented solely as a consequence of one or more Permanent five members. This might undermine the credibility of the Council during the open-ended wait for ratification. Second, pressure from the rest of the world might eventually lead all Permanent five members to ratify, even if this takes some time, and the ratification is undertaken reluctantly. One or more of the Permanent five may then favour other fora, such as an expanded Group of 8, regional organizations such as NATO, or a return to bilateral relations, as the preferred means by which to address peace and security issues. Third, it is possible that the Permanent five will not only eventually accept and ratify a significant expansion in the membership of the Council, but may decide that they are still willing to seek agreement and action on peace and security issues through the vehicle of such a larger Security Council.

If the current permanent members reject all reform proposals and ignore the demands of prominent emerging global players and other developing countries to enlarge the Council, certainly it involves some risks. Sam Daws counts such six risks as follows: First, there may be greater pressure for *de facto* changes to the UN Charter, including additional voluntary commitments by the permanent five to constrain their use of the veto in defined circumstances. Second, aspirants of permanent membership, Japan and Germany that presently are the second and third largest contributors to the UN's regular budget, may seek to reduce the size of their financial obligations to the United Nations if permanent seats for them are not forthcoming. Third, there may be renewed

pressure for reconfiguration of the existing system of UN regional electoral groups. Fourth, retaining the status quo in the membership of the Security Council is likely to lead to calls for an increased contribution from permanent members to the maintenance of international peace and security in return of their permanent status and veto. Fifth, there is likely to be growing pressure on the permanent members to pay their assessed financial dues to the United Nations in full and on time. Sixth, in the absence of expansion, the demands to improve the working methods in areas of increased Council transparency and consultation with non-members of the Council would increase. Attention would likely turn to the issue of accountability and the relationship of the Council to the General Assembly (Daws 2005: 6-9).

Conclusion

It is without saying that the adoption of any of the reform proposals would diminish the privileged status of the permanent five. So, initially they were reluctant for any Council enlargement. But, the change in the new international settings, the powerful demands of Germany and Japan together with developing countries for their representation in the Council forced them to change in their attitudes in mid 1990s. Firstly US, Britain and France agreed on '*quick fix*' formula to take Germany and Japan in the Council while China and Russia kept low profile on the issue. When developing countries firmly linked their representation issue with their support to any future reform proposal, except China all other permanent members gradually came in support of '*plus three*' formula.

However, the debates on enlargement process during present decade have not moved forward as should be because of reluctance of permanent members over the issue in one way or other way. There are several reasons why any one or all permanent five states have not been positive to reform proposals discussed during this time. The implementation of any of the Council reform proposals which were floated, discussed or supported by member states during this period would have serious repercussions for the permanent five. Firstly, they have given logic of efficiency of the Council. It has been argued that ten or eleven new members "would create a hopelessly awkward and inefficient Council" (Paul and Nahory 2005: 5) and would tarnish the effectiveness of the Council. Secondly, expanding the number of permanent members of the Security Council "would shift the balance of power and dilute the permanent

five's special status" at the core of the group of the most influential states in the world (Bourantonis 2005: 69). Also, proposals such as those supported by the members of the Group of Four (G-4) and African Union (AU) which sought an increase of the total number of the Council members to 25 and 26, respectively, if adopted, would put the ability of deciding outcomes at stake. After addition of 10 or 11 new seats, the threshold votes needed to pass a controversial or self serving resolution would be difficult for any one of the permanent five because more votes would now be needed. Furthermore, a larger Council expansion might activate the so called informal veto, that is, the capacity of a group of states other than the veto-wielding permanent members to prevent decisions from being taken. Finally, the most important proposals that were presented during this period would, if adopted, materially diminish the importance of the veto power in that they included demands for restricting in one way or another its use by the permanent five. The permanent members in no way would like to diminish their veto rights. So, permanent five are reluctant to any expansion proposal and also, hesitant to share these powers with other emerging global powers of today as it may be detrimental to their national interests and positions in world politics.

Despite of reluctance of permanent five as mentioned above, there are two remarkable points that should be noted here. One, that all permanent five members now support a more democratic and representative Security Council. Another, important point is that all permanent members including Russia and China support inclusion of the developing countries in the Council.

The responses of permanent five to the claims of various contenders and different reform proposals are varied. But, one thing is common in their view that they are not going to accept any proposal diminishing their veto rights and also, they are not in favour of grating veto rights to the new permanent members at least for the time being. At present, Britain and France has openly supported G-4 proposal and African states. United States has only endorsed the candidacy of Japan and but has cooled down over Germany's candidature after Iraq War in 2003. Russia is favourable to the Council reform and sees candidacies of Germany, Japan and India as legitimate. China has shown its favours to the candidacies of Germany, Brazil and African countries. But, it strongly opposes the candidacy of Japan and has ambiguous stand on

Indian seat. Thus, it seems that the overall picture of supports and oppositions by permanent five is based on their own national interests and is not going to solve the long deadlock over the Council enlargement debates in near future.

Britain, France and Russia in their recent pronouncements have proposed an intermediary solution to break the impasse over the Council reform debates, which seems to be in the line of intermediary arrangements proposed by the five facilitators in their report in April 2007 in the Open-Ended Working Group on the Council reform. This solution seeks to defer the final decision on creating new permanent seats and in the meanwhile, proposes to increase the number of non-permanent members, some of whom might have much longer term than the current two year with a mandatory review mechanism. Till now, US and China have not made any statement on such intermediary solution, they have adopted wait and watch policy on it. Also, this solution is unlikely to get support from prominent contenders, though the wider response from UN membership is awaited on this approach.

In all, the reluctance of the permanent five to entertain any ideas that dilute or undermine their current elitist status cannot simply help them to brush aside the question of the Council enlargement. Also, not supporting the change in the Council composition involves some critical risks for the permanent five as they may be asked to finance more to the United Nations and in time (as Germany and Japan may reduce their financial contribution to UN budget); commit more to international peace and security through effective involvement beyond their interests; to constraint use of veto; and to improve working methods of the Council making its functions transparent, accountable and accessible to non-Council members. Furthermore, the permanent five by their reluctant and status quoist stand approach cannot keep the Council unaffected from representation demands of member states for very long time. In fact, their positions have acted as impediments for the Council to change and adapt with new circumstances and realities. The Council continues to be in turbulent non-growth stage of change. If no actions are taken in near future to enlarge the Council, it may undergo decline and finally may reduce to its irrelevance. The larger part of developing countries, which is dissatisfied with the unrepresentative character of the Council, may go for some alternative forum to deal with peace and security issues.

CHAPTER 5

CONCLUSION

The United Nations was created by the Great Powers after the World War II to save the future generations from the bloody wars and impose a new international order of peace and security. The primary responsibility of the United Nations of maintaining international peace and security was entrusted to the Security Council which was made a specialized body on such issues. Article 24 of UN Charter provided that the Security Council was alone mandated to take actions on “behalf of” the UN members and its decisions were binding on all the UN members. Thus, the Council was viewed as an executive organ of the United Nations holding authority over the most important UN activities. Taking the lessons from failure of the League of Nations, the Security Council was made as a compact and effective body with enough powers to enforce peace and security. The element of power was embedded in the structure of the Council through the creation of an elite group of five permanent members, which were given special privileges including the veto rights over the substantive issues of peace and security. Simultaneously, the Council was provided with six non-permanent members to give proportional representation to the UN membership.

While drafting of the UN Charter at San Francisco Conference, the provisions for the permanent positions and privileged veto rights to the five Great Powers in the Security Council were vehemently opposed by the smaller and middle powers of that time. They saw these provisions against the principles of sovereign equality among nations. The Great Powers defended their special positions on the basis of their great power status and their special responsibilities to maintain international peace and security in future. Also, they propounded that the Great Power unity was must for the future success of the UN Security Council. Furthermore, the United States and the USSR made it clear that they would not accept Charter without veto rights. In fact, by it, they wanted to secure their special role in the future international order and protect their national interests. Finally, the small powers accepted the privileged positions of the permanent five in hope that the Great Powers would provide effective leadership to the new organization in maintaining international peace and security.

Thus, the Security Council was established in accordance with the realities of the 1945. But, as a vibrant and flexible body of the United Nations, it has to keep its structure and functions abreast of the changes in the world politics in which it operates. It has to change and adapt according to the new international realities and the demands from the environment, if it wants to remain as a relevant body. The institutional structure of the Security Council is needed to be periodically modified in order to avoid becoming obsolete.

In the next two decades of the United Nations' establishment, there were some drastic changes in the world politics. Many former colonies of Asia, Africa and Latin America got independence due to strong waves of decolonization. For them, acquiring the UN membership became the matter of prestige and the means of their participation in world affairs. By 1960, the UN membership doubled and upset the ratio of total membership to the seats in the Security Council. Eventually, there arose the demands for restructuring of the Council to correct this ratio. These countries demanded increase in non-permanent seats in the Council and redistribution of such seats based on geographical representation. Finally, a resolution was adopted in General Assembly in 1963 to add four new non-permanent members in the Council and after getting required ratifications from the member states, it came into effect by 1965. The Council adapted itself with the new environment and demands of representation from its member countries. This enlargement was possible due to two reasons. Firstly, the developing countries had mounted tremendous pressures for the Council enlargement and displayed a solid unified stand on the issue. Secondly, the permanent five accepted their demands because it was not going to affect their privileged positions in the Council as enlargement was proposed only in non-permanent seats.

In this phase, the adjustments in the Security Council represent Ernst Haas's incremental growth model of change. The international setting (environment) in which the Council had worked was changed and demanded adaptation in the institution in form of restructuring of the Council. Here, the change in the Security Council's structure was made without altering its underlying principle or the ultimate purpose. Thus, the means of organizational decision-making was slightly changed without causing any incoherence with the goals. The political goals in this phase were

static and no new consensual knowledge was present. So, it was easy for the Council to adjust. Also, incremental growth of change was noticeable in the Council's functional task of collective security. In the UN charter, there are strong military provisions against an aggressor. But, in practice, many times deadlocks appeared in the Security Council when military actions were needed by the United Nations. So, consequently United Nations added a new device of deployment of the peacekeeping forces in such situations. This was another effort of the Council to adapt in accordance with the need of situations.

With the inclusion of more states of Asia and Pacific, Africa and Latin America in the United Nations, the Council enlargement demands resurfaced again in 1970s. These developing countries invoked the principles of democracy, representation and legitimization to forcefully put their demands of expansion. The NAM played important role in articulating their demands at different levels. In 1979, India along with several developing countries tabled a draft resolution to increase Council membership in the non-permanent category. The permanent five did not show any interests as it could dilute their positions in the Council. Also, due to non-support from wide UN membership on the expansion proposal, the resolution was not put for voting. This period also witnessed the intense debates between North and South, where developing countries were challenging the existing international economic system. Further, there were radical changes in the environment, leading for demands of the overhauling of the structure of the Council to meet new challenges and circumstances. But no consensus emerged as to how to adapt the Council.

Thus, by this time, the United Nations in general and the Security Council in particular was undergoing turbulent non-growth phase as there were lots of activities and debates but no major change or adaptation took place. The ends no longer had coherence with means as the internal consensus on both ends and means had disintegrated. The very founding principles of the Council (the Great Power Unity and selective representation) were in conflict with other principles like democratization, representativeness and legitimacy. For instance, the developing countries on the principles of representation challenged the UN Security Council composition. They argued that the United Nations since its establishment had promoted the democratic values and norms within the member states; it must adopt same values within its

structures including the UN Security Council composition. But, there was not consensual knowledge among UN members over this principle.

The dynamic global changes occurred in the international politics from the mid 1980s to the early 1990s. The end of Cold War had quite positive impact on the functioning of the United Nations and particularly, on the Security Council's collective security practices. The Council became very active and played very effective role to enforce peace during the Gulf War (1990-91). Furthermore, there were dramatic changes in nature and number of peacekeeping operations since 1990s. However, the permanent members of the Security Council adopted questionable decision-making methods, without consulting even the non-permanent members of the Council. These developments made the developing countries to demand the expansion of the Council once again, for their effective participation and representation. There were also many other reasons for demanding restructuring of the Council. Firstly, as mentioned above, the increased importance of the Council got attention and led to the demands of enlargement. Secondly, the UN composition in 1992 had reached to 183 from original 51 in 1945. So, the Council had turned grossly unrepresentative of the total UN membership. The Council was needed to adapt in the new international setting. Thirdly, the developing countries of Asia, Africa and Latin America which now constituted two-thirds of the UN composition, were represented by only one permanent seat in Council, by China. The Council's structure was in favour of the industrialized developed countries of the world. Hence, the debates also tuned as the North-South issue. The developing countries forcefully demanded their due place in the Council by enlarging the Council including addition of new permanent seats in the Council. They invoked principles like democratic and geographical representation, legitimacy, equality and just international order in support of their demands. Also, they claimed that the new global challenges like intra-state conflicts; the spreading terrorism and cross-border crimes affecting world peace and security in different regions could effectively addressed if new global powers including developing countries were included in the Council and its decision-making. Also, though the Council's agenda mainly dominated by the issues of the developing countries, they were not consulted while making decisions about them. Fourthly, the non-permanent memberships by which, the developing countries were being represented in the Council, were merely treated as the "rubber stamps" on the decisions taken by the

permanent five in the Council. Their marginalization encouraged them further for demands of Council enlargement. Fifthly, the powers of Britain and France had relatively declined, which held permanent seats in the Council since 1945 on basis of their Great Power status. By this time, there was emergence of new global powers on the international scene like Germany, Japan, India, Brazil and others who saw the rejuvenated Security Council as important forum to play their due role in the world politics. Now, with rise of these countries the global power realities had changed. So, this time the demands arose to increase permanent seats as well. It can be concluded here that the Security Council faced new circumstances and challenges in the post-Cold War period, which led to demands for its restructuring.

By a resolution in December 1992, the General Assembly recognized the needs of revitalization and restructuring of the United Nations Security Council. Subsequently, the Assembly decided to establish an “*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*” (generally known as the OEWG on Security Council or the Working Group). Since 1992, the Working Group is functioning as a formal forum for the consultation of the reform of both, the expansion of the Council (Cluster I) and working methods (Cluster II).

It is without saying that the adoption of any of the reform proposal to enlarge the Council would diminish the privileged status of the permanent five. So, initially, all five permanent members opposed any addition of new permanent seat to the Council as it could surely affect their privileged positions in the Council. Surprisingly, The US supported the new permanent seats for Germany and Japan in summer, 1993. It was because US wanted to lessen its financial burden towards United Nations by including them in the Council and increase their contributions to the United Nations. This stand of US forced France and Britain to change their attitudes towards these candidates as initially they had opposed increase in permanent seats. As a result, Britain in summer 1993, and France in spring 1994, gave support to their claims. This move to include the two in the Council was called as ‘*quick fix*’ formula. By 1994, Russia and China supported Council reform but did not name any country for new permanent seats.

This move of the developed countries to add only Germany and Japan as permanent members was opposed by the developing countries as it would had made the Council

more in favour of the industrialized nations. They vigorously opposed the quick fix formula and wanted that any future expansion must fulfil their demands of inclusion of developing countries as permanent members in the Council. But in early 1990s their demands were rejected on ground that adding many countries to the Council would make it inefficient. But the continued pressures from the developing countries and particularly, uncompromising stand of African states for their due share in the decision-making process of the Council forced the permanent members to accept their demands. Otherwise, no future Charter amendment was possible without the numerically powerful developing countries in the Council. Hence, the developing countries were successful in linking their representation demand in lieu of their supports to the German and Japanese claims. The '*plus three*' model, i.e., to accommodate three developing states in the Council as permanent members from Asia, Africa and, Latin America and the Caribbean regions besides Germany and Japan, started getting supports from developed countries of the world. As a matter of fact, the revised attitudes of the permanent members towards Council reform had a double effect on the discussions: firstly, it confounded further the candidacies of Germany and Japan and secondly, it made the reform process more complicated than ever as developing countries were severely divided among themselves over any agreed formula and once developing countries agree on a reform model, it would have to be agreed by permanent five.

In the course of discussions in OEWG, several newly emerged powers, both from developing and developed states, have claimed the permanent seats in the UN Security Council. They have cited different grounds for their claims. Some of the prominent aspirants for the permanent seats are Japan, Germany, Brazil, India, Nigeria, Egypt and South Africa etc. Japan and Germany have claimed permanent seats on the grounds of their financial and global strength and their great share of financial contribution to UN budget. Japan has served eight times and Germany five times in the Council as non-permanent member, which shows the goodwill and influence enjoyed by them in UN community. Also, Japan's contribution to the peacekeeping operations is so crucial that no peacekeeping operation without its financial support is possible. Likewise, Germany is Europe's biggest and the world's third largest economy. It is militarily strong nation to shoulder future military responsibilities. One of the major contenders from the developing countries is India.

The Indian claim is based on its contributions to the peacekeeping operations, its population, successful liberal democratic credentials, size, strong military and economic capabilities etc. India ranks fourth largest contributor of troops to the UN peacekeeping operations. Other major contender from the developing countries is Brazil. Brazil has mainly cited the size of its population and also, considerable contribution to the UN peacekeeping operations as main ground for its claim.

The other prominent contenders come from the African continent, which is one of the most populous continents of the world without single permanent seat in the Security Council. The main claimants of African continent for permanent seats are Egypt, South Africa and Nigeria. Their claims are based on different grounds. Nigeria is the most populous nation in Africa and sixth largest oil producing member of OPEC. Since 1960, it has acted as continental leader against decolonization and anti-apartheid struggle and has been active in peacekeeping efforts even before independence. The other contender, Egypt is the largest and most influential Arab-African country, which has record of successful diplomatic influences in Northern Africa and Middle East. The third prominent claimant is South Africa which is one of the largest economic and military powers. South Africa accounts for nearly 40 percent of Africa's economy. It has become first country to disarm its nuclear arsenal unilaterally. Since, its transition to democracy in late 1990s, it has assumed superior moral leadership in the continent and globally. It has promoted peace in the region, including mediation in Burundi, Congo and Ivory Coast. Besides these African claimants, there have also been demands for a Muslim seat in the Council, which enjoys support from members of Organization of Islamic Countries.

By September 1996, the Working Group of the General Assembly had before it 18 concrete proposals regarding new composition and size of the Council. These different proposals reflected the differences and divisions among the member states over the issue. These proposals for Council enlargement could be divided in four types of solutions: Status Quo Solutions, Parallel Enlargement solutions, Modified Parallel Enlargement Solutions and Mixed Solutions.

The Chairman of the Working Group came with a compromised formula known as Razali Plan in 1997. It was the most important and most coherent proposal till then. It provided the enlargement of the Council from 15 to 24 members with the addition of

5 new permanent members and four non-permanent membership seats. The five new permanent seats envisaged in the plan were to be distributed as follows: two for industrialized countries and three from developing countries with one each from Africa, Asia, and Latin America and the Caribbean. The four additional non-permanent seats were to be distributed among Asia, Africa, Eastern Europe, and Latin America and Europe. Razali Plan did not favour veto rights to new permanent members. But the Plan could not be agreed upon because of two reasons. Firstly, except France, no other permanent member gave its support to the Plan. Secondly, it could not get support from wide UN membership. It clearly exposed first time the bitter differences and divisions among the developing countries and in their largest grouping, NAM. One group of countries like India, Brazil and Japan etc. welcomed the Plan as a forward step. On the other hand, another group of states like Pakistan, Indonesia, Argentina, and Mexico were more militant against Razali plan, as they did not like to see their regional rivals elevated to the permanent membership. Finally, Plan was rejected by NAM. On the whole, the OEWG continued to function but without results in the following years. The reasons were the divided views of the permanent members and differences among developing countries themselves over the issue. Further, when the claims of main contenders of permanent seats were known, the developing countries of the Asia, Africa and Latin America displayed the sharp differences and divisions over the various aspects of the Council enlargement and no consensus has emerged on several aspects of the issue till now. The divisions are whether there should be extension of permanent membership or not; and the creation of new categories of membership. If extension, then how many new seats and with what rights; what should be the criteria; and how the new permanent members would be selected, whether by universal election or by the regions themselves.

In Asian region, Pakistan, Indonesia, Republic of Korea, Singapore and others see the addition of any permanent seats against the principle of democratization of world politics as it would add few more countries to the privileged positions. In fact, many of the regional rivals of the contenders of permanent seats would not like to see their rivals as permanent members, so they oppose creation of new permanent seats. It is reflected by Pakistan's opposition of Indian claim for permanent seat, and South Korean and Chinese opposition of Japanese claim. Further, countries like Pakistan, Malaysia, Syria, Turkey and Republic of Korea have envisaged idea of "semi-

permanent membership” for four years term on rotation basis on further agreed criteria, so that they may get chances to get elected in the Council. Also, there are few Asian countries like Maldives, Cuba, Iran, Uzbekistan, Afghanistan Iraq and Kuwait etc. that acknowledge need for enlarging Security Council but avoid any commitment to an increase in permanent seats.

In African continent, as early on September 1994, the Council of Ministers of the OAU unanimously declared that Africa to be entitled to two permanent seats, to be occupied on a rotation basis according to criteria to be established by the OAU. Later, African countries in their common position of Harare Declaration (1997), asserted for not less than two permanent seats to the Africa. Regarding veto power, they want same privileges to be extended to all new permanent members. The OAU which has now turned into African Union (AU) with its 53 members endorsed this stand further in Ezulwini Consensus (March 2005) and Sirte Declaration (July 2005). However, although AU have adopted a common African position on number of permanent seats to be extended and veto rights, the real challenge which it is facing is on selection of candidates for such seats. As discussed earlier, Nigeria, South Africa and Egypt have emerged as prominent contenders and have made their claims on different grounds. But, the battle over selecting candidates for permanent membership among African countries is such fierce that till now AU has not been able to present the two suitable agreed states.

In Latin American region, Brazil is a strong claimant for permanent seat but it has not been able to achieve much support from that region. The candidacy of Brazil is largely opposed by Latin American Spanish speaking countries. Chile has firmly supported the Brazilian case but many countries of that region like Argentina, Colombia, Mexico, Costa Rica and Bolivia do not support any additional permanent seats but favour regional rotating seats for the region. However, the Caribbean Community (CARICOM) may support increase in permanent seats. Some countries like Brazil, Colombia, Namibia, Zambia and Zimbabwe have argued that the Caribbean region should also be represented on the Council as well.

Thus, the debates and discussions of awarding permanent seats to some countries have caused surfacing of old enmities, rivalries, resentments, and jealousies in various parts of the world. This is particularly true for the developing countries which are

much divided in their opinions. The aspirants of permanent seats like India, Brazil, Japan, Nigeria, South Africa, and Egypt by acquiring permanent seats want to enhance their roles in international politics. But, their interests clash with their regional rivals, who do not want to see these countries elevated to the privileged positions as it would lower their status and may prove detrimental to their national interests. This is the reason why the major opponents of permanent seats are the “regional rivals” of the aspirants of the permanent seats. Also, many smaller or low ranked states have joined hands with them in opposing expansion to the Council because any more addition to the permanent seats would relatively decline further the position of the non-permanent members in the Council, to which these smaller countries have good chances to get.

The differences and divisions among the developing countries have led to the emergence of three major groups among them. These groups differ in their goals and are trying to secure the magical 128 votes of the UN membership, required for an amendment to the Charter to change the UN Security Council composition. One group is the Group of Four (G-4) with Japan, Germany, India and Brazil, which are lobbying together for permanent seats on the Security Council. Other group is Uniting for Consensus (UFC), made up of smaller and middle countries who are staunch opponents of the addition of new permanent seats to the Council and are regional rivals of G-4. They favour Security Council enlargement in the non-permanent category only, but support for the immediate re-election for non-permanent members. They refuse to accept anything less than consensus over the enlargement of the Council. Third group is of African states represented by AU, which calls for 2 permanent seats with equal veto rights and 5 non-permanent seats for its members.

In order to expedite the matter, the Secretary-General, Kofi Annan set up a “*High Level Panel on Threats, Challenges and Change*” in 2003 to look into, among other things, the Security Council reform issue. The High Level Panel came out with two alternative Models, A and B, for the Council enlargement in its report in 2004. Both Models suggested a Council of 24 members (rather than the present 15 members Council), from four (rather than current five) main regions in the world: Africa, Asia and the Pacific, Europe and the Americas. Model A envisages six new permanent members (without veto) and three additional non-permanent members, where each

region was to get two new permanent seats. Model B provided with eight new semi-permanent members with four-year renewable terms and one additional non-permanent seat. In his report, *"In Larger Freedom: Towards Development, Security and Human Rights for All"* in March 2005, the Secretary-General asked the member states to consider the two models suggested by the Panel's report and make decision on any of those models before the proposed World Summit of the United Nations in September 2005.

The report of High Level Panel (December 2004) and Secretary-General's report (March 2005) created a momentum in the Security Council enlargement debate. The groupings, which had emerged around the Council enlargement, solidified their positions and came out with their draft resolutions in July 2005 to garner support from the UN membership. During course of July, the General Assembly had the draft resolutions from G-4, AU and UFC for the discussions. The G-4 presented a draft resolution on 6th July calling for increase in the Council's membership from 15 to 25, by adding 6 new permanent and 4 non-permanent members. The new permanent members would be elected as follows: two from African states, two from Asian states, one from Latin American and Caribbean States, and one from Western European and other States. The non-permanent seats would one each go to Africa, Asia, Eastern Europe and Latin America and the Caribbean. No right to veto would be given to the new permanent members. The permanent seats were meant for the Germany, Japan, India and Brazil and two African states.

The Uniting for Consensus (UFC) Proposal for enlargement of the Council with 10 new non-permanent seats was presented on 21 July, 2005. It sought the Council as 25 members' body with five current permanent members. The proposal distributed the other total 20 non-permanent seats as follows: six seats for African states, five for Asia, four for Latin America and the Caribbean, three for Western Europe and other states. Third draft resolution from African Union was presented on 14 July, 2005. The proposal asked for increase in Council's membership from 15 to 26. The additional seats would be distributed as follows: 2 permanent and 2 non-permanent seats for African states; 2 permanent and 1 non-permanent seats for Asian states; 1 permanent seat for Western European and other states; 1 non-permanent seat to Eastern European countries; 1 permanent and 1 non-permanent seat for Latin American and Caribbean

states. Thus, it demanded 5 non- permanent and 2 permanent seats for Africa with veto rights.

Since none of these drafts had a realistic chance of harnessing 128 votes of the UN members, AU and G-4 realized that an alliance with harmonized solution of two is important to gain requisite support. A meeting of G-4 and an AU delegation consisting of 18 foreign ministers took place in London on 26 July 2005, where G-4 and the AU team prepared a compromised draft. Under this compromise, the AU was to drop its demand for veto power and G-4 agreed for expansion proposal of Security Council of 26 members, with six new permanent seats without veto power- one each for Brazil, Germany, India and Japan and two for the African region. This compromise draft was brought mainly with efforts of Nigeria, South Africa and India. But serious disagreement arose among AU delegation. Some AU states like South Africa and Nigeria (supported by Botswana, Mauritius and Benin) were willing to compromise on veto and agreed to merge with G-4 proposal; however North African nations such as Algeria and Egypt totally rejected this compromise. Finally, in a meeting called for approval of the compromised solution in Addis Ababa on 4th August 2005 failed to endorse the solution due to disagreements among AU members. Thus, an agreement between AU and G-4 could not be reached despite of several efforts due to internal rivalries among AU members. By 13 September 2005, none of the proposals like of the Uniting for Consensus, the G-4 and the African group could obtain required majority in the General Assembly. So, none of the proposal was put for the vote in the General Assembly. The UN World Summit which was held in 2005, ended without any concrete result on the Council enlargement. The major proposals from the developing countries have cross-cutting effects on each others' proposal. Thus, it is quite clear from the above discussions that *the differences and divisions among developing countries and their different groupings are the major obstacles in the restructuring of the UN Security Council.*

The responses of permanent five to the claims of various contenders and different reform proposals are varied. But, one thing is common in their view that they are not going to accept any proposal diminishing their veto rights and also, they are not in favour of granting veto rights to the new permanent members, at least for the time being. Britain and France have openly supported permanent seats for G-4 and African

states. United States have made clear that it would support a proposal, adding “two or so new permanent members” in the Council. It has only endorsed the candidacy of Japan and but has cooled down over Germany’s candidature after Iraq War in 2003. Russia is favourable to the Council reform and sees candidacies of Germany, Japan and India as “legitimate claims”. China has shown its favours to the candidacies of Germany, Brazil and African countries. But, it strongly opposes the candidacy of Japan and has ambiguous stand on Indian seat. Wen Jiabao, the then Chinese Premier, during his visit of to India in 2005, stated that China supported India’s aspirations to play an active role in the UN and international affairs. But, he did not give any clear support for Indian case. Thus, it seems that the overall picture of supports and oppositions by permanent five is based on their own national interests and is not going to solve the long existing deadlock over the Council enlargement debates in near future. It can be concluded here from above discussions that *there have been changes in the perspectives of the permanent five on enlargement of the Council, but crucial differing positions of permanent five over the issue still exist.*

There are several reasons why any one or all permanent five states have not been positive to reform proposals discussed during this time. Firstly, the implementation of any of the Council reform proposals which were floated, discussed or supported by member states during this period would have serious repercussions for the permanent five. So, they have given logic of efficiency of the Council as they argued that a larger Council would tarnish the effectiveness of the Council. Secondly, expanding the number of permanent members of the Security Council would surely shift the balance of power and would dilute the permanent five’s special status in the Council. Also, proposals such as those supported by the members of the Group of Four (G-4) and African Union (AU) which sought an increase of the total number of the Council members up to 25 and 26 respectively, if adopted, would put the ability of deciding outcomes at stake. After addition of 10 or 11 new seats, the threshold votes needed to pass a controversial or self serving resolution would be difficult for any one of the permanent five, because more votes would now be needed. Furthermore, a larger Council expansion might activate the so called informal veto, that is, the capacity of a group of states other than the veto-wielding permanent members to prevent decisions from being taken. Finally, the most important proposals that were presented during this period, if adopted, would materially diminish the importance of the veto powers

as they included demands for restricting its use by one way or another. The permanent members in no way would like to diminish their veto rights. So, permanent five are reluctant to any expansion proposal and also, equally hesitant to share their veto powers with other emerging global powers of today as it may be detrimental to their national interests and positions in the world politics. Despite of reluctance on part of permanent five, two points are quite remarkable. One, that all permanent five members now support a more democratic and representative Security Council. Another important point is that all permanent members including Russia and China support inclusion of the developing countries in the Council. It is clear that the Council is still in turbulent non-growth stage and has not able to adapt it with new environmental demands and requirements due to incoherence of viewpoints among larger UN membership. There is no consensus on how to go about restructuring. Incoherence of the views and clashes of diverging interests have put the Council in the turbulent non-growth phase of organizational change.

In post-Summit period, the Working Group is continuing its functioning over the issue but without any concrete results. In 2007, the five facilitators appointed by President of General Assembly, in their report suggested the “transitional approach” which provided for “*intermediary arrangement*” for enlargement of the Council which proposes creation of longer-term seats in the Council for the time being, instead of creating new permanent seats. A *Task-Force on Security Council Reform* is also assisting the Working Group in its work. During further discussions, in 2008, Germany once more asserted G-4 proposal and interestingly, organised an “overcharging group” open for all members to negotiate over issues of size of Security Council and categories of membership and other related issues. It is alternative thinking on reform and includes an intermediary arrangement as explored by the Open-ended Working Group in the five facilitator’s report.

Interestingly, Russia (in 2007) and later, Britain and France (in 2008) have proposed the intermediary solutions to break the impasse over the Council reform debates, which seems to be in the line of intermediary arrangements proposed by the five facilitators in their report in April 2007 in the OEWG on the Council reform. In fact, the two terms “intermediary solutions” and “intermediary arrangements” has been interchangeably used as both have approximately same content in their proposals.

These solutions seek to defer the final decision on creating new permanent seats and in the meanwhile, propose to increase the number of non-permanent members, some of whom might have much longer term than the current two years with a mandatory review mechanism. Till now, US and China have not made any statement on such intermediary solutions, they have adopted wait and watch policy on it. The supporters of new permanent seats, AU and G-4, have shown no clear positive sign to agree on intermediary arrangement proposed by facilitators; nevertheless the wider responses from the UN membership are awaited on this approach.

At present, a new mechanism of '*intergovernmental negotiations*' was started in the OEWG in March 2009 over the issue, which has identified the five key themes for negotiations: categories of membership, the question of the veto, regional representation, size of an enlarged Council and working methods of the Security Council, the relationship between the Council and the General Assembly. Nevertheless, as member states delivered their statements during intergovernmental negotiations, it appeared that several countries from the main factions, mainly the G-4 and the UFC, were actively rethinking their positions and potentially inching closer to some common ground for compromises. Among others, the UFC stepped forward with a compromised proposal involving longer-term seats, and Germany reportedly replied that they could consider longer-term seats, instead of the permanent ones for which they had been advocating for. Through these mechanisms, discussions are moving forward but there are not very clear cut positive signs that an agreed solution is coming in near future due to divisions among the UN members, particularly among developing countries and their various groupings. The very challenging roads for the compromises and negotiations are ahead over the issue of Council enlargement. Any further expansion of Council for permanent membership would not only need AU and G-4's cooperation, but would essentially require broader South-South cooperation.

Also, the reluctance of the permanent five to entertain any ideas that dilute or undermine their current elitist status cannot simply help them to brush aside the question of Council enlargement. Also, not supporting the change in Council composition involves some critical risks for the permanent five as they may be asked to finance more to the United Nations and on time (as Germany and Japan may reduce their financial contribution to UN budget); commit more to international peace and

security through effective involvement beyond their interests; to constraint use of veto; and to improve working methods of Council making its functions transparent, accountable and accessible to non-Council members. By these discussions and developments relating to the attempts of expansion of the Council, it can be concluded that these would not leave the Council unaffected. If there is no enlargement, the Council would not be able to run business as usual manner as it may lose its credibility and legitimacy among the larger international community.

In this period of uncertainty, the Council is continuing in turbulent non-growth stage of change. If no action is taken in near future to enlarge the Council, it may undergo a stage of decline and may reduce to irrelevance. The larger dissatisfied members of the United Nations may prefer for some other alternative forums to resolve the peace and security matters, where they are properly represented and have participation in the decision-making processes. So, it is imperative for the Security Council to change according to the realities of the twenty-first century for the sake of its relevance, legitimacy and effectiveness as it is the only international body entrusted with management of international peace and security.

Appendix 1

Group of Four (G-4) Draft Resolution

(Tabled in the United Nations General Assembly, Fifty-Ninth Session, Agenda Item 53, UN Doc. A/59/L.64, 6 July 2005)

The General Assembly,

Recalling its resolutions 48/26 of 3 December 1993 and 53/30 of 1 December 1998,

Recognizing the primary responsibility of the Security Council for the maintenance of international peace and security under the Charter of the United Nations,

Recognizing also the functions and powers of the General Assembly on matters pertaining to the maintenance of international peace and security as contained in the Charter,

Recalling Article 15 (1) of the Charter, and recognizing the need for closer cooperation between the Security Council and the General Assembly,

Noting that the effectiveness, credibility and legitimacy of the work of the Security Council will be enhanced by its improved representative character, its better ability to discharge its primary responsibility and to carry out its duties on behalf of all members,

Reasserting the purposes and principles of the Charter, and recalling that, under Article 2 (5) of the Charter, every Member State has pledged to “give the United Nations every assistance in any action it takes in accordance with the present Charter”,

Stressing that the permanent members of the Security Council bear a special responsibility both to uphold the principles of the Charter and to give their full support to the Organization’s actions to maintain international peace and security,

Recalling, in this regard, its resolutions 55/235 and 55/236 of 23 December 2000, as updated by resolution 58/256 of 23 December 2003, on the scale of assessments for the apportionment of the expenses of the United Nations peacekeeping operations,

Acknowledging that there are many ways for Member States to contribute to the maintenance of international peace and security, and underlining that members of the Security Council should be elected with due regard to their record of various contributions to this end and also to equitable geographical distribution, as noted in Article 23 (1) of the Charter, as well as for their demonstrated commitment to and observance of international norms,

Acknowledging also that security and development are intertwined and mutually reinforcing and that development is an indispensable foundation of collective security,

Aiming at the expansion of the membership of the Security Council to better reflect contemporary world realities, thereby shaping a balance of forces capable of enhancing the Council’s responsiveness to the views and needs of all Member States, in particular developing countries, and ensuring the adoption of improved working methods,

Recognizing the ongoing efforts of the Security Council to improve its working methods,

Noting with appreciation the efforts 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, which began its work in January 1994,

Seeking in particular to enhance the transparency of the Security Council and the participation of non-members of the Council in its work,

Bearing in mind the United Nations Millennium Declaration of 8 September 2000 adopted by Heads of State and Government,¹¹ in which they resolved, in respect of reform of the Security Council, to intensify their efforts to achieve a comprehensive reform of the Security Council in all its aspects,

Taking into account the relevant recommendations contained in the report of the Secretary-General entitled "In larger freedom: towards development, security and human rights for all",¹² in particular the recommendation to take a decision on Security Council reform before the summit of the General Assembly to be held in September 2005,

Size and composition

1. Decides:

(a) That the membership of the Security Council shall be increased from fifteen to twenty-five by adding six permanent and four non-permanent members;

(b) That the six new permanent members of the Security Council shall be elected according to the following pattern:

- (i) Two from African States;
- (ii) Two from Asian States;
- (iii) One from Latin American and Caribbean States;
- (iv) One from Western European and Other States;

(c) That the four new non-permanent members of the Security Council shall be elected according to the following pattern:

- (i) One from African States;
- (ii) One from Asian States;
- (iii) One from Eastern European States;
- (iv) One from Latin American and Caribbean States;

¹¹ Resolution 55/2 of 8 September 2000.

¹² A/59/2005.

Election procedure for new permanent members

2. *Invites* interested States to inform the members of the General Assembly that they are prepared to assume the functions and responsibilities of permanent members of the Security Council and to submit their candidatures in writing to the President of the General Assembly within one week of the adoption of the present resolution;

3. Decides:

(a) To proceed, as soon as possible but in any case no later than twelve weeks after the adoption of the present resolution, by a vote of two thirds of the members of the General Assembly through a secret ballot, to the designation of the States that will be elected to exercise the functions and responsibilities of permanent members of the Security Council, according to the pattern described in paragraph 1

(b) above, it being understood that if the number of States having obtained the required majority falls short of the number of seats allocated for permanent membership new rounds of balloting will be conducted for the remaining seats until six States obtain the required majority to occupy the six seats;

(b) That only candidates registered in accordance with paragraph 2 above shall be eligible;

(c) That the date for the election of the new permanent members according to subparagraph 3 (a) above shall be determined by the President of the General Assembly;

4. *Decides*, without prejudice to paragraph 3 above, to apply the rules of procedure of the General Assembly to the election of the new permanent members of the Security Council;

Veto

5. Decides:

(a) That the new permanent members should have the same responsibilities and obligations as the current permanent members;

(b) That the new permanent members shall not exercise the right of veto until the question of the extension of the right of veto to new permanent members has been decided upon in the framework of the review mandated under paragraph 7 below;

Amendment of the Charter of the United Nations and review

6. Decides:

(a) That, no later than two weeks after the designation of States elected to serve as new permanent members of the Security Council, a resolution containing amendments to the Charter of the United Nations arising from the decisions taken in paragraphs 1 and 3 above will be submitted in order to be adopted at the earliest possible time, in accordance with Article 108 of the Charter;

(b) That the resolution will include amendments to Articles 27 (2) and (3), 108, and 109 (1) and (2) of the Charter to require the affirmative vote of 14 of 25 members of the Security

Council for a decision, and to reflect, consistent with paragraph 5 (b) above, the fact that the extension of the right of veto to the new permanent members has not been decided;

7. *Decides also* to review the situation created by the amendments referred to in paragraph 6 above fifteen years after their entry into force;

Working methods

8. *Urges* the Security Council to undertake the following measures to enhance the transparency, inclusiveness and legitimacy of its work to strengthen the support and understanding of its decisions by the membership of the Organization, thereby increasing the Council's effectiveness, namely, to:

(a) As a general rule, meet in a public forum open to all Member States of the United Nations. Exceptionally, the Security Council may decide to meet in private;

(b) Implement Articles 31 and 32 of the Charter by consulting with non- Security Council members on a regular basis, especially members with a special interest in the substantive matter under consideration by the Council;

(c) Grant non-members access to subsidiary organs of the Council, including the right to participate, as appropriate;

(d) Make available to non-members of the Council draft resolutions and presidential statements, as well as other draft documents that are tabled at informal consultations of the whole of the Council for action on its agenda items, as soon as such documents are tabled, or earlier, if so authorized by the author of the draft;

(e) Hold frequent, timely and qualitative briefings for non-members on the matters discussed in the Security Council and its subsidiary organs, including briefings on its ad hoc missions, their terms of reference and the findings of such missions;

(f) Hold regular and timely consultations with troop-contributing countries and countries that contribute financial resources, as well as other countries that are directly concerned or affected by a peacekeeping operation, as appropriate, before and during the decision-making process for the establishment, conduct, review and termination of peacekeeping operations, including the extension and change of mandates, as well as for specific operational issues;

(g) Hold regular consultations with the Presidents of the General Assembly and Economic and Social Council;

(h) Submit an annual report to the General Assembly providing a detailed substantive and comprehensive evaluation of the work of the Council pursuant to Articles 15 (1) and 24 (3) of the Charter;

(i) Submit, when necessary, special reports to the General Assembly, in accordance with Article 24 (3) of the Charter, for the consideration of the Assembly in accordance with Article 15 (1) of the Charter.

Appendix 2

African Union Draft Resolution

(Tabled in the United Nations General Assembly, Fifty-Ninth Session, Agenda Item 53, UN Doc. A/59/L.67, 14 July 2005)

The General Assembly,

Reaffirming the aims and objectives of the Charter of the United Nations,

Recognizing that the international community has welcomed proposals for the reform of the United Nations as contained in the report of the High-level Panel on Threats, Challenges and Change entitled “A more secure world: our shared responsibility”¹³ and the report of the Secretary-General entitled “In larger freedom: towards development, security and human rights for all”¹⁴,

Aware of the positive reactions of various regions, groups and individual countries to the proposals contained in the two reports, as reflected in the draft outcome document for the High-level Plenary Meeting of the General Assembly to be held in September 2005, released by the President of the Assembly in June 2005,¹⁵

Noting the common African position on the proposed reform of the United Nations as contained in the Ezulwini Consensus,

Convinced that the three categories of freedom, namely, freedom from want, freedom from fear and freedom to live in dignity, are essential for both developed and developing societies and indispensable for the peace and stability of the world,

Conscious that these freedoms can be upheld and protected by the world community only through an effective management of the current United Nations system,

Taking into account the need to strengthen United Nations institutions in order to enhance the efficiency of the organization, especially its principal organs and, in particular, the General Assembly and the Security Council,

Emphasizing the need to strengthen the General Assembly which should be made to function effectively as the main deliberative and representative organ of the United Nations,

Cognizant of the primary responsibility of the Security Council for the maintenance of international peace and security under the Charter of the United Nations,

Stressing the need to consider the views of all Member States on this all important issue of the reform of the Security Council with a view to bringing to fruition ideas that have been the subject of several debates over the years,

¹³ See A/59/565.

¹⁴ A/59/2005 and Add.1 and 2.

¹⁵ Available from http://www.un.org/ga/president/59/draft_outcome.htm.

Acknowledging the need for the Security Council to reflect present world realities and be more responsive to the aspirations of all States Members of the United Nations, bearing in mind the undeniable fact that in the year 1945, when the United Nations was being formed, most of Africa was not represented and that, as a result, Africa remains to this day the only continent without a permanent seat in the Council, which is the primary organ of the United Nations addressing matters of international peace and security,

Mindful of the need to ensure Africa, like all the other regions of the world, effective representation in the Security Council,

Realizing the need to engage fully all regions of the world in the work of the United Nations and to enlist their support for the progress of humanity,

Resolves to:

(a) Enlarge the Security Council in both the permanent and non-permanent categories and improve on its working methods;

(b) Accord the new permanent members the same prerogatives and privileges as those of the current permanent members, including the right of veto;

(c) Grant Africa two permanent and five non-permanent seats in the Security Council and increase its membership from fifteen to twenty-six with the eleven additional seats to be distributed as follows:

(i) Two permanent seats and two non-permanent seats for African States;

(ii) Two permanent seats and one non-permanent seat for Asian States;

(iii) One non-permanent seat for Eastern European States;

(iv) One permanent seat and one non-permanent seat for Latin American and Caribbean States;

(v) One permanent seat for Western European and other States;

(d) Amend the Charter of the United Nations accordingly.

Appendix 3

Uniting For Consensus (UFC) Draft Resolution

(Tabled in the United Nations General Assembly, Fifty-Ninth Session, Agenda Item 53, UN Doc. A/59/L.68, 21 July 2005)

The General Assembly,

Recalling its resolution 1991 A (XVIII) of 17 December 1963, by which it decided to amend the Charter of the United Nations to increase the number of nonpermanent members of the Security Council from six to ten, on the basis of the increase in the membership of the United Nations since 1945,

Recalling the various reports 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, established by its resolution 48/26 of 3 December 1993,

Stressing the urgent need to improve the working methods of the Security Council in accordance with the various issues discussed within the Open-ended Working Group, in particular the question of transparency in decision-making; accountability; fairer opportunities of participation of Member States; better access to information by all Member States and restrictions on the veto power with a view to its eventual elimination,

Recalling the United Nations Millennium Declaration of 2000¹⁶ and taking note of the report of the Secretary-General entitled “In larger freedom: towards development, security and human rights for all”,¹⁷ in particular its assessment of the interlocking nature of security, development and human rights, and reaffirming that the internationally agreed development goals, including those contained in the Millennium Declaration, can only be achieved through the full implementation of the mandates contained in the Monterrey Consensus of the International Conference on Financing for Development¹⁸ and the Plan of Implementation of the World Summit on Sustainable Development (“Johannesburg Plan of Implementation”),¹⁹ among other development commitments,

¹⁶ See resolution 55/2.

¹⁷ A/59/2005.

¹⁸ See *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

¹⁹ *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

Mindful of primary responsibility conferred by the Charter of the United Nations on the Security Council for the maintenance of international peace and security and that in carrying out its duties the Security Council acts on behalf of the Members of the United Nations,

Mindful also of the importance of strengthening the institutional balance and interrelationship among the General Assembly, the Security Council and the Economic and Social Council within the scope of the comprehensive reform of the United Nations,

Considering that joint efforts by the General Assembly, the Security Council and the Economic and Social Council are needed in order to attain solutions to global problems and threats in an integrated and constructive manner,

Considering that the present composition of the Security Council is inequitable and unbalanced,

Recognizing that contemporary world realities, in particular the substantial increase in membership of developing countries since 1963, requires an expansion of the Security Council, in the non-permanent category, in order to ensure fairer opportunities of participation for all Member States,

Reaffirming that any expansion of the Security Council should make it more democratic, more equitably representative, more transparent, more effective and more accountable,

Convinced that periodic elections and re-elections are the strongest means to promote real accountability, allow for frequent rotation and fair and equitable representation of the Member States in the Security Council,

Recalling its resolution 53/30 of 23 November 1998,

Recognizing the importance of reaching the broadest possible agreement on all major issues, including Security Council reform, as decided in resolution 59/291 of 15 April 2005,

Recalling Article 108 of the Charter of the United Nations,

Amendments to Article 23

1. *Decides* that the Security Council shall consist, in addition to the five permanent members as determined by Article 23, paragraph 1, of the Charter of the United Nations, of twenty elected Members of the United Nations serving on the Security Council for a two-year term, according to the provisions of paragraphs 3 and 5 below;

2. *Decides*, in view of the above, to adopt the following amendments to the Charter and to submit them for ratification by the States Members of the United Nations;

3. *Decides* that Article 23, paragraphs 1 and 2, of the Charter of the United Nations will read as follows:

“1. The Security Council shall consist of twenty-five Members of the United Nations. France, the People’s Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect twenty other Members of the United

Nations to be nonpermanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

“2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from fifteen to twenty five, five of the retiring members shall continue for one more year. Nonpermanent members may be eligible for immediate re-election, subject to the decision of their respective geographical groups.”

Distribution of seats

4. *Decides* that, in order to implement paragraph 3 above, the twenty nonpermanent members of the Security Council shall be elected according to the following pattern: six from African States; five from Asian States; four from Latin American and Caribbean States; three from Western European and other States; two from Eastern European States;

Limits to re-election and role of geographical groups

5. *Recommends* that each of the five existing geographical groups, as identified in paragraph 4 above, shall decide on arrangements among its members for re-election or rotation of its members on the seats allotted to the Group; those arrangements shall also address, as appropriate, a fair subregional representation;

Majority required for Security Council decisions

6. *Decides* to amend also Article 27, paragraphs 2 and 3, and Article 109, paragraph 1, of the Charter to require the affirmative vote of fifteen of the twenty five members of the Security Council;²⁰

Working methods

7. *Calls* for improving the working methods of the Security Council in a transparent, inclusive and accountable manner, including in particular:

(a) Restraint on the use of the veto;

(b) Procedures to guarantee transparency in decision-making, accountability in performance and access to information, including open briefings and interaction with all interested parties;

(c) Consultation, cooperation and adequate exchange of information with the General Assembly and the Economic and Social Council;

(d) Access and better participation of non-member States of the Security Council in the work of the Security Council;

(e) Adoption and circulation of formal rules of procedure;

²⁰ Regarding paragraph 3 of Article 27, the requirement of the concurring votes of the permanent members is not amended.

8. *Underlines*, in addition to the provisions of paragraph 7 above, the need to elaborate further provisions through consultations among Member States;

9. *Urges* its 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 to promptly finalize its recommendations on the working methods of the Security Council;

Ratification of amendments to the Charter

10. *Calls upon* Member States to ratify the amendments set out above, in accordance with their respective constitutional processes, by September 2007;

11. *Requests* the Secretary-General to submit to the General Assembly at its sixty-first regular session a report on the status of the process of entry into force of these amendments to the Charter.

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