## India's Aspiration for a Permanent Membership at the Security Council: An Update

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The quest for expanding the membership of the UN Security Council has taken various turns since the last and only expansion in 1965. The Council's response and lack of response to the developments following the Arab Spring and the Ukraine Crisis have rejuvenated discussions on reforms globally. In the epicenter of the debates, the United Nations, progress is arduous as interests, technical difficulties, and different proposals clash. However, with 2015 marking the 70th anniversary of the founding of the UN, the 10th anniversary of the 2005 World Summit and 50 years since the last reform of the Council, pressure for a breakthrough in negotiations is building up. The question is whether it will be enough to achieve reforms.

This issue brief summarizes the current reform discussions, actors and positions, and what is at stake for the international security architecture, in order to evaluate the prospects for reforms and India's long sought permanent membership.

**Historical Attempts to Reform the Security Council**

Created in 1945, the UN Security Council (UNSC) still reflects the international power

### Key Points

1. While there is widespread support for reforming the Security Council among the UN Member States, opinions on how diverge. Reforms are unlikely to happen on the short term.

2. Pro-reform camps have argued for the need of correcting the misrepresentation on the Council and that the legitimacy of the Council is at risk should reforms not happen.

3. India is supposedly one of the most popular candidates for permanent membership. However, the final decision is with the current permanent members of the Council, and it is likely that they will only accept reforms out of necessity.

4. India is therefore more likely to get a permanent seat through acting as an indispensible leading, proactive and responsible contributor to the management of peace and security globally.

relations of the end of the Second World War, with its veto wielding five permanent members (the P5): US, UK, France, Russia and China. The function of the Security Council is articulated in the UN Charter Chapter V Article 24, stating that "the Security Council [holds the] primary responsibility for the maintenance of international peace and security and acts on behalf of the United Nation's Member States". This requires that its

permanent members have the capacity to prevent wars of aggression, which in the immediate post war climate implied primarily military power. However, threats of wars of aggression are hardly anymore the sole or even main security issue the world is facing today, which implies that the capacity needed to promote peace and security is has changed. Further, the effectiveness of the Council is related to its legitimacy; a more abstract notion, inviting discussions on representation.

## The 1965 Reform

After having undergone reform once in 1965, the Council now includes – in addition to the P5 – ten elected members each serving for a period of two terms without the possibility of being immediately re-elected. The post-war decolonization process was the main driver of the 1965 reform, as forty-three new states joined the United Nations between 1956 and 1965. This radically altered the power relation between the General Assembly and the Security Council and raised the issue of the Council's failure to represent the new multitude of the international order.

In 1956 a number of Latin American states proposed an extension of the Security Council without success. But as the new, decolonized, developing countries organized themselves into the Non-Aligned Movement (NAM), the pressure on the first and second world powers increased. In 1963, NAM countries tabled a resolution calling for expansion that France and the Soviet Union vetoed while UK and US abstained.[1] Eventually however, the Soviet Union, followed by France, the UK and US, changed its position and supported UNSC enlargement. The amended Charter went into force on 31 August 1965.

The 'pressure from below' successfully built up by the Non-Aligned Movement, with support from some Western European states, played on the reluctance of P-5 states to end up standing alone as history evolved. Compared to the current conditions, the situation in the first half of the 1960s was radically different. Even though there is a widespread understanding of the need for Council reform today, its proponents do not constitute a unified camp as they did in 1965. Further, as the technical requirements for Charter amendments are arduous, the current lack of political will is a major concern. Amending the Charter not only requires a two-thirds majority in the General Assembly but also ratification by two-thirds of its member states, including all of the P5 (UN Charter Article 108). Since parliamentary democracy is more widely spread today than in 1965, ratification is a tougher process in each country. In addition, the stakes for the P5 are higher today as the extension of the category of permanent membership and veto rights are on the table in today's debate.

## The Open-Ended Working Group

Since discussions on a second reform of the Council started in 1979, several different forums for debate, and various strategies and proposals for reform have come and gone. In the post-Cold War climate, with Boutrous Boutrous-Ghali elected as Secretary-General in 1992, discussions on the structure and work methods of the Security Council gained pace. The states that later came to make up the Group of Four (G4), Brazil, Germany, India and Japan, voiced aspirations for permanent seats. The General Assembly established the consensus-based '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 (OEWG)' in 1993.

In 1996-97, Ambassador Razali Ismali as the UNGA President, made a drive for reforming the Council that gathered some support but was eventually blocked by the NAM-countries. His plan included three sequenced stages where a framework on extension of the Council without specifying candidates, followed by a framework for specifying these states and finally voting for and ratifying

amendment of the Charter.[2] The initiative led to discussions that were largely confined to process over substance, which impeded progress and resulted in declining interest in the OEWG by 2008. Another reason for failure was Italy's determination to hinder its rivals from gaining permanent membership.

**In Larger Freedom**

For the 2005 World Summit, Kofi Annan's 'In Larger Freedom' report included two proposed models for UNSC reform, largely framed to satisfy two major camps, the G4 and the United for Consensus (UfC) group. The first model suggested adding six new permanent and the three new non-permanent seats, with no new veto powers granted. The other model included adding eight new seats that would be renewable, with terms of four instead of two years. In addition, one new two-year, non-renewable seat would be added. Like the first model, no new veto rights would be granted.

Like previous attempts, the 'In Larger Freedom' effort failed and neither of the two models were put to vote in the UNGA, as the political groundwork for institutional reform was not sufficiently done. Some P5 states were critical of their rivals gaining a permanent seat and the African demand for veto power was overlooked in both models. The differences between the G4 and the UfC camps were not bridged, and attempts to find a compromised solution failed partly due to the G4 miscalculating their diplomatic space of maneuver.

**Groups and Stakeholders**

**The Permanent Five**

Needless to say the P5 powers have an immense advantage and power in the international security architecture. The obvious formal advantage of the privilege of the veto is paralleled by an institutional memory of processes and jurisdiction. Further, they have influence beyond the Council itself

in the allocation of positions in various organs of the multilateral structure.

Of the P5 states, France and Britain – in this order – have shown, at least rhetorically, the most compliance to reforms of the Council and have announced support for permanent membership for the G4 countries and two African states. However, the UK has stated that it does not support an extension of veto rights to new permanent members and they are also likely to support a new category of longer-term seats. One should not exaggerate the importance of this support however, as they can obtain significant goodwill to a low cost; the *de facto* 'risk' of reforms driven by the P5 is low at the moment. On the veto issue, France has suggested a practice where the veto would not be used on issues where grave international crimes such as genocide occur.

In November 2010, Obama declared that the US supports a permanent seat for India – adding another country after George W. Bush's announced support to Japan – but has not pushed for it since then.[3] Further, the polarization on the Council following the Arab Spring and the Ukraine crisis, and the divergence of Brazilian and Indian positions on Libya and Syria in relation to the US, have abated US interest in reforms. The US conditions for expansion of the Council include considering specific aspirants instead of the more general framework approach of first establishing the membership categories and the numbers of new seats. Additional conditions include the guarantees that effectiveness and efficiency of the Council are not undermined: aspirants should be chosen according to their capacity to contribute rather than representation. Also, the current veto structure remains intact. Ratification in the US Congress is also an issue, even though a report from the Council on Foreign Relation notes a modest public support for expansion of the permanent membership.[4]

China is very skeptical to reforms of the Council but has expressed receptiveness to

increasing the number of African seats. Opposing a Japanese permanent seat and increasingly the Indian aspirations, it has articulated support for the proposal of a category of elected longer-term seats; arguably in order to undermine expansion of the permanent membership category. Further, China has been partaking in UfC meetings.

Russia remains skeptical on additional permanents seats and is embracing the current veto praxis. In the General Assembly discussion on 12 November 2014, the First Deputy of the Russian Mission in New York Alexander Pankin, 'noted' the need for a Council with a 'more representative character' but underlined the necessity of any reforms of the Council not affecting its ability to respond to challenges, stating that an expanded Council should optimally not exceed a number of seats in the 'low twenties'.[5]

While there are currently diverse opinions and positions among the P5, convergence between them might occur as negotiations potentially draw to a close.[6] Further, should a near consensus on a reform proposal appear, the political pressure on the P5 from below might force them to accept reforms.

## Group of Four

Brazil, Germany, India and Japan's common proposal suggests an extended Security Council constituting 25 members, adding six permanent and four non-permanent seats. The latter would be based on regional representation where Africa, in addition to the G4 countries, would be allocated two permanent seats. The G4 proposals have included veto rights to the new permanent members but with the possibility of a 15-year trial period during which they would refrain from using the veto. The group has to a lesser extent uttered the demand for a veto however. This has in turn distanced them from the African Group that still underlines the importance of extending the veto power to new permanent members as long as it is not

abolished in its entirety. Among the G4 countries, India is potentially the most popular aspirant globally, likely followed by Brazil.[7]

## Arab Group

The Arab League, represented by the Arab Group, although non-systematic, has been increasingly active on the issue of reforms and Saudi Arabia has explicitly expressed dissatisfaction with the Council's work and structure in relation to the Syrian Crisis through its rejection of a non-permanent seat in 2013. The Arab position has included demands for a permanent seat in an expanded Council; a demand not heeded by for example the G4 proposal unless a state like Egypt could represent both the African continent and the Arab community.

## L69

The L69 Group, where India and Brazil are members, supports expansion of both the permanent and non-permanent category. The name derives from the draft resolution A/61/L69 from the UNGA's 61st session, also known as the 'India Resolution'.[8] According to the L69 they constituted 41 states from the developing world in March 2012.[9] India has a leading position in the group. While the L69 position is close to that of the G4, the group has sought non-permanent representation on the Council for Small and Island States.[10] Further, in contrast to the G4, the L69 has shown a more outspoken support for the African Group's demand for Veto to new permanent members.

## Caricom

The Caribbean community supports expansion of both the permanent and non-permanent category, supporting the African Group and L69 position while expressing interest in a rotating elected seat for Small Island Developing States (SIDS).

## Uniting for Consensus

The major rival to the G4 approach in the discussions on Council reform is the Uniting for Consensus camp that have been pushing for extending the Council with ten non-permanent two year seats, based on regional representation. Framing it as willingness to compromise, they have also considered re-electable longer-term seats. The UfC comprise between twelve and forty states, led mostly by the regional rivals of the G4 countries, such as Italy and Pakistan. Some suggest that their agenda should be seen as seeking to safeguard their own interest rather than having an actual interest in reforming the Council.[11]

In seeking a more representative and accountable Council, the UfC argues that adding more permanent members instead of electable ones will only make the Council more exclusive and grant fewer states the opportunity to sit a term on the Council, promoting 'privilege' over 'merit'.[12] Furthermore, they argue that it is more difficult to hold permanent members accountable, which according to them will in turn undermine effectiveness.

### The African Block

The African Block is represented by the C10 Committee, which constitutes two representatives from each of the five African sub-regions. Together with the Caribbean Community, it is the most active regional group. The importance of the Africa group is significant, constituting 54 member states and 42 per cent of the votes needed for amending the Charter. While expressing a common position and the need for the same, division exists within the group. The African position is in principal against the veto but maintains that as long as the veto exists, it should be extended to new permanent members as well. The Ezulwini Consensus, adopted by the African Union in 2005, states that two additional permanent seats should be selected by Africa to make up for a 'historical injustice', an argument that resonates among African and other states. The African block has yet to announce which these two states would be. South Africa, Nigeria and Egypt are potential candidates. Further, there is a division among the African states on flexibility of the demand for veto rights to new permanent members.

The African block has been relatively overlooked.[13] Further, in the African block there are strong sentiments of the importance of African unity and consensus on the issue of reforms. This implies that that the efforts of external powers to win influence must be delicately chiseled in order to avoid impeding the development towards a common African position. Lastly, being subject to a majority of the issues on the Security Council's agenda, Africa's claims to more formal and informal influence on the Council is perhaps the most valid representation-argument in the debate.

### NAM

The Non-Aligned Movement, the traditional developing countries' peace and security organization, has a declining yet still relevant weight. It includes countries from the G4 – with India as a historical NAM leader – the African Union, L69, UfC countries and others. The NAM has stated the need for a Council that is more transparent and represents the developing world better. Further, it is skeptical about the interventionist tendencies of the Council, and its stance on reforms relates to its interest in pacific management of international peace and security through Chapter VI and VIII provisions before sanctions and use of force. The NAM has argued that the latter is partly due to the representational asymmetry of the Council.

### Current State of Attempting to Reform: Intergovernmental Negotiations

The current frame for discussions on Security Council reform is the Intergovernmental Negotiations (IGN) in the UNGA, chaired since 10 November 2014 by the Jamaican Permanent Representative to the UN,

Ambassador Courtenay Rattray, replacing the Afghan Ambassador Zahir Tanin, who chaired the IGN since its start in February 2009. These informal preparatory discussions draw authority from the General Assembly Resolution 62/577 of September 2008. Relative to the consensus based OEWG the IGN ameliorates conditions for negotiations. It has so far been divided into five key issues: categories of membership, the veto issue, regional representation, the size of an enlarged council, and its working methods.[14]

The current state of the IGN in early 2015, as part of the General Assembly's 69th session, is characterized by discussions on how to continue discussions to reach the moment of 'real negotiations' where convergences could be found. During the UNGA debate on 12 November 2014, many member states accentuated the lack of progress on the issue since 2005, stating that repetition of arguments and positions are common despite attempts to evade this problem. While a near consensus among member states for the need to reform is observable, views on potential new compositions of a reformed Council as well as how to structure negotiations on reforms, diverge. The G4-states and their allies asked the President of the General Assembly (PGA), Sam Kahamba Kutesa, to create a text as a start of negotiations. This would be seen as continuing the text-based discussions that eventually became the format of the IGN process. Ambassador Courtenay Rattray reached out to all member states inviting them to communicate with him on how they wish to proceed with the IGN on 17 December 2014.[15] Since Jamaica is part of the L69, the new Chair of the IGN will have to put significant effort into being perceived as a neutral chairperson.

Summarizing the Intergovernmental Negotiations since 2009, one may identify three main fields of tension and opposition, each including different sub-discussions. These are (1) two different main reform proposals standing against each other that have both produced various compromises; (2) discussions on the conduct of negotiations, and (3) different interpretations of the level of support among the UN member states that should be reached before a proposal is put to vote in the General Assembly.

**Expansion in both categories vs. expanding the non-permanent category only**

From the start of the IGN in 2009, two main camps on UNSC reform can be identified, with nuances and divergences within these camps, and the P5 maneuvering in relation to them (see appendix for an inventory of proposals). Although divided on how, the G4, the African Group, the L69 and others have argued for an expansion in both the permanent and the non-permanent category. This is set against the UfC-group whose basic approach is to expand the non-permanent category.

Seeking compromise between these two starting points, various 'intermediate' and 'transitional' propositions have come up. In short, the UfC have argued that they are willing to compromise and support an 'intermediate' solution where an extended Council would include a new category of longer term seats that are immediately re-electable. The proposed terms vary between 3-15 years. Due to the possibility of immediate re-election, an intermediate solution could lead to a *de facto* permanent seat for some members, something like Nigeria's position in the AU Conflict and Security Council where they are traditionally re-elected by their (sub)regional group in the AU.

These *intermediate* approaches – labeled 'intermediate' with the intention of framing them as a compromise between the two main camps' basic proposals – are paralleled by *transitional* alternatives where potential permanent members sit on a longer-term seat followed by a review during which a decision is taken on whether they should be definitely confirmed as permanent members or not.

Another proposed transitional solution concerns the even more delicate issue of the veto, suggesting that the veto right should be extended to any new permanent members but only after a review period.

## The conduct of the IGN: a text-based approach

The process and terms of negotiations and the way forward are in themselves fields of divergence and opposition. The G4 have from the start argued for a text-based approach where the Chair would sum up the positions and proposals in in a neutral manner. In contrast, the UfC – not without internal differences – initially opposed this format only to finally accept it out of fear of isolation.[16] The purpose of a text-based approach was to avoid negotiations stalling and seeking to create a foundation for 'real negotiations'. Through this method, one sought to overcome repetition of arguments and lack of communication between the New York missions and capitals.

The strategy of the UfC has been perceived as motivated by a will to hinder the members' respective regional rivals to achieve a permanent membership rather than genuine interest in reforms. The perception of them being "defensive and intended to slow down process" has "has contributed to an atmosphere of mistrust" and undermined the credibility and validity of their arguments, including their 'compromising' intermediate proposals.[17] Others have blamed the P5 for impeding progress.

Lydia Swart notes that, in the establishment of text-based negotiations, there is a difference in understanding of the function of the text-based approach. While UfC statements suggest that they regard a text based approach as '*continuing*' negotiations, the G4 and South Africa frame it as a way of working *towards* negotiations.[18]

As the 11th round of IGN has yet to begin, the G4, with the support of the C10, has stated that it should start with a text on the table to avoid repetition of arguments, asking the PGA of the 69th round to provide the Chair of the IGN with the same. Although the UfC have stated that they support the text-based approach in principal, the Italian Permanent Representative Sebastiano Cardi, speaking on behalf of the UfC, argued, contrary to the G4 position, that any text serving the IGN must be accepted by the whole membership, implying that the 11th round should not start with a new text on the table. Thus, there is a considerable disagreement on the level of conformity needed on how to even begin the 11th round of Intergovernmental Negotiations.

## Level of agreement before voting

Further, there is tension on what level of support should be reached among the member states before reforms are done. While amendments of the Charter formally require a two-thirds majority in the UNGA (in addition to other requirements outlined above), the UNGA Resolution 62/577 states that the negotiations should seek to find the "widest possible political acceptance" and refers to preceding attempts striving for a "general agreement" on reforms.

Positions on the level of support for an agreement in the UNGA required for reforms vary between member states. The UfC camp's demand for consensus or near unanimity is countered by a view that support should be way beyond the formal two-thirds minimum.[19] Further, there is an occurring opinion that the two-thirds support should be enough for a proposal to be put to vote.[20] The political 'pressure from below' required to force the P5 to accept a solution will probably have to come from a majority significantly larger than the formal requirement of two-thirds majority. The Russian representative's statement during the UNGA debate on 12 November 2014 suggests this as well.[21]

## Stakes for the International Security Architecture

The negotiation process and the positions between different Groups of states outlined above and concerns for efficiency and effectiveness, and legitimacy of a non-reformed and a reformed Council respectively have been mentioned. Briefly looking at the stakes for the management of peace and security globally in relation to Security Council reforms indicates the importance of legitimacy for the international systems capability in relation dealing with traditional and new crises and threats.

Again, there is a widespread but disparate sentiment for the need to reform the Security Council among UN member states but also to some extent in academia and civil society. The (dys)function of the Council has been highlighted further in the wake of the Arab Spring and the Ukraine crisis. However, reform of working methods and the institutional structure of the Council are matters competing for attention with other global issues such as the Post-2015 Agenda, the economic crisis and climate change.

One of the main arguments against reforming the Council is that an enlarged Council would undermine the efficiency and effectiveness of the organ. It is indeed a valid concern but this recurring argument overlooks the necessity of legitimacy for the Council to function. The legitimacy of the Council flows from the member states of the United Nations but also increasingly from a global civil society. If the Security Council is more and more seen as non-representative and illegitimate as a result of lack of reform it may lead to a decentralization of the international security architecture as willingness among member states to contribute financially and diplomatically to a perceived malfunctioning Security Council weakens. [22] According to this logic, failing to absorb emerging powers is equivalent to neglecting providers of

legitimacy to the United Nations in the long term. [23]

This relates to multi- and plurilateral organizations in general. The capability of these organizations to include emerging powers, such as India, in their pursuit of equitable influence and representation in organizations such as the G20 or the UN organs, will determine their relevance. [24] McDonald & Stewart argues that the G20 structure has temporarily reduced the pressure for UNSC reform, at least in terms of the representation argument. [25] Nitin Pai notes that "if India's Security Council aspirations are rebuffed, it can choose to invest instead in the high tables of which it is already a member" [26], which suggest a dialectic relationship between the multilateral and plurilateral engagements, where the centralist structure of the current security architecture is at stake.

Again, threats to international peace and security have radically changed since the end of the Second World War and the 1965 reformation. While politico-military power is arguably still relevant for managing security threats, this form of power is hardly anymore the only aspect of the needed capacity. If the Council to an increasing extent does not reflect threats of the contemporary world and likewise does not reflect the trajectory of new forms and bearers of power and power relations, it risks being outdated. This is ultimately a concern also for the P5 as their formal power arguably flows from 'soft' legitimacy and norms. As the Security Council and the UN system at large is a structure that can "justify and legitimize advancement of their respective national interests before the international community" the P5 should display an enlightened self-interest in renewing the Council's legitimacy. Again, the African case for representativeness, being subject to the majority of the issues on the Council's table, is particularly valid also for the P5. One may note that the focus on "African Solutions to

African Problems" suggest a tendency towards regionalism over universalism.

Further, Lydia Swart notes that the P5 could have an interest in expanding the number of permanent seats over the intermediate proposal of longer-term seats as the latter increases the risk of having to deal with hostile states instead of the relatively stable current aspirants.[27] The US criteria for naming and evaluating plausible permanent members over the more vague approach of discussing the potential numbers of different categories of seats in a reformed Council, is in line with this argument.

The issue of efficiency and effectiveness of an enlarged Security Council – especially in case of the unlikely scenario where more countries are granted veto rights – is a major concern not only for the practical management of international peace and security but also for the legitimacy of the organ and thus the UN as a peace organization. While efficiency would likely be negatively affected, effectiveness could increase as the capacity of emerging powers may be put at the Council's disposal.[28] The latter is hard to assess however. Further, the potential threat of the veto has been argued to promote more balanced draft resolutions and if this is the case, it guides the Council's response to issues on its table towards reflecting the range of member states more accurately. On the other hand, the Syrian crisis suggests that the veto continues to be a tool for national interests rather than producing global convergence.

The institutional memory embedded in the permanent membership will arguably improve efficiency, implying that expansion in the shorter elected seat category should be avoided. The occurring argument that expansion in the elected membership category is the best instrument for adjusting regional and other representational injustice overlooks this and the advantage that comes with institutional memory.[29]

The US argument that new permanent members should be judged based on their responsibility and capacity instead of for example regional representation is a valid one.

## The Case for India

### Indian Arguments

Turning to India's case for a permanent seat, its arguments are recurring in several pro-reform camps. Indian Prime Ministers and representatives of India's mission to the UN have stated the representation and legitimacy arguments on many occasions. India's basic approach is that the Security Council "is not reflective of contemporary realities" and needs reform.[30] India has been framing itself as a 'legitimate' and even 'natural' permanent member of a reformed Council.[31]

Compared to the African Union's regionalism-based claims, India has referred to the size of the Indian population and its growing economy, arguing that a just world order should recognize India's ascendance as a regional and global power. Malone and Mukherjee points out that this representation argument lies closer to the UN Charter's criteria for elected Council members than permanent members (actually there are no explicit criteria for the P5 in the Charter).[32] They indicate a tension between the P5's emphasis on order – efficiency and effectiveness of the Council in maintaining international peace and security – and the justice-oriented arguments of several reformists.

In addition to entitlement through representation, India has referred to its commitments to multilateralism. Its military capacity and especially India's historically grand contribution to UN Peacekeeping is a recurring argument, establishing itself in the field between representational justice and capacity. It is far from a knockout argument however, as simply troop contribution does not indicate capacity to take responsibility for

leadership and would further suggest that for instance Bangladesh would be a more legitimate permanent member than India.[33]

An Indian shift away from promoting its own eligibility based on its historical commitment to peacekeeping and its large population is noticeable however. Instead, the focus lies on the (mal)functioning and problems of legitimacy of the Security Council. In an interview in November 2014, India's ambassador to the UN Asoke Kumar Mukerji underlined that countries like India should become UNSC members because of the malfunctioning of the Council, identifying the main problem as the P5 "not [wanting] to share their responsibilities with other countries".[34]

In Prime Minister Narendra Modi's first address to the General Assembly, in relation to stressing the need for reforms, including representation arguments such as making the UN "more democratic and participative", he highlighted to risk of the UN becoming irrelevant and ineffective.

What India will do with its ascending power remains to be seen. Historically, India has argued that it would play the role of a bridge-builder between the blocks within the Council as well as supporting the General Assembly's influence and interest in development and economic issues over military interventionism. In terms of the security, India has shown a great devotion to multilateral anti-terrorism and anti-piracy work, a product of its own security concerns but also a possible field of convergence between national security interest and multilateralism. However, despite taking leadership in the UN Counter-Terrorism Committee (CTC), India has failed to help the international community find a common definition of terrorism.[35]

For the sake of the effectiveness of the Council, the aspirants for a permanent seat should be judged based on their capability to contribute. There is an ideological space to fill

between the Western interventionist tendencies and the traditional sovereignty-over-human rights-priority of China and Russia. India has rhetorically been able to express such an intermediate position but has had difficulty producing practical alternatives.[36] Turning to India's latest term as a non-permanent member of the Council, the great difficulty of transforming valid criticism to practical contribution is highlighted.

**India at the Security Council in 2010-2011**

India returned as an elected member at the UNSC for the seventh time in 2011-12 after an eighteen year long absence. This time, India had had almost two decades of growth and had come out of the closet as a nuclear power. This granted India increasing diplomatic confidence and international leverage.

The 2011-12 period turned out to be critical years for the Council. The Civil War in Côte d'Ivoire and the dramatic and violent development of the Arab Spring brought a number of issues to the fore, including the concepts of humanitarian intervention and Responsibility to Protect (R2P), and the legitimacy and effectiveness of the Security Council. Within in a period of a little over a month, the world witnessed the Security Council rapidly adopting Resolutions 1970 and 1973 on Libya and 1975 on Côte d'Ivoire, putting into practice the until then mostly theoretical concept of R2P.

In addition to India, two of its G4 partners – Brazil and Germany – took seats at the horse shoe table. So did South Africa, meaning that all BRICS and IBSA countries were simultaneously seated at the highest multilateral authority for international peace and security. Domestic and global expectations on India stemming from this setup were significant, especially taking into account its permanent membership aspirations. The developing world hoped that India, as a traditional Global South leader, would address

legitimacy concerns of representativeness and methods of the UNSC.

For states aspiring for a permanent seat on the Council terms as elected members are periods to prove themselves before the P5. They are put to test as responsible actors with the capacity to effectively contribute to the issues that the UNSC is set to address. Against the background of the polarized situation amongst the P5 on Syria, India's 'auditioning' became a delicate balancing act between the P3 and China-Russia positions, with its potential permanent seat at stake. Ad to this the importance of taking the developing countries interests into account, as well as India's strong domestic audience, while dealing with issues on the UNSC table.

Many have deemed India's term at the UNSC in this and other respects as a failure. Rather than building bridges, India isolated itself between the P3 and Russia and China. Malone and Mukherjee argue that the Syrian and Libyan crises were "particularly well-suited" for India, referring to the diplomatic capacity of the Indian missions in Damascus, Tehran and Tripoli.[37] This potential was not realized. Instead, having to balance the interventionist tendencies of the West and the Gulf Countries against its own concern for regime security and sovereignty, the Indian position appeared irresolute.

Facing a civil war in Côte d'Ivoire – stirred up by the 2010 elections – the unanimously adopted Resolution 1975 (30 March 2011) asked the Ivorian parties to respect the outcome of the election and mandated the UNOCI mission to use all necessary measures to protect civilians. The result on the ground of the resolution was a *de facto* support of the Ouattara camp. When elaborating on its support for the resolution, India expressed concern for the risk of the peacekeeping mission impinging on its impartiality and becoming an 'actor of regime change'.

India was considerably more hesitant over military intervention in Libya. Resolution 1973 mandated a military intervention to protect civilians with all necessary means, excluding foreign occupation forces. While having supported the UNSCR 1970, adopted on 26 February, India abstained during the UNSCR 1973 voting, less than three weeks later, together with Brazil, China, Germany and Russia. Both the German abstention and the South African approval are noteworthy.

As the events in Libya unfolded, the positions within the Security Council was increasingly polarized; tensions between the Western P3 on one side and China and Russia on the other, as well as a West-BRICS bloc division, came to the surface.

India's Ambassador to the UN, Hardeep Singh Puri, motivated the Indian abstention with lack on information of developments on the ground as well as "lack of clarity about details on enforcement measures"[38], trying to counter the sense of urgency drummed up by the P3. While expressing sharp criticism and reasonable motives for the hesitancy, India failed to provide any credible practical alternatives to the fast development on the ground. On the other hand, the space for alternative approaches than the P3 line was limited as the unfavorable conditions for the AU High Level Ad-Hoc Committee on Libya suggest.

On the Syrian crisis, the division of the Security Council obstructed it from any action until the issuance of a Presidential Statement on 3 August 2011 made under India's chairmanship. During the summer, the humanitarian situation deteriorated and the violence in Syria escalated. The statement condemned the violations of human rights and use of force against civilians but also "[reaffirmed the Council's] strong commitment to the sovereignty, independence, and territorial integrity of Syria", and underlining that a solution should be a Syrian-led process, asking the Assad government to

"implement its commitments".[39] Following the Presidential Statement, the IBSA countries sent a delegation to Syria to meet with President Assad on 10 August. It was a respectable attempt to bridge the blocks on the Council and get Assad to talk to the opposition. However, despite some success in making Assad commit to reforms and not repeating "'mistakes' committed by his security forces"[40], and possibly laying the path for Damascus acceptance of the Special Envoy Kofi Annan's mission, the IBSA failed to follow up and increase pressure.[41] This attempt to combine humanitarian concerns with the principle of sovereignty was a busted flush.

On 4 October, after some rounds of negotiation, a European drafted resolution was vetoed by Russia and China, expressing the deep division between the P5 countries on the Syrian issue. The resolution to a large extent reiterated the Presidential Statement of 3 August, asking the Government to end all violence against civilians, but also included a warning that the Council would consider taking stronger measures, such as sanctions should the Syrian government not review the resolution within thirty days. Accompanied by Brazil, Lebanon and South Africa, India abstained arguing that "[while] the right of people to protest peacefully is to be respected, States cannot but take appropriate action when militants groups […] resort to violence against State authority and infrastructure."[42] Further, India argued that the only way forward would be engaging Syria "in a collaborative and constructive dialogue and partnership" and that "threats of sanctions" would be counterproductive for this purpose.

Four months later, on 4 February 2012, the Indian position had altered somewhat, lining itself with the Western-led camp supporting a resolution that was only rejected by the Chinese and Russian vetoes. As the resolution expressed support for the Arab League's attempts to find a Syrian solution, this implied supporting a unity government where Assad

would relinquish power to an elected deputy. Further, India supported a draft resolution threatening sanctions for failure to comply with the UN special envoy to Syria Kofi Annan's six-point peace plan, which vetoed by China and Russia on 19 July 2012.

Some observers argue that there was an inconsistency in India's approach to the Syrian Civil War, pending between positions closer to the Chinese-Russian emphasis on non-involvement and the P3 interventionism. Malone and Mukherjee see the development on the ground as well as the Indian sensitive relation to its Gulf oil exporters as drivers of the Indian positions.[43] Compared to Libya, the regional geopolitical issues at stake in the Syrian Civil War are greater as it has become an arena for the Iran-Saudi antagonism.[44] Although eager to underline the territorial integrity and sovereignty of Syria, India did not hesitate to condemn the use of violence against civilians and supporting the Arab League's positions.

One may also note that India, just like most other states would do, sought not to stand isolated. While being able to align itself with the other IBSA countries in 2011, framing its position as representing a middle line between the P5 camps, the set-up of the Council in 2012 and the near consensus vote on 4 February made an abstention politically impossible.

The Indian approach to R2P developed initial criticism of the concept during the 2005 World Summit to a more accepting viewpoint going beyond genocide as the threshold for international action. This is expressed in the support for the UNSCR 1970 and 1975, and according to some, the abstention on UNSCR 1973 (instead of opposing it).[45] While Ambassador Hardeep Singh Puri stated that "Libya has given R2P a bad name"[46] it was Brazil that sought to design a conceptual response: Responsibility While Protecting (RWP). The IBSA collaboration did not result in increased leverage and the RWP-concept

has not resulted in any proposals for operational practice; an expression of the general failure to fill the existing ideational space with practical substance.

## The way forward: three types of pressure for reforms

Gordan and Gowan outline three categories of pressure that could be leveraged for reforms of the UN system and the Security Council.[47] This categorization functions as a useful framework for a identifying a path forward. As outlined above, the negotiations in the UN are more or less stalled despite, at least rhetorically, a near consensus on need for reform. Further, the polarization in the international order over Syria and Ukraine is a difficult situation to maneuver. A way of transforming the standstill and antagonism to a genuine common willingness to reach a solution remains to be found. While this requires pressure from below, through the member states, and from the outside through engaging media, academia and civil society, the final decision on reform is ultimately in the hands of the Permanent Five, implying that reforms will come from above.

### Pressure from Above

Ideally, the P5 would follow their own enlightened self-interest in the representation arguments of the pro-reformers. That could secure the continuing legitimacy and authority of the Council. However, these arguments are not going to convince the P5; at least not China, Russia and the US. Instead of comfortably leaning back on such argumentation, India should establish itself as a net security provider by showing readiness to take practical responsibility and proactively engage with international peace and security. At the end of the day, this is the only way India could be recognized as a great power. While a growing economy and the Indian nuclear posture have granted India some respect, Malone and Mukherjee points out that "India's contributions to the UN, with some

exceptions such as the UN Democracy Fund, are not perceived internationally as being those of an aspiring leader in the global order."[48]

It is important to note that India has a history of using force relating to humanitarian concerns, such as the intervention in East Pakistan in 1971. This is an example of willingness and capability to act forcefully, albeit unilaterally and on realist grounds. India should apply this decisiveness onto the multilateral management of peace and security while avoiding indications of attempts to shape the global order in ways that are directly contradictory to the interest of the P5, making it *necessary* for the P5 to include India as a permanent member. It is important to keep in mind that the Security Council was never meant to be a democratic organ but was the product of a compromise between the *realpolitik* of great powers and the idealism of egalitarian multilateralism.

The only significant change in the P5 setup was the UN's acceptance of the People's Republic (PRC) as the sole legitimate representative of China in 1971, implying that the mainland overtook the 'Taiwanese' permanent membership. Since this did not require an amendment of the Charter – the Charter still states that the P5 include the USSR and the Republic of China (ROC) – the decision was taken through the UNGA Resolution 2758 by a two-thirds majority. This partly reflected the shifting position of the US however. The importance of Communist China grew and Washington sought to exploit it in order to deepen the Sino-Soviet split, a strategic maneuver in the Cold War where the US-ROC relation had to be sacrificed.

A useful recent historical example for understanding reform from above is that of the replacement of the G8 by the G20 as the main Council for managing the global economy. The G20 was created in 1999 in the wake of the Asian financial crisis due to an understanding of the necessity to expand the international cooperation in order to address

the structural vulnerabilities of the global economy. Incrementally the number of issues on the G20's table grew, with a qualitative shift occurring caused by the 2008 financial crisis. The Washington summit in November the same year established the G20 as the premium forum for managing the global crisis and the Pittsburg meeting in 2009 expanded the mandate of the G20 beyond dealing with the crisis, instituting the G20 as the main forum for managing global economy. The example of the G20 points to both the issue of effectiveness and legitimacy stemming from representation. The G8 became obsolete because it did not represent economic globalization but more importantly because the major economic powers realized that the global economy could not be managed without the inclusion of emerging economies.

The lesson of the G20 is partly a cynical one. The financial crises of 1997 and 2008 underlined, if not created, the need for reform. This development serves as an example of how reform comes from above when the time is right; in the case of UNSC reform, when the P5-powers find it necessary to change the structure. Of the G4 countries, India is arguably the foremost candidate and Delhi should maturely recognize this and avoid begging the greater powers for favors.

In line with this, the potential future complications of G4 collaboration should be considered. India's increasing tensions with China might be an obstacle but a greater cloud on the horizon for an Indian permanent seat is its alliance with Japan, whose candidacy is starkly opposed by Beijing.[49] While the G4, the L-69 and cooperation with the African Group all serve the purpose of creating pressure and "galvanize an opinion"[50], pushing for reform from below, India needs to be individually considered in order to have a chance; this is arguably understood by India. Ambassador Asoke Kumar Mukerji framed G4 cooperation in terms of strategy, stating that "[there] is no understanding that all the four

countries will enter like a group into the Security Council. The Charter of the UN requires each candidate to fight an election and get […] a 2/3rds majority in order to be elected [… and] each election is fought by a country individually". This is partly a technical issue relating to the conduct of voting in the General Assembly. While the expansion of the Council will not necessarily work the same way as the annual election of non-permanent members to the Council – new permanent members could very well be lumped together in Art 23(1) – this statement sends a message to China and the US: the G4 cooperation is not a holy alliance and when the push comes to shove, India could sacrifice Japan. After all, Japan distanced itself from the G4 upon US President George W. Bush's statement of support for Japanese permanent membership.[51]

India should make the case for expanding the permanent seat category through emphasizing the interest of the P5 to deal with a solid and reliable state over the possibility of having hostile or incalculable elected members on the Council. India is, despite its flaws, a stable state with a deep-rooted and well-functioning democratic tradition.

A concern that has been pointed out is India's diplomatic capacity. While having highly competent and professional diplomats, the Indian diplomatic bureaucracy is relatively small compared to India's economic and political size, which impedes leverage and detailed knowledge about issues being negotiated on in various international forums. Malone and Mukherjee note that the Indian UN Mission in 2011, during its term at the Council, constituted 24 members; smaller than the mission of all other great or rising powers on the Council at the same time. It is an imperative to increase India's leverage within the UN system to get a permanent seat, which in turn necessitates reform of the diplomatic and state bureaucracy in general.[52]

While the P5 does not push for reforms and arguable even seek to counter them, their rhetorical support for any solution could still influence the UN member states and the debate in general. Thus, any positive public statements from the Great Powers should be considered useful but not be considered as too serious commitments.

**Pressure from Below**

The P5 are not insensitive to sentiments in the community of states and pressure from them can push the P5 in the right direction. But rather than banging the head against a wall seeking to find a solution increasing the number of states that are positive to the G4 reform proposal, India should recognize that a majority of states are supportive of both an expansion of the permanent seat category and that India should take part as a new permanent member. The efforts needed to extend the number of supporters in order to increase pressure on the P5 are significant; this route is costly and the outcome is uncertain.

While it is tempting to frame 2015 as *the* year for reforms, the agenda of the General Assembly's 70th session will focus the Post 2015 Agenda. In line with a strategy that puts the drive for reform on the backburner and instead seeks to establish India as a responsible and leading contributor to peace and security, India should prioritize a commitment to global development and sustainability.

On discussions of reform in the General Assembly, India should avoid explicitly discussing its own formidable eligibility. At best the reiteration of entitlement arguments is irrelevant; at worst, such rhetoric backfires. Instead, the Indian representatives should underline what is at stake for the international security architecture and peace and security.

**Pressure from the outside**

In relation to the discussions outside the UNGA and the UNSC, and the international order of States, India should recognize the potentially positive effect of media, academia and civil society. The Syrian and Ukraine crises have sparked debates about its problems and the need for reforms. However, the potential effect of pressure from the outside should not be exaggerated and the Indian state should not incorporate pressure from the outside in its strategy for Council reforms.

**Appendix: Inventory of Reform Proposals**

The text-based approach of the Intergovernmental Negotiations has resulted in various non-paper and revisions of the same. The latest one – formulated by an Advisory Group with representatives of the different camps established by the PGA of the 68th Session John W. Ashe – states the various ideas and positions among the member states in order to assist the IGN in building a foundation for negotiations, including proposals on Charter amendments for different reform models. Despite some criticism on how positions are represented in the non-paper, it has received strong support especially from the G4 and their allies.

This non-paper is in turn based on the third revision (Rev3) of a more extensive non paper dated January 2011 that also outlines the member states positions and suggestions on Security Council reforms thematically; various categories of membership of an extended Council, the veto issue, regional and other types of representation in the Council, the size of an enlarged Council and its working methods, and lastly the relationship between the UNSC and the UNGA.[53] It gives a number of realistic and less realistic proposals.

Both the Rev3 and the Advisory Group's non-paper describes routes for expansion of the Council in terms of numbers, functions and geographical (and other) representation but does not specify potential candidates for permanent membership. Although the Rev3 have been subject to criticism, especially from the UfC but also the African Groups and some of the P5, it could serve as a basis for outlining the general positions and proposals that have been put on the table so far.

Proposals on new seats on the Council include various categories of memberships and how the regional groupings would be represented in the different suggested expansion models:

- Enlargement of the (existing) permanent and non-permanent memberships, adding (to the current setup)
    - two permanent and one or two non-permanent seats for Africa,
    - two permanent and one non-permanent seat for the Asia-Pacific grouping,
    - one non-permanent for the East European Grouping (EEG)
    - one permanent and one non-permanent seat for Latin American and Caribbean Group (GRULAC),
    - one permanent seat for the Western Europe and Others Group (WEOG),
    - none or one non-permanent seat for the Small Islands Developing States, resulting in a reformed Security Council with a total of 25, 26 or 27 members,
    - with an alternative version where the permanent seats are established after a revision period of a number of years yet to be defined.

- Enlargement through a new category of renewable longer-term seats (8-12 year), which could be combined with additional new non-permanent seats in their current two-year non-renewable form, adding longer term seats as per the following:
    - two for Africa,
    - two for Asia-Pacific,
    - none for EEG,
    - one for the GRULAC, and
    - one for the WEOG
    - plus an undefined number of non-permanent seats spread out on the regional groupings.

- Enlargement through a new category of three to five year non-renewable seats, in combination with additional non-permanent seats as they are currently constructed, adding
    - one 3-5 year and one 2 year seat for Africa,

- o one 3-5 year and one 2 year seat for seat for Asia-Pacific,
  - ▪ plus one additional 3-5 year seat rotating between the two groups, resulting in a total of three new 3-5 year term seats for Africa and Asia-Pacific combined,
  - o one 3-5 year seat rotating between EEG and WEOG,
  - o one 2 year seat for the EEG,
  - o one 2 year seat for the WEOG,
  - o one 3-5 year and one 2 year seat for the GRULAC,
  - o one 2 year seat each for Small and Medium sized States respectively (introducing a size-oriented rather than regional grouping-based representation),
  - o resulting in a reformed Council consisting of a total of 26 members.

- Adding only non-permanent seats as they are now but with or without the possibility of renewal:
  - o three for Africa,
  - o three for the Asia-Pacific grouping,
  - o one for the EEG,
  - o two for the GRULAC,
  - o one for the WEOG,
  - o resulting in a reformed Council consisting of 25 members.

The different categorical classifications are then filtered through the regional groupings, which suggest that new permanent seats are approached in terms of representing regions rather than through evaluating how well states could contribute to the tasks of Council. Further, the non-paper suggests a review of "the privileges enjoyed by the Permanent Members outside the Security Council (e.g. membership in bodies such as ECOSOC and ICJ, practice of distributing senior positions within the UN system)".

Suggestions on the veto issue range from new permanent members being equipped with the same privilege as the current P-5, to no new veto rights. There is also an intermediate proposal where the veto rights of new permanent members are subject to a review after fifteen years. Further, proposals include abolishing the veto in its entirety and restricting the use of the veto to decisions concerning genocide, crimes against humanity, war crimes or Chapter VII issues, or that a veto requires non-concurring votes by a minimum of two permanent members.

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