

THE NEED TO EXPAND UN SECURITY COUNCIL: THE QUESTIONS ANSWERED OR THE ANSWERS QUESTIONED

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Abstract:

One of the greatest metaphors and ironies of International relations and politics confounding mankind has been the question of reform of the United Nations, especially within the UN Security Council. According to the established fact, the UN Security Council was especially designed for the maintenance of international peace and security. It has 15 Members, and each Member has one vote. Under the provisions of the U.N Charter, all Member States are obligated to comply with the decisions of the U.N Security Council .

It is also a fact that out of the 15 Security Council members, only 5 are permanent members, namely the United States, United Kingdom, France, China, and Russia. These 5 members have a special power, called the veto power, allowing them to veto any substantive resolution, with which they disagree. It is because of this fact that there has been the need to expand the UN Security Council, and include more countries, including India, Brazil, Japan, Germany and South Africa. In this regard, some countries have opposed this move, including Pakistan, Italy, Argentina and Egypt. The accompanying paper would be discussing the various issues and legal intricacies of this subject.

Keywords: United Nations, Security Council, Expansion, Veto power, reforms

LIST OF ABBREVIATION

&- and

ASEAN - Association of Southeast Asian Nations

AU - African Union

DDR- Disarmament, Demobilization, and Reintegration

DPA - Department of Political Affairs

DPKO - Department of Peacekeeping Operations

DRC- Democratic Republic of the Congo

FAO- Food and Agriculture Organization

IMF - International Monetary Fund

IOM- International Organization on Migration

MONUC- United Nations Observer Mission in the Democratic Republic of the Congo

NAM- Non-Aligned Movement

NATO- North Atlantic Treaty Organization

NGO - Nongovernmental organization

OAU -Organization of African Unity

U. K - United Kingdom

UN- United Nations

UNO - United Nations Organization

UNAMET- United Nations Mission in East Timor

UNAMIC -United Nations Advance Mission in Cambodia

UNAMIR- United Nations Assistance Mission for Rwanda

UNAMSIL- United Nations Mission in Sierra Leone

UNHCR -United Nations High Commissioner for Refugees

USA- United States of America

USSR- Union of Soviet Socialist Republics

UNITAF- Unified Task Force (US)

UNMIK- United Nations Interim Administration Mission in Kosovo

UNMIL - United Nations Mission in Liberia

UNOSOM -United Nations Operation in Somalia (I, II)

WB- World Bank

INTRODUCTION

Some of the main examples and problems facing the international community has been the inane intricacies and the complexities of multiple civil wars, international conflicts and struggles, which have marred the existence of mankind since times, immemorial and this has been frequently encountered by the international community, in its entire chequered history, and the two heinous world wars are a perfect example of this manifestation . Countries have tried to avoid such wars, by sometimes, forming international institutions and supra-national entities, which are supposed to maintain peace and security at all costs.

In this regard, it can be added and deduced beyond reasonable doubt , that the U.N was created on 24th October, 1945, and was supposed to be a successor to the doomed League of Nations, which had badly floundered and failed to maintain international peace and equilibrium during the inter-war period from 1919-1939. After it was formed, it had around six organs, for day-to- today functioning, but its most critical and important organ was the U.N Security Council, which was supposed to protect international peace and security, at all costs, and also prevent the mistakes, which had been committed by its predecessor organization, the League of Nations. This was exactly the reason of its formation and inception at the end of the catastrophic second world war .

The main architects and brains behind the formation of the U.N had been given the prima facie responsibility and duty and onus on the capable shoulders of the Security Council for the maintenance of international peace and security, at all costs, and which was again permissible and allowed under the ambit of the council. The Council was planned and conceived to function in such a way, so that it was a highly strong, accountable and an encompassing organ and which had the capability and responsibility to act and react in a firm and authoritative manner, but under the realm of rule of law, and the principles, laid down under the U.N Charter .

The five so-called victorious powers, namely USA, USSR, Russia, France and China, who were the so-called torch-bearers of a new and victorious world , became the 5 permanent members of the U.N Security Council, and enjoyed certain special powers and privileges, and the right to veto any resolution or decision brought before them , for their due consideration . In lieu of such powers and so-called hegemony , the five countries, were supposed to perform their functions in utmost good faith , help in maintaining international peace and security , and to see that the U.N functions cohesively as a well oiled machine . (UN 2004 art. 244).

Structure of the Council

The Council was supposed to comprise of 15 member nations. Apart from the 5 permanent countries, there were supposed to be ten non-permanent members , who were supposed to be elected and nominated by the U.N General Assembly for a term of 2 years and five of them on the basis of elections every year. The ten countries would have been equitably chosen from amongst different regions. The ten Non permanent members seats have been divided between five regional entities which are as follows:

- a) one country from the region of Eastern Europe (EE);
- b) two countries from each of the Western European and Others Group ,
- c) Two countries from the Latin America and Caribbean Group and Asia;
- d) Three countries from the continent of Africa (UN2012a)

Further, under the rules of the UN Charter, the Security Council has also been manifested with the duty of organizing and functioning on a continuous basis and the official delegates of each of its member nations must, necessarily be there at all times at UN Headquarters. The rule for the Presidency of the Council, has clearly stipulated the fact that it shifts and rotates on a monthly basis , and which is decided according to the English listing of the member States, but in an alphabetical order (UN 2010a).

The decisions, which were supposed to be taken by the Security Council , while specifically acting under the mandate of Chapter VII of the U.N Charter, were to be drafted and effectively known as '*resolutions*', and legally they were supposed to be binding on all the member states, within the framework of the UN, in letter and spirit. This mandate was created with a mandate to address the sacrosanct and the binding nature and character of Security Council decisions were clearly added in the U.N Charter with a perfect view to increase the legal and political diktat on member states to implement the decisions of the governing body, in accordance with the mechanisms of the UN Charter.

Apart from this one more critical reason and importance of the U.N Security Council has also steamed from the fact that in order to maintain international peace and security, the Security Council could authorize the deployment of specialized forces, known as the the U.N peacekeeping forces, whose scope of action was not purely military in nature, which was clearly spelt out under the provisions of Chapter VII of the U.N Charter. Apart from these main and important functions, which had an immediate effect on international equilibrium and balancing peace and security, the Security Council was also given the added duty and responsibility to work together with the U.N General Assembly, certain very important functions, relating to the internal efficacy of the organization. It would not be therefore wrong to say that the Security Council can be considered *as the heart and soul of the U.N structure*.

This realization has also arisen from the fact that on various issues, the second most prominent body of the U.N namely the, the General Assembly, which presently has 193 member countries, and is the only U.N organ, where every country has equal representation, in terms of voting power, is not in a position to take a view or standpoint without a favourable recommendation and mandate from the echelons of the Security Council. Some of these prominent matters concern the process of electing the effectively selecting the Secretary-General of U.N (Article 97 of the UN Charter); the adding of new members to the UN (Article 4 of the UN Charter); the process of canceling of the rights and benefits of membership (Article 5 of the UN Charter); and the removing of member nations from the UN framework (Article 6 of the UN Charter). It is precisely because of these legal nuances that the Security Council enjoys a lot say and perhaps advantage, while establishing its hegemony within the UN framework.

However, the power struggle between the so-called elite powers of the U.N Security Council has often hampered its effective working and existence. The working and perhaps the history of the United Nations, for the first 45 years of its existence, was heavily characterized by the vagaries of the cold war, and by an increasingly fragile relationship between the two super powers, namely the United States and Soviet Union. This period was also characterized by countries, often taking sides during the first 45 years of the existence, mainly because of the fact that these powers enjoyed super-power status and also yielded the veto power, which gave them a tremendous day in the hegemony of international relations and politics.

It is because of these above-mentioned factors that there has been a fierce debate about the need to reform the U.N Security Council, and possibly expand the U.N Security Council, to give it a more comprehensive and broad representation from all corners of the world. However, there has a fierce debate on this question, as to who are the deserving countries, who should a part of the expanding UN Security Council. The need is also attributed to the fact that there is a need to maintain international peace and security. Hence, there has been a growing debate as to whether there is a need to expand the permanent members of the UN Security Council, and whether there is a need to change the dialectics and dynamics of the highly controversial veto power, which has proved to be the achilles heel for the international community.

CASE FOR REFORM AND EXPANSION IN THE U.N SECURITY COUNCIL

The need for reforming, overhauling and restructuring and even reforming the UN Security Council stems from the fact that in today's highly polarized and ever changing world of International relations and politics, one factor which has to be constantly kept in mind is the fact that the Security Council's so-called existence and legitimacy has been in question and it faces a question of even survival, until and unless it could be effectively molded to be in sync with the changes in international relations and politics, especially in the 21st century. This realization has also arisen from a fact that has been driven by a lot of over-riding factors, including political and even geopolitical changes in the way the balance of power has been shifting, the systemic change and increase in the number of countries in the U.N after 1960's, after the process of decolonization, when a lot of countries in Africa, Asia and Latin America became independent.

In 1945, the U.N consisted of around 51 countries, and now it has 193 member countries. For all its increase in strength, the number of permanent countries has been stagnant at just 5 countries, who have strongly resisted all changes to the Security Council and its increase in the number of permanent members in the Security Council. The consequence of such a stubbornness, as pointed by a leading newspaper in U.S, namely the New York Times had sarcastically declared that Security

Council was embarrassingly old, politically outdated and not in sync with the changing times and circumstances, and this truth is also evident in the 21st century. ⁱⁱⁱ

The only time, when something concrete was done in order to address the inequalities of the question of representation in the UN Security Council was in 1965, when the glaring discrepancies in representation of countries was clearly visible in ,ⁱⁱ and therefore the number of non-permanent members in the Security Council was increased from six to 10 members, but unfortunately there was no changes in the number of permanent members in the U.N Security Council [Thomas G, 2003].

When the Egyptian diplomat, namely Boutros- Boutros Ghali became the first African Secretary General of the U.N in the year 1992, he again initiated the discussion and deliberation about the proposed reforms and its allied discussions on the effective and comprehensive restructuring of the U.N Security Council, was again taken up with much gusto, and in his first session and meeting, he initiated a very important meeting and summit of the U.N Security Council and named the deliberations were published in a booklet called very nonchalantly as "*An Agenda for Peace*". He was clearly passionate to make it sure that he could effectively restructure the UN, including fundamentally changing the way in which it functioned, so that it could become much more cohesive and result-oriented.

During this time, another significant change, which necessitated a change in the thought-process of the functioning of the U.N , were a series of events in 1990's, which sparked the collapse of communism and the fabled Berlin wall, in the cries of the principles of '*Glasnost*' and '*Perestroika*'. After the disintegration of the Soviet Union in 1991, and the emergence of USA as the single super-power post, 1990's, which have been exacerbated by the failures and challenges of U.N peacekeeping missions, namely the UNAMIR in Rwanda, UNPROFOR in Bosnia, the UNAMSIL in Sierra Leone, the UNMIK in Kosovo, the haunting s of UNOSOM and the so-called *Mogadishu mile* in Somalia and the challenges to the UNMIL in Liberia and MONUC in Congo , and the apparent failure of the Security Council as a political and peace-enforcement mechanism has increasingly come under the radar and adapt itself to the changing times and circumstances. Many a times, critical decisions could not be arrived at, because of the rigid nature of the five permanent members of the Security Council, and which resulted in unnecessary loss of lives, especially in Bosnia, Somalia and Rwanda.

In fact it can also be added that during the hey days of the Cold War but more so during the times after 1991, the UN had shown some degree of willingness to go for structural adjustments in order to fall in line with the need of the hour for composite over-hauling, but yet very little has been done on the ground to come to a viable solution, and infact, as we speak, the action of certain countries, within the U.N Security Council, and especially China, in the way it has flexed its dominance to cover up a lot of matters relating to Covid-19 investigations, its dominance in the South China sea and blatant violation of human rights in Hong Kong, has been because of a feeling within the Chinese administration, that because of its status in the U.N Security Council, it can easily have its way out, and flex its muscles and dominance in International relations and politics.

The question of expanding the U.N Security Council, and including more permanent countries, also stems from a stream of developments, which happened after 1991. In the beginning of the 1990s, both Japan and Germany, which had arisen like the proverbial sphinx after the second world war and had become major industrial powers, became the second and third largest financial contributors to the budget of the U.N, and because of which they started exerting more influence in the Council, and wanted an expansion in the number of permanent nations in the council.

They were soon joined by a host of other nations, who were growing in size, dynamics and stature and wanted to have a greater say in this elite club, namely Italy, Brazil, India, and the African nations of SouthAfrica and Egypt. Infact, all of these countries was putting its stake and wanted to rightfully become a permanent member of the Security Council, and this had infact unleashed the Pandora's box, in International relations and diplomacy (Freiesleben 2008: 2).

In this regard, corresponding countries formed groups and alliances to put their claims, and one of the strongest competitor and claimant has been the the Group of Four (G4), nations consisting of countries including Japan, Germany, India and Brazil . According to many International law experts, these four countries have presented one of the most strongest candidature for being permanent

members of the UN Security Council, and their claims have been further backed up by the following considerations:

(1) Japan and Germany have backed up their claims on being financial super-powers and major donors to the UN,

(2) India has made a claim to the permanent seat in the Security Council, on the background of being an emerging economic superpower, with a vibrant democracy, and on the strength of being one of the largest troop contributors to the UN DPO;

(3) The South American nation of Brazil, has staked its claim on the backdrop of being the largest nation in South America in terms of population, political structure , economy and territory (Freiesleben 2008: 3).

In recent years, the G-4 group of countries have however shown a bit of more flexibility also including the option has however shown willingness to modify its claim to a certain extent, by first going for non-permanent seats, in the Council, which could be converted to the position of permanency later. However, a group of countries have arisen, which have challenged the claims of these countries, including the nations of Italy, Pakistan, Argentina, Mexico, Canada, Egypt and South Korea who have formed a rival group called the Uniting for Consensus group, which was previously addressed to as the “*Coffee Club*”.

These rival group of countries have been claiming that an addition of permanent seats would create newer cradles of power , and added with the Damocles sword of the veto power, would give the G-4 countries, unbridled power and sway in International relations and politics. However, it is also clear, that some of these opposition may also be because of traditional rivalry between countries, like India and Pakistan, who have enjoyed highly tempered and frigid relation for much of their history. These countries have also been alleging that with the creation of new and combustible power blocs, the principle of sovereign equality of nations might be affected in the long run(ibid). This group has been very steadfast, and has stood their ground in all sorts of debates at all levels, on the proposed reforms in the UN Security Council.

The twist to the tale, has been further made interesting by the corresponding claims of another group, known as the “African Group” which claims to represent the legitimate interests of the AU. This group of a large number of countries of the enchanting African continent have laid their claim to around two permanent places in the Security Council, albeit with with the right of enjoying the veto power. Even though a lot of groups, including the G-4 and other power blocs have tried to talk way this group into giving away their claims, yet this group has been very strong and vocal in its claims. (Lund 2010: 19)

U.N expansion and the 2005 plan of Kofi Annan:

One of the most comprehensive and structure plan of the restructuring of the UN Security Council was offered in 2005, when on 21stMarch 2005, the then UN Secretary General, Mr. Kofi Annan[Annan, 2005:10] specifically called upon the UN to reach a viable solution and large-scale paradigm on expanding the Security council to around 24 members, in a daring plan, which was popularly known as the solution of In Larger Freedom, a plan, which was supposed to comprehensively restructure the U.N, and give it a new meaning and lease of life.

To further substantiate on his proposal, he came up with 2 working ideas, but had no exact inclination or leaning towards any of them , and referred these ideas as Plan A and Plan B, and in a crux, the contents of these programs were as follows:

- The specifics of *Plan A* broadly called for creating a new body, which would contain six new permanent members, plus 3 new non- permanent members, and after which the strength of the council would be around 24 countriesⁱⁱⁱ .
- *Plan B* clearly envisaged for the creating of around eight new seats , so as to create a group of countries, who would be a part of the U.N Security Council for around four years, subject to they being re-elected again, renewal, plus one non-permanent seat, and the total strength of the Council would come upto around 24 nations .

One important factor, which needs to be highlighted here is the fact that Mr. Kofi Annan was a man of both words and actions, and he wanted the decisions to be quickly taken, as he was rightly of the opinion that the expansion of the U.N Security Council was of paramount importance to the international community, and for the betterment of the U.N, the body itself has to be responsible, and must imbibe the new age changes, become much more dynamic, but with the consensus of one and all.

CONCLUSION:

At this stage, the author, would like to clearly state the fact that expansion of the U.N Security Council is the pressing need of the hour and must be earnestly taken up by the international body, so that it can stave off its survival fight, and also build up its credibility under Public International Law. [Fassbender, 2004].

Although, the fact, which also holds good is the fact that almost all the countries of the world have supported the expansion of the UNSC, yet it might still be a difficult and tricky question, because of the fact that in this the consent of the existing 5 permanent members of the U.N Security Council is also needed, under the provisions of Article 108 and 109 of the U.N Charter, and history is replete with instances, that these countries have perhaps become too much drowned in power, and may not necessarily give up their power and bring down their so-called hold and sway in International relations and politics. The authors of this paper are aware of the challenges and difficulties, but take inspiration from the words of the famous poet Robert Frost, who once famously remarked:

“ The woods are lovely dark and deep,
And I have promises to keep,
And miles to go before I sleep,
And miles to go before I sleep”

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ⁱⁱ See [https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/2046\(XX\)&Lang=E&Area=RESOLUTION](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/2046(XX)&Lang=E&Area=RESOLUTION) [Read 28/01/2021]

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