

**STANDING COMMITTEE ON EXTERNAL AFFAIRS
(1999-2000)**

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**INDIA'S ROLE IN THE UNITED NATIONS WITH PARTICULAR
REFERENCE TO HER CLAIM FOR PERMANENT
MEMBERSHIP OF UN SECURITY COUNCIL
THIRD REPORT**

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LOK SABHA SECRETARIAT

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PREFACE

I, the Chairperson, Standing Committee on External Affairs (1999-2000) having been authorised by the Committee to present, on their behalf, the third report on "India's role in the United Nations with particular reference to her claim for Permanent Membership of the Security Council"

2. The Committee undertook the examination of the subject having recognised it as an issue of immense importance. Shri K. Subrahmanyam, Convenor, National Security Advisory Board and an expert on UN Organisations, was invited by the Committee to present his views on the subject. The Committee also took evidence of the representatives of the Ministry of External Affairs on 20th June and 18th July, 2000.

3. The Committee wish to express their thanks to Shri K. Subrahmanyam for sharing his considered views on the subject. The Committee also wish to express their thanks to the representatives of the Ministry of External Affairs for placing before the Committee the material and information desired in connection with the examination of the subject and for giving evidence before the Committee.

4. The Committee considered and adopted the report at their sitting held on 21st August, 2000.

5. For facility of reference and convenience, the observations and recommendation of the Committee have been printed in thick type in the body of the Report.

NEW DELHI;

BOSE,

August, 2000

KRISHNA

Bhadrapada 1922 (Saka)
External Affairs.

Chairperson,
Standing Committee on

CHAPTER I

INTRODUCTION

During the last few decades the world has witnessed momentous changes. The days of the ideological battle of the period of cold war are over and new equations of power have emerged in international relations.

2. Coming to the UN, one of the most notable fact is the remarkable expansion in its membership. With passage of time, it has come to acquire an international personality of its own by becoming an association of 188 Member-States for the maintenance of international peace and security and achievement of international cooperation in solving socio-economic, cultural and humanitarian problems. In the wake of such developments, a debate is taking place among its Member-States to review its very institutional set-up. The 48th and 49th Sessions of the UN were particularly evocative in this regard. Apart from human rights and UN peace-keeping operations, the issue that dominated most part of the deliberations in these sessions was the issue of restructuring of the UN, especially its Security Council keeping in view the changing power-equations in the world. In his report *We the Peoples: The Role of UN in 21st Century*, UN Secretary General, Kofi Annan has emphasized that Heads of Governments, gathering for the UN Millennium Summit in September, 2000, will seriously consider how to make the Security Council broad-based, so that it reflects the realities of our times.

3. India, one of the founder-members and signatory to the UN Charter, has consistently supported the purposes and principles of the UN Charter. It has played a major role in the struggle against colonialism and apartheid; in the UN's efforts towards disarmament and in the efforts to create a more equitable international economic order. We have made significant contributions to the maintenance of international peace and security through our participation in UN Peace Keeping Operations.

Historical Background of the UN

4. The rational urge to avoid war and to seek peaceful solutions to disputes between nations found a concrete institutional expression for the first time in world politics through the setting-up of the League of Nations after the First World War. But the League of Nations was unfortunately short-lived. It was only after the Second World War that more conscious efforts among countries towards the revival of the League experiment could be visible which ultimately culminated in the foundation of the United Nations on 24 October 1945.

5. The term United Nations was devised by the U.S. President, late Franklin D. Roosevelt, and was used for the first time during the Second World War to denote the group of countries allied against the Axis powers, namely Germany, Japan and Italy. Under the Moscow Declaration of November 1, 1943 Foreign Ministers of China, USSR, USA and UK took a decision to establish an effective international organization of nations. Subsequent to this came the Dumbarton Oaks Conference where concrete proposals for such an organization were devised. On October 7, 1944 the proposed framework of the UN was tentatively published. The proposals in turn were discussed at the Yalta Conference in February 1945. Some of the prominent world leaders of that time like Winston Churchill, Joseph Stalin and Franklin D. Roosevelt participated in that Conference. Finally, at the UN Conference on International Organization, which met at San Francisco, from 25 April to 26 June, 1945, representatives of fifty nations participated in the drafting of the UN Charter. The Charter was signed by delegates of fifty nations, and came into effect on October 24, 1945. Poland, not represented at the Conference signed the charter later but nevertheless became one of the original 51 members.

Purposes and Principles of the UN

6. The UN Charter comprises 111 articles. The preamble of the Charter reminds the people of the horrible experiences of the two World Wars which men witnessed within a generation, and calls to save succeeding generations from the scourge of war. (see Annexure-I). Article I of the Charter defines its aims as follows :

1. To maintain international peace and security ;
2. To develop friendly relations among nations ;
3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character.
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends (For details see Annexure-II).

7. Article 2 enjoins upon all members of the UN to act in accordance with the avowed principle of sovereign equality of nations and to settle mutual disputes by peaceful means in such a manner that international peace, security and justice, are not endangered. Nothing contained in the Charter shall, however, authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of a state.

8. Membership of the UN is open to all peace-loving states. Admission of a new member is effected by a decision of the General Assembly upon the recommendation of the Security Council.

Institutional set-up

9. As a functional unit, the UN consists of six principal organs, viz.

1. The General Assembly ;

2. The Security Council ;
3. The Economic and Social Council ;
4. The Trusteeship Council ;
5. The Secretariat ; and
6. The International Court of Justice.

10. However, under article 7 of the Charter, subsidiary organs may be established. At present, there are about eighteen specialized agencies operating in various technical, economic and social fields within the overall framework of the United Nations.

CHAPTER-II

Indias Role in the United Nations

11. As a founder member of the United Nations, India has been a firm supporter of the purposes and principles of the UN Charter, and has made significant contributions to their furtherance and implementation. It stood at the forefront during the UN's tumultuous years of struggle against colonialism and apartheid, its efforts towards global disarmament and the ending of the arms race, and towards the creation of a more equitable international economic order. At the very first session of the UN, India had raised its voice against colonialism and apartheid, two issues, which have been among the most significant of the UN's successes in the last half century.

Disarmament

12. Since independence, India has consistently pursued the objective of global disarmament based on the principles of universality, non-discrimination and effective compliance in UN forums dedicated to disarmament and international security. India has always advocated that the highest priority be given to nuclear disarmament as a first step towards general and complete disarmament. India is the only State possessing nuclear weapons to call for opening negotiations for a Nuclear Weapons Convention, so that the challenge of nuclear weapons can be dealt within the same manner that we have dealt with the scourge of two other weapons of mass destruction, through comprehensive, universal and non-discriminatory treaties. In addition to its traditional resolutions on Convention on Non-use of Nuclear Weapons and on Science and Technology, India has, since the 53rd General Assembly in 1998, piloted a resolution calling for reducing nuclear danger by dealing with nuclear weapons. India has also been an active participant and a pioneer in UN's efforts to eliminate other weapons of mass destruction and to promote transparency in conventional armaments. India is a party to the Biological and Toxin Weapons Convention (BWC), the Chemical Weapons Convention (CWC) and the Convention on Certain Conventional Weapons (CCW). It has participated regularly in the UN Register of Conventional Arms since its inception. Indian experts have contributed to UN action in all these areas and in other fields such as land mines and small arms proliferation.

Development

13. India has consistently supported UN's role in development. This role is built into the structure of the world body, which includes two principal organs dealing with the issue : the Economic and Social Council and the General Assembly. It is reflected in the work of a host of Specialized Agencies, Funds and Programmes. While the UN's activities in other areas have expanded, the resources available for development projects and programmes have steadily shrunk. It is India's

view that long-term development, rather than short term humanitarian assistance, holds the key to economic growth and peace. The Indian position is that there is need for a greater role of the UN in development cooperation at international level. There is also a need for more democratic decision-making in international financial and trade institutions. An International Conference on Finance for Development, scheduled to be held in 2001, would help fill up the gap. India has played a key role in the Financing for Development process since its inception. The proposed Conference could discuss resource mobilization, private financial flows and international financial cooperation for development, external debt, trade and governance of the international monetary, financial and trade systems. The 53rd session of the UN General Assembly had set up an open-ended ad hoc working group co-chaired by India and Austria, whose report regarding preparatory meetings at regional level was endorsed at the 54th Session of UNGA.

Environment

14. India has consistently played an important role in the evolution of an international consensus to tackle major global environmental issues. The then Prime Minister of India, Smt. Indira Gandhi, was the sole foreign head of state or government to participate in the United Nations Conference on Human Environment held in Stockholm in June 1972, at a time when international concern over environmental issues was yet to fully crystallize. At that session India emphasized that the environmental concerns cannot be viewed in isolation from development imperatives.

15. India was an active participant in the follow-up process of the Stockholm Conference that culminated in the convening of the United Nations Conference on Environment and Development in Rio de Janeiro in June, 1992. The Rio Conference affirmed the importance of sustainable development, which encompasses both development and environmental protection. Agenda 21, adopted by the Rio meet, provides a blue-print on how to make development socially, economically sustainable. Despite constraints, India has initiated several activities and programmes in the context of Agenda 21, which are consistent with its national goals and objectives. India is a party to numerous multilateral environmental conventions, which contribute to the protection of the environment and to sustainable development.

Human Rights

16. India has advocated a holistic and integrated approach that gives equal emphasis to human rights, based on their inter-dependence, inter-relatedness, indivisibility and universality, and reinforces the inter-relationship between democracy, development, human rights and international cooperation for development. India had taken an active part in the drafting of the Universal Declaration on Human Rights. Dr. Hansa Mehta, a Gandhian social worker, who had led the Indian delegation had made important contributions in the drafting of the Declaration, specially by highlighting the need for reflecting gender equality. India is a signatory to the six core human rights covenants and is fully committed to the rights proclaimed in the Universal Declaration.

Peacekeeping

17. Indian troops have taken part in some of the most difficult UN Peacekeeping operations including those in Congo, Cambodia, Egypt, Somalia and Rwanda. Out of total 50 UN Peacekeeping operations, India has taken part in 33 operations and have suffered casualties (90 troops so far) in the service of the UN. Professional excellence of the Indian troops has won universal admiration. Its most significant contribution has been to peace and stability in Africa and

Asia. It has demonstrated its unique capacity of sustaining large troop commitments over prolonged periods.

18. Currently, India has one Infantry battalion deployed in Southern Lebanon and two Infantry battalions in Sierra Leone. India has offered one brigade of troops to the UN Standby Arrangements. Presently, India is ranked as the largest troop contributor to the UN.

Chapter III

The Security Council

19. The UN Charter gives the Security Council primary responsibility for maintaining international peace and security. The Council may meet at any time, day or night, whenever peace is threatened. While other Organs of the United Nations make recommendations to Governments, the Council alone has the power to take decisions under Chapter VII which Member States are obliged under the Charter to carry out.

20. A representative of each of its members must be present at all times at United Nations Headquarters.

21. Originally the Security Council consisted of 5 permanent members (China, France, USSR, UK and US) and 6 non-permanent members. By GA Resolution 1991A(XVIII) of 1963, amendments were made to the Charter provisions relating to membership of the Security Council whereby the number of non-permanent members was increased from 6 to 10, It was also decided that the 10 non-permanent members would be elected for two year term according to the following pattern : five from Africa and Asian States, one from East European States, two from Latin American and Caribbean States and 2 from Western Europe and other States.

22. Currently, therefore, there are 15 Council members. Five of these China, France, the Russian Federation, the United Kingdom and the United States are permanent members. The other 10 current non-permanent members elected by the General Assembly for two-year terms are : Argentina, Jamaica, Canada, the Netherlands, Malaysia, Bangladesh, Ukraine, Namibia, Tunisia and Mali. Out of these, the term of Argentina, the Netherlands and Namibia is upto December, 2000. Rest of the countries have their tenure upto December, 2001.

23. Decisions of the Council require nine affirmative votes. Except in case of votes on procedural questions, a decision cannot be taken if there is a negative vote, or veto, by a permanent member.

24. A State which is a Member of the United Nations but not of the Security Council may participate, without a vote, in its discussions when the Council considers that, that country's interests are affected. Both Members of the United Nations and non-members, if they are parties to a dispute being considered by the Council, are invited to take part, without a vote, in the Council's discussions; the Council sets the conditions for participation by a non-member State.

25. The presidency of the Council rotates monthly, according to the English alphabetical listing of its members States.

26. Under the Charter, the functions and powers of the Security Council are :

- to maintain international peace and security in accordance with the principles and purposes of the United Nations;
- to investigate any dispute or situation which might lead to international friction;
- to recommend methods of adjusting such disputes or the terms of settlement;

- to formulate plans for the establishment of a threat to peace or act of aggression and to recommend what action should be taken;
- to call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression;
- to take military action against an aggressor;
- to recommend the admission of new Members and the terms on which States may become parties to the Statute of the International Court of Justice;
- to recommend to the General Assembly the appointment of the Secretary-General; and
- Together with the Assembly, to elect the Judges of the International Court.

27. When the Council considers a threat to international peace, it first explores ways to settle the dispute peacefully. It may suggest principles for a settlement or undertake mediation. In the event of fighting, the Council tries to secure a cease-fire. It may establish a peace-keeping mission to help the parties maintain the truce and to keep opposing forces apart.

28. The Council can take measures to enforce its decisions. It can impose economic sanctions or order an arms embargo. On occasions, the Council has authorized Member States to use all necessary means, including military action, to see that its decisions are carried out.

29. The Council also makes recommendations to the General Assembly on the appointment of a new Secretary-General and on the admission of new Members to the UN.

Chapter IV

UN Reform and Restructuring of Security Council

30. The concept of the UN was perceived in the forties against a world background of Britain, France, the Netherlands and a few other European imperial powers virtually controlling the whole of Asia, Africa and large parts of Latin America as their colonies. In the context of the present world, the European empires of 19th-20th centuries have disappeared and all their colonies in Asia, Africa and elsewhere have become independent entities with membership of the UN.

31. It goes without saying that the world of year 2000 bears little resemblance to the world of 1945 when the UN system was set up. As against some 50 odd independent countries in 1945 there are 188 sovereign nations today in the UN body. (Annexure-II) Over a period of time, the United Nations has acquired a much wider range of functions for itself which includes peace keeping, human rights, environment and disarmament matters. The growth in membership has come primarily from new States of Africa and Asia comprising the developing countries. The numerical dominance of the Third World that way is a reality to be reckoned with. With proliferation in the UN membership, the dominant UN cleavage is now between the North and the South.

32. The basic functioning of the UN has, however, remained largely patterned on the realities of the world immediately after the end of the Second World War. The key organ of the UN, the Security Council for all practical purposes continues to be dominated by the five nations designated as permanent members.

33. The Charter asserts equality of the nation-states [Preamble and article 2(1)]. At the same time it confers on the five members of the Security Council the right to veto on substantive proposals and amendments to the Charter [article 27 (3) and article 108]. As has very often been pointed out, some of the contradictions in the composition and procedures of the Security Council

may be summed up as follows:

First, although, the Council consists of only a limited number of UN members (originally eleven, now fifteen), it acts on behalf of them all [article 24(l) of the Charter].

Second, the Council has the authority to take decisions which bind not only its own members but all the members of the Organization (article 25 and 49) and to some extent, even non-members [article 2(6)].

Third, the decisions of Security Council are limited by the rule of unanimity, or veto possessed by all the permanent members.

34. The Standing Committee on External Affairs invited Shri K. Subrahmanyam, Convenor, National Security Advisory Board, a reputed scholar and expert on UN organisations and on various strategic matters to share his views with the Members. Shri Subramanyam stated: We should start with why the permanent membership of Security Council came about. It came about because when the UN Charter was drafted, it was drafted by the victors of the Second World War and the major and significant victors of that war were the United States, the Soviet Union and Britain. Since France was a colonial power up to that time and a major colonial power and it was one of the allies which started the war along with Britain, France was added. It was at President Roosevelt's insistence that it should not be a white man's club, they just added China as the fifth permanent member.

The veto wielding permanent membership came about because of the experience which the nations of the world had with the League of Nations. They felt that if any decision is taken against the wishes or interests of a major military power, then that would lead to a war.

Therefore, they introduced what they called the unanimity rule. That is to say, no decision on international security would be adopted unless that decision had the unanimous support of all the five major military powers. That was the origin of veto. That was how to avoid a war; and therefore how to ensure that no major military power is driven into a corner that it would consider going to war. At that state, they felt that all the other nations of the world could be managed provided these five major military powers worked unanimously.³⁵

From the point of population and geography, restructuring of Security Council is more appropriately necessary too. Britain, France, Russia and the whole of the Europe and the U.S.A. together constitute a population of about 500 million. But there are four veto-holding Security Council members for Europe and North America, whereas for other more than 180 member-countries, with a total population in excess of 4,500 million, there is only one veto-holding member namely, China. It is informed that on the basis of their population and size as well as on the ground of its pre-eminence among Third World countries, India is claimant for permanent membership of the Security Council.

36. It may be stated that in 1946 the UN had 51 members and the strength of the Security Council was eleven including five permanent members. In 1965, when the membership had grown to 113, the Council was expanded to make it more representative by increasing the number of non-permanent members to ten. Now, the UN has 188 members but the strength of the Security Council has remained static with 15 members.

37. Almost everyone agrees that the 15-member Security Council should be expanded. Addressing a press conference in Moscow on April 5, 1994, Boutros Boutros Ghali, the then UN Secretary-General, confirmed that there was a consensus on the need to revamp the structure of

the Security Council. He also said that the 183 member countries of UN had voted in its 48th Session of the General Assembly for changing the structure of the Council and suggestions were invited for its new structure.

38. There is however, little agreement among member-states as to how restructuring of the Security Council would be done or which countries should join the privileged five that are now its permanent members. The 47th Session of the UN General Assembly in 1992 adopted a Resolution No. 47/62 in this regard captioned Question of Equitable representation and increase in the Membership of the Security Council. The resolution requested the Secretary General to invite Members-State to submit written comments on a possible review of the Membership of the Security Council and based on their comments submit a report to the next 48th session of the UNGA. This was followed by another resolution 48/26 adopted by the UNGA in its 48th session in 1993. Under this Resolution, an Open-Ended Working Group (OEWG) under the Chairmanship of the President of the General Assembly was set up in 1993 to consider all aspects of the question of equitable representation in and other matters related to the Security Council. The resolution requested the Working Group to submit its report by the end of 1994. Since then every year, meetings of the Working Group have been held. The Working Group has submitted Annual Reports to the UNGA, which has continued to extend its mandate. Despite continued discussions, the Working Group has so far not reached any consensus on criteria or candidates for admission to permanent-member category of the Security Council. Deliberations in the OEWG have not yet arrived at the stage where specific candidatures, including that of India, are addressed. As there has been no agreement yet on the size of the expansion and models for expansion, the OEWG has been considering matters relating to the functioning of the Council. The term of the Working Group has been extended for another year. The main points of dispute that have emerged during the discussions in various sessions of the Working Group held so far are:

Size: There are contending views about the size of the expanded Security Council. While NAM and OAU have called for 26 members in an expanded Security Council, developed countries prefer smaller size of the expansion. The US Permanent Representative stated on April 3, 2000 that US would be willing to consider an expanded Council of more than 21 members without indicating the upper limit. There is also a proposal for an expanded Security Council of 24 Member States.

Models of Expansion: There are proposals for expansion of both categories of membership of UN Security Council, limit the expansion only to non-permanent membership and also for creating a third category of rotational membership.

Veto: The question of granting veto power to new permanent members of the Security Council has also been discussed at the UN. The OAU has called for two permanent seats for African countries to be shared among countries of the region. These will be rotational seat. OAU has also called for veto powers for new permanent members. The argument in favour of veto powers for new permanent members is that they should have the same powers and status as existing permanent members. The argument against this proposal is that veto powers of even existing permanent members need to be curtailed and there is no justification for extending them to new permanent members. Some countries also argue that extending veto powers to new permanent members would make decision-making in the Security Council more difficult. There are, thus contending views on the veto issue. The existing permanent members do not want any change or

curtailment of their veto rights. NAM has called for curtailment of veto right to limit it only to Chapter VII situations with a view to its eventual elimination. The demand for curtailment of veto powers is also supported by number of developed countries.

39. It is, therefore, evident that reform of the UN Security Council is an extremely complex issue and would necessarily take time. The previous expansion of the Security Council took 9 years to be decided, even though it was limited to expansion of only non-permanent members category. The present round includes proposals for expansion of both categories, as well as creation of third category of rotational membership. It also includes discussion on the question of veto. Given the complexity of these issues, this is bound to take time.

Chapter V

India's Claim for Permanent Membership of UN Security Council

40. In the 1950s, the United States was trying to contain Communist China. Therefore, in 1955 at the tenth anniversary of the UN in San Francisco, it proposed that India should have a Permanent Membership of the Security Council in place of China. However, India declined. On his return, Prime Minister Jawaharlal Nehru wrote to the country's various Chief Ministers on August 2, 1955 :

Informally, suggestions have been made that China would be taken in the UN but not in the Security Council, and that India should take her (China's) place in the Security Council. We cannot of course accept this as it means falling out with China and it would be very unfair for a great country like China not to be in the Security Council. We have, therefore, made it clear to those who suggested this that we cannot agree to the suggestion. We have gone a little further and said that India is not anxious to enter the Security Council at this stage even though as a great country she ought to be there. The first step to be taken is for China to take her rightful place, and then the question of India might be discussed separately. (2 August, 1955. Letter to the Chief Ministers).

41. Over the years, the demand for reform of Security Council has gained momentum. India strongly favours and advocates for reform of the Security Council with higher representation for developing countries as permanent and non-permanent members to give the World Organisation extra mandate for peacekeeping operations and curb unilateral actions. In its opinion, there has been a significant diffusion of power in contemporary world politics. The Security Council should therefore be expanded to be representative of international community. India strongly advocates inclusion of developing countries in the Council to reflect the universal character of the world body. In its opinion the number of non-permanent seats must also be increased to give member-states greater opportunity for participation in the work of the Council. Similarly, the working methods of the Security Council must be reformed to enhance transparency and express the democratic aspirations of the vast majority of member-states.

42. India participated in the discussions among various delegations during the 48th General Assembly Session on the reform of Security Council. Besides, India started the process of informal discussions at the start of the Session and participated in all subsequent drafting exercises which finally led to the adoption of the General Assembly Resolution on setting-up of a Working Group on the question of equitable representation and increase in the Membership of the Security Council.

43. The mandate of the working group is to consider all aspects of the question of increase in the membership of the Security Council, and other matters related to the Security Council. Thus, the mandate is broad enough to cover practically all aspects of restructuring of the Security Council.

44. India is an active participant in the deliberations of the Working Group. It has already forwarded certain criteria for permanent and non-permanent membership of the Security Council. These are: population which represents the principle of democracy and an element of power: size of the economy and future potential of the country; equitable geographical distribution and contribution to the maintenance of international peace and security.

45. Shri Salman Khurshid, the then Minister of State for External Affairs informed the Lok Sabha on December 13, 1993 that India's candidature for permanent membership in the Security Council is supported by a large number of member-countries of the UN. There is no apparent hostility against the proposal for India's inclusion among the permanent members of the Security Council. He added that India was using its persuasive powers to evolve objective norms to provide representation to different regions in an expanded Security Council.

46. According to the Ministry, India officially announced her candidature for Permanent Membership of the Security Council during the 49th General Assembly in 1994. Reiterating India's claim for permanent membership of the Security Council, Shri Pranab Mukherjee, the leader of the Indian delegation, to the 49th Session of the United Nations General Assembly, said on 3 October 1994, The Security Council is not a corporate board, where equity shares determine the voting power. Nor can it be likened to the Bretton Woods Institutions which reflect the wealth of nations. The UN is based on the principle of sovereign equality of nations. Its primary objective remains maintenance of international peace and security. These must find expression in the composition of the Council which must be able to address the challenges of the 21st century. He stressed the necessity of expanding the Council to give its decisions greater legitimacy, more authority and political effectiveness. The Prime Minister reiterated India's candidature during 53rd UNGA session in 1998. In his address, the Prime Minister stated:

The Security Council does not represent contemporary reality; it does not represent democracy in international relations. Following the end of the Cold War, it has acquired the freedom to act but experience shows that the Council has acted only when it was convenient for its permanent members. The experience of Somalia does not do credit to the Security Council and there are other examples too. Peace-keeping operations cannot be a reflection of ulterior political priorities and perceptions.

There is only one cure to bring in fresh blood. The Security Council must be made representative of the membership of the United Nations. Developing countries must be made permanent members. It is a right to which the developing world is entitled. Presence of some developing countries as permanent members is inescapable for effectively discharging the responsibilities of the Security Council particularly when we see that the Council acts almost exclusively in the developing world. It is only natural that on decisions affecting the developing world, these countries have a say, on equal terms. Along with other measures, the Security Council too must be reformed, expanding its non-permanent membership so that more developing countries can serve on it. But this alone is not enough. Because as long as effective power in the Council rests with the permanent

membership, the interests of the developing world will not be promoted or protected unless developing countries are made permanent members, on par with the present permanent members. Only this will make the Council an effective instrument for the international community in dealing with current and future challenges. The new permanent members must of course have the ability to discharge the responsibilities that come with permanent membership. India believes it can, and, as we had said before from this rostrum, we are prepared to accept the responsibilities of permanent membership, and believe we are qualified for it.

47. EAM in his address to 54th UNGA session in 1999 stated :

So at the end of this centennial audit, what is it we would want the United Nations to do in the first few years ? It is clear that there are two major problems facing the UN as an institution :

Security Council reforms and the UN's financial crisis. These need to be addressed. The Security Council must be made more representative, with developing countries inducted as permanent members, to reflect the changes in the UN membership and today's political realities. As we have said earlier, on any objective criteria, India's credentials for permanent membership are persuasive.

48. Apart from India, Japan, Germany, Brazil, Indonesia and Nigeria have also announced their interest in becoming permanent members of the Security Council. Though US and some other countries have suggested inclusion of Germany and Japan in the permanent-members category, there is no consensus on candidates for permanent membership. Brazilian candidature has been supported by Portugal.

49. While staking its claim for a permanent seat in the Security Council, India has also emphasized that the selection of candidates should be based on an objective criteria. According to the Ministry, the objective criteria should include the size of population, strength of economy, the maturity of political system and the ability of the candidate state to contribute positively and constructively towards the mandate of Security Council. By any objective criteria it has been informed that India will qualify for admission to the Security Council. We represent 1/6th of humanity. We have a large and diversified economy. We are inheritors of a rich culture and an ancient civilisation. Finally, as a modern nation, we have a vibrant democracy.

50. This apart, with the demise of bloc-politics, characteristic of the cold war days, the Non-aligned Movement (NAM) has come to acquire an added significance in the post-cold war period of the present world politics. It fosters ideals which are complementary to those of the UN. The movement, at present represents 111 member-countries. Its expanded membership is a pointer enough that NAM's ideology has come to acquire greater relevance and legitimacy in world politics. The NAM countries now have a preponderance in the UN body and any action or decision of the UN disregarding their opinion may, therefore, not have universal acceptance. As a founder member of the NAM, India has a rightful claim to the permanent membership of the Security Council.

51. There is increasing recognition of India's claim for permanent membership of the Security Council. The UN Secretary-General Mr. Kofi Annan, during a meeting with Doordarshan in May, 2000, had said that there is a sense among a large number of UN Members that India will be a natural for consideration for a Permanent Membership of the Security Council. Bhutan, Mauritius, Dominican Republic, Cuba, Vietnam, Lao PDR, Cyprus and the Russian Federation have

supported it in statements at the UN. Russia has clearly been in support of India joining the privileged group in the Security Council. In June, 1995, when the then Prime Minister of India, Shri P.V. Narasimha Rao visited Paris, both France and India agreed that the World body should become more representative of the present day world and its positions and responsibilities must be shared equitably among the member-nations. This reiteration of France, one of the five permanent members, needs to be seen in the context of the known French position that any expansion in the Security Council must include a fair number of the developing countries. France also made a public announcement supporting India's candidature during the visit of the President of India to France in April, 2000. During a banquet held in honour of Indian President, the French President said that As I mentioned to you, Mr. President, when you so warmly received me in the year when India celebrated its fiftieth anniversary of Independence, France wishes to see your country occupy its rightful place on the international scene. Yes, India is naturally destined to become a permanent member of the United Nations Security Council. France supported and will support your candidature. France has, however, not yet made an announcement at the UN.

52. India's bid to permanent membership of the UN Council has found support from the former Prime Minister of U.K., Margaret Thatcher. In the second volume of her autobiography, *The Path to Power* she says, if it is felt that the UN Security Council should be enlarged.. India is a strong candidate for inclusion. She further says, India's pro-Soviet tilt during the cold war must not now blind us to the fact that she is the Asian power with which it will prove easiest to do business. Quite recently John Smith, Leader of the Labour Party, also stated :

To have a Security Council without India on it as a permanent member is an obvious contradiction of the reality of the international situation.⁵³ A statement by the US Permanent Representative in April, 2000 reiterated their earlier position that apart from Germany and Japan, it would support three permanent seats for developing countries of Asia and Latin America. The position of the United State on India's candidature is yet to evolve fully.

54. China has traditionally been opposed to expansion of permanent category of the Security Council. China, supports expansion only in the non-permanent category. During the visit of the President of India to Beijing in May, 2000, discussions were also held on Security Council restructuring. The Chinese Premier stated that China is opposed to an expansion of the Security Council to only include Germany and Japan. China also stated that they would like to see more representation of the developing countries in the expanded Security Council. In case of Russia, the statements in support of India's candidature were made during discussions in the OEWG on 22nd June, 1999 where Russia said : India is a strong and worthy candidate for a permanent seat in the Security Council if any decision is taken for expansion of the Council in both categories.

55. According to the Ministry, the following countries have supported India's candidature in the United Nations so far are Russia, Mauritius, Cyprus, Dominican Republic, Cuba, Lao PDR, Vietnam and Bhutan.

56. The Permanent Mission of India at the UN Headquarters in New York [PMI, NY] has very important role to play in gathering support for India's claim for permanent membership of the UN Security Council. PMI is actively involved in discussions on Security Council restructuring in the Open Ended working Group and other fora. It may be noted that the OEWG has been mandated by the UN General Assembly to look into all matters concerning the restructuring and expansion of the

Security Council and hence has a central role to play in the matter.

57. PMI, NY also plays a very useful role in building support for India through informal consultations with Missions of other countries, as most of the Member States of the UN are represented in New York.

Chapter VI

Recommendations & Observations

58. The Committee feel that it is a matter of satisfaction for the entire humanity that the United Nations, a living, growing and a vibrant institution has survived weathering all storms despite its serious inherent and structural flaws. The United Nations has had its successes and failures, nevertheless, it has indeed saved the succeeding generations from the scourge of Nuclear War, though not the localised skirmishes around the globe. The changing times has given new definitions to many of the functions of the United Nations. It is universally accepted that the United Nations needs strengthening and restructuring to enable it to successfully face the newer and growing challenges in variety of areas apart from peace-keeping in order to make it reflect the complexities of new millennium.

59. It is indeed a fact that of all the organs of the United Nations, its principal organ and the executive arm, i.e., Security Council is least democratic. The Veto power and democracy cannot go together but in the present scenario, we have to learn to live with it. The Security Council has shown a great discrepancy between promise and performance. This is due to the fact that the Council does not represent the contemporary reality and is neither the accurate reflection of the UN membership, nor of political and economic scenario of 2000. It goes without saying that the interests of developing world would not be promoted or protected effectively unless developing countries are made permanent members, at par with present permanent members. The Security Council then alone, would, acquire, in true sense, the moral, genuine and legitimate authority to act.

60. The Committee note that for quite some time the proposal to expand Security Council has been gathering momentum. The original membership of the Council was 11 out of 51 Members, representing 21.6%. In 1963, when the Council was expanded to 15, there were 113 Members, representing 13.3%. Today with 188 Members, the representation is reduced to below 9%. The Committee also note the imbalance in representation of various regions of the world especially the developing countries in the Security Council whereas Europe with barely 9% of the world population, has already 3 Permanent Members while Asia with 57% of the population is represented only by China.

61. The reforms and restructuring of Security Council undoubtedly involves many aspects viz. the abolition of veto-power, the introduction of two tier structure of permanent membership, amendment of the Charter to allow immediate re-election of non-permanent members and re-distribution of the existing permanent seats. However, considering the serious constraints and limitations in effecting the above said reforms, the easiest and most pragmatic course of action would be to expand the Security Council and make it more broad-based. The Committee note that 47th Session of UN General Assembly in 1992 adopted the Resolution No.47/62 captioned Question of Equitable Representation and increase in the Membership of the Security Council. This was followed by setting up of Open Ended Working Group (OEWG) under the Chairmanship of the President of the General Assembly in 1993 to consider all aspects of the question of equitable

representation in and the reform of the Security Council. Despite continued discussions, the Working Group has so far not reached any consensus on objective criteria or candidates for admission to permanent member category of the Security Council. The Committee note that the reform of Security Council is extremely complex issue and would necessarily take time. However, this critical issue has again come to the fore with UN Secretary General, Mr. Kofi Annan emphasizing in his recent report *We the people, the role of the United Nations in the 21st Century* that Heads of Government, gathering for UN's millennium summit in September, 2000 will seriously consider how to make the Security Council broad-based, so that it reflects the realities of our times.

62. The Committee are of the opinion that India's claim for permanent membership of Security Council emanates from a variety of factors. It is also in tune with present realities apart from rectifying a historical error. It was indeed a tragic historical event that when the United Nations was established, India was still a colony. In 1955, on the occasion of 10th Anniversary of UN in San Francisco, India was offered the permanent membership of Security Council in place of China. India, however, declined to enter the Security Council on pragmatic and idealistic considerations. In case, the present scenario lingers on, India may well remain out of Security Council even after a couple of decades later despite becoming a major power and almost the most populous country of the world with nearly the same population as that of China.

63. The Committee note that there are various permutations and combinations but the proposal which has maximum acceptance is that the number of permanent members of the Security Council should be increased from 5 to 10 among which two countries from the industrialized world and one country each from Asia, Africa and Latin America as new permanent members.

64. The Committee note that India has an extremely fit case for inclusion in Security Council from Asia. India represents a large chunk of humanity with a population of over 1 billion that is more than the combined population of all the present and the anticipated new members of the Security Council, except China. India is the world's most populous democracy and a shining example to the rest of the world. India's contribution to peace-keeping operations of the UN has been exemplary. India has been forcefully articulating the concerns, priorities and perspective of the developing world, with reason and a constructive orientation.

The Committee note that India had officially announced her candidature for permanent membership of the Security Council during the 49th General Assembly in 1994. India reiterated its candidature during subsequent sessions at the UN and at various other fora.

65. The Committee are in agreement with the views expressed in this regard that the Security Council needs to be expanded to give its decisions greater legitimacy and political effectiveness, as in its present form the Security Council does not represent democracy in international relations and that on any objective criteria, India's credentials for permanent membership are very strong. The Committee are sanguine that India is capable of, qualified for and also prepared to accept the responsibilities of permanent membership.

66. The Committee also note that there is an increasing recognition of India's claim for permanent membership of Security Council. The UN Secretary-General, Mr. Kofi Annan, considered India a natural choice for permanent membership of Security Council. Russian Federation declared its support for India as far back as June, 1995. France also made public

announcement supporting India's candidature during the visit of the President of India to France in April, 2000. India's bid for permanent membership has also found support from Britain. The US President, Mr. Bill Clinton is reported to have said that India's refusal to comply with the UN Resolutions on Jammu & Kashmir was an obstacle to India's Security Council aspiration though admitting that no country had a better claim than India, keeping in view its size and commitment to democracy. China, however, stopped short of supporting India by declaring that they were opposed to an expansion of Security Council to include certain countries from industrialised world alone and were in favour of more representation of the developing countries.

67. The Committee feel that we have come to a point where we must press our claim more vigorously and in a systematic manner. The Committee feel that though we have the assured support of some of the countries, we are required to make more concerted efforts to achieve a well-deserved permanent membership in Security Council.

68. The Committee would like the Ministry to work out a multi-pronged strategy to put across our claim in a forceful and convincing way before the community of nations both at bilateral discussions and multilateral fora viz. European Union, NAM, OAU, ASEAN etc. We may put the nations to which we should speak in three categories, one would be the existing permanent members of the Security Council. In the second category come aspirant nations from industrialised world particularly and the third category includes the developing countries of Latin America, Africa and Asia who are likely to send one member each in the restructured Security Council. The Committee find that amongst the existing permanent members, the country has almost assured support of Russia, France and U.K. In so far as the support of China is concerned, which is very crucial, it is heartening to note that our relations have reached a degree of friendship and cordiality and we are going ahead in areas of cooperation in various fields like trade, economic cooperation, cultural operation and people-to-people contact. We should continue negotiations with China to win their support and make all efforts to convince them that India faces similar problems with developed nations and these could be effectively resolved, if they work together in Security Council. The Ministry may also like to remind China about the offer of permanent membership of Security Council made in 1955 at San Francisco, which we declined in favour of China.

69. In the present world scenario, USA is the key player. It has a great influence in the world politics, particularly with European Union and its other allies. Therefore, incessant efforts have to be made to bring them to a situation of realising the need for objective assessment of the case of India and to ensure that US and its allies extend their support for India's claim for a Permanent Seat in Security Council.

70. The Committee also expect the Ministry to counter, in appropriate manner, the obstacles reportedly perceived by US administration in their support to India's claim viz. UN Resolution on Jammu & Kashmir and to some extent, signing of CTBT. The Ministry may, perhaps, make it clear that any conditions in this regard are totally unacceptable as India is conscious of its responsibility to resolve the Kashmir issue in an amicable manner and UN Resolution on Jammu & Kashmir could not be implemented because of the Pakistan's failure to fulfill the prerequisites for further action in the matter. On CTBT, the negotiations are going on to the satisfaction of both US and India.

71. The Committee also feel that though it would not be appropriate to link the Security Council expansion with financial reforms of the UN, the country may consider extending support to the

demand of US Congress to reduce the scale of US contribution to UN, in view of the changed economic position of US vis-a-vis other industrialised countries and the fact that US share of world GDP today is very much less than what it was in 1945.

72. With regard to second category i.e. aspirant nations from industrialised world, who are likely to get membership in the expanded Security Council, the Committee would like the Government to pursue with them, diplomatically and bilaterally, and should make them accept that it is better if we work together and go in together for securing permanent membership of UN Security Council.

73. The third category i.e. developing countries, is the most important category because this is the majority of the United Nations who are going to vote. These are our traditional friends the friends from developing world, the members of the NAM, members of Africa, the Latin America and Asia. Though we have sustained and cherished their support, we must make every effort to convince each of them about our claim with the plea that India after becoming a permanent Member shall take special care of its natural allies, the African and the Latin Americans and others.

The Committee opine that it would be a pragmatic approach on our part to unite with other prospective contenders to vigorously promote each others candidature for the Security Council.

74. The Committee also feel that in every high level bilateral visit or during exchange of delegations, India should take initiatives to put the issue of India's claim for permanent membership of the Security Council on the agenda. Certain other diplomatic measures may also be undertaken to convince and persuade other countries that India being a member of Security Council would be in much better position to promote and protect the interests of developing world. The Committee would also take that PMI, New York may be strengthened and lobbying efforts intensified to supplement our ongoing efforts in this direction.

75. The Committee are well aware of the limitations and constraints of persuasive and diplomatic skills in international relations and uncertainties of achievement of results in the present scenario. The Committee nevertheless would like the Ministry to further strengthen its present set-up dealing with United Nations and utilize the best talents among the diplomats and parliamentarians and avail their expert advice as an informal advisory group.

76. The Committee agree that democracy is a greatest asset for the country today and as such the most important criteria for us to press for the membership of the UN Security Council. The Committee would like the Ministry to redouble our efforts to win diplomatic support and generate consensus on the democracy as an important criteria for the membership of Security Council during the Millennium Summit and subsequent sessions of UN General Assembly.

Annexure-I

Preamble to the Charter of United Nations

We the peoples of the United Nations determined to save succeeding generation from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom.

And for these ends

To practise tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples.

Have resolved to combine our efforts to accomplish these aims. Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

Source : Charter of the United Nations and Statute of the International Court of Justice, (New York, United Nations publication) p. 3

Purposes and Principles of the UN Article 1

The purposes of the United Nations are :

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of peace ;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace ;
3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedom for all without distinction as to race, sex, language, or religion ; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The organization and its Members, in pursuit of the purposes stated in Article 1, shall act in accordance with the following principles :

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace, security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that States which are not Members of the United Nations act in accordance with these principles so far as may be necessary for the maintenance of international

peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Source : Charter of the United Nations and Statute of the International Court of Justice, (U.N., New York), pp. 5-6.

Annexure-II

Members of the UN

Year	Number	Original Member States
1945	51	Argentina, Australia, Belgium, Bolivia, Brazil, Belarus, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, India, Iran, Iraq, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Saudi Arabia, South Africa, Syria, Turkey, Ukraine, USSR, United Kingdom, United States, Uruguay, Venezuela, Yugoslavia.
New Member States		
1946	55	Afghanistan, Iceland, Sweden, Thailand
1947	57	Pakistan, Yemen
1948	58	Burma (at present Myanmar)
1949	59	Israel
1950	60	Indonesia
1955	76	Albania, Austria, Bulgaria, Democratic Kampuchea, Finland, Hungary, Ireland, Italy, Jordan, Lao Peoples Democratic Republic, Libyan Arab Jamhuriya, Nepal, Portugal, Romania, Spain, Sri Lanka
1956	80	Japan, Morocco, Sudan, Tunisia
1957	82	Ghana, Malaysia
1958	83	Guinea
1960	100	Benin, Burkina Faso, Central African Republic, Chad,

		Congo, Cote d'Ivoire, Cyprus, Gabon, Madagascar, Mali,
Niger,		
		Nigeria, Senegal, Somalia, Togo, United Republic of
Cameroon, Zaire		
1961	104	Mauritania, Mongolia, Sierra Leone, United Republic of
Tanzania		
1962	110	Algeria, Burundi, Jamaica, Rwanda, Trinidad and Tobago,
Uganda		
1963	112	Kenya, Kuwait
1964	115	Malawi, Malta, Zambia
1965	118	Gambia, Maldives, Singapore
1966	122	Barbados, Botswana, Guyana, Lesotho
1967	123	Democratic Yemen
1968	126	Equatorial Guinea, Mauritius, Swaziland
1970	127	Fiji
1971	132	Bahrain, Bhutan, Oman, Qatar, United Arab Emirates
1973	135	Bahamas, Federal Republic of Germany, German Democratic
Republic		
1974	138	Bangladesh, Grenada, Guinea-Bissau
1975	144	Cape Verde, Comoros, Mozambique, Papua New Guinea,
Sao		
		Tome and Principe, Surinam
1976	147	Angola, Samoa, Seychelles
1977	149	Djibouti, Vietnam
1978	151	Dominica, Solomon Islands
1979	152	Saint Lucia
1980	154	Saint Vincent and the Grenadines, Zimbabwe
1981	157	Antigua and Barbuda, Belize, Vanuatu
1983	158	Saint Christopher and Nevis
1984	159	Brunei Darussalam
1990	160	Namibia
1991	167	Estonia, Latvia, Lithuania, South Korea, North Korea,
Marshall Island, Micronesia		
1992	179	San Marino, Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan,
Moldova,		
		Tajikistan, Turkmenistan, Uzbekistan, Bosnia, Herzegovina,
Croatia		
1993	184	Macedonia, Slovak Republic, Eritrea, Czech Republic,
Andorra		
1994	185	Palau
1999	188	Kiribati, Nauru, Tonga

Source : Europe World Year Book, Vol. I, 1997 and UN Information Centre(New Delhi).