ROLE OF SECURITY COUNCIL IN RECENT TIMES WITH SPECIFIC CONFLICTS POST 2010: NEED FOR REFORMS INCLUDING INDIA’S CLAIM TO PERMANENT MEMBERSHIP

By Suryansh Tiwari
From Allahabad University

ABSTRACT
It has been a long time since UN was established and the global world order has changed and consequently the role of United Nations Security Council has also changed in recent times. This project attempts to highlight and analyse the changing Role of Security Council in the context of current global order with specific conflicts, especially after 2010. This Article also highlights the need for reforms in the Council in the context of current geopolitical and geo-economic realities and the increasing use of Veto Power by the Permanent members of the Council rendering the Council almost ineffective in certain cases of humanitarian crisis. The Article also highlights the need for enlargement of Council and claims of various countries to the permanent membership of the Council, especially the basis of India’s claim to the permanent membership of the Council and future prospects.

CHAPTER 1: ROLE OF SECURITY COUNCIL

INTRODUCTION
The United Nations is an international organization formed in 1945, originally by 51 countries with the primary objective of maintaining international peace and providing a platform for dialogue so as to develop friendly nations among the nations. The objectives and principles of the United Nations is provided in the UN Charter. The United Nations Charter became operative from 24th October, 1945, the day United Nations came into existence. It was established as a successor to the League of Nations which was a failed attempt by the countries to achieve peace.


Role of Security Council (GENERAL)
The primary responsibility of maintenance of international peace and security is upon the Security Council. The Council comprises of 15 members of which 5 are permanent members (China, Russia, United State of America, France, Britain) and 10 non-permanent members. The Council identifies the existence of a threat to the peace caused by any act of aggression and calls upon the parties to resolve it through Pacific Settlement of Disputes. Under Chapter VII, the Charter provides powers certain powers to Security Council in form of enforcement measures in case of threats to peace, breach of peace or acts of aggression.

Maintenance of International Peace and Security: The members have conferred on...
the Security Council primary responsibility for maintenance of peace and security. The members also agree that the Security Council acts on their behalf in carrying out its duties under this responsibility. The UN Charter provides that the Security Council shall hold periodic meetings wherein each of its members may be represented. The charter contains various provisions whereby Security Council can fulfil this role as calling upon the parties to settle their dispute by negotiation, enquiry, mediation, conciliation etc, making recommendations to the parties with a view to pacific settlement of disputes, determining the existence of any threat to peace, breach of peace and making necessary recommendations to restore international peace and security.

Changing Role of Security Council with relevant cases post 2010

In the Post- Cold War World, there was an improvement in the dynamics of the 5 permanent members of the Security Council. The Era showed a significant improvement in handling of the Conflicts by the Council as earlier, due to the Cold-War, the Council's actions were blocked by the veto of one member or the other. Among the permanent members, USA and UK and France have been on a common front on most issues before the council with certain exceptions, China, while advocating for conventional concept of sovereignty and non-interference in the internal affairs of the member-states by the Council, has emerged as a skilled, sophisticated player, with its leading role in Six-Party talks on North Korea, while US diplomacy has been criticised in certain aspects both internationally and domestically. Russian too has been more assertive in its approach.

Scenario Post 2010 with relevant instances/cases: The changing role of security council with changes in the global scenario may be understood in the light of Role of Security Council in specific conflicts. Some of them have been discussed as follows:

Role in Crisis in Libya

Background- Muammar Gaddafi ruled Libya for about forty-two years, that is, from 1969 to 2011. The first Civil war, against the regime of Gaddafi, erupted in Libya in 2011 which was a part of a pattern of anti-dictatorial protests in Arab countries as Tunisia, Algeria, Jordan, Morocco etc. (called as Arab Spring).


Under art. 41 of the Charter, the Security Council may decide measures, not involving the use of armed force, to be employed to give effect to its decisions and may call upon the members to apply such measures including interruption of economic relations, of sea, telegraphic, postal communications etc.
of the UN Charter demanded an immediate suspension of the ongoing violence and requested all the member-states to cooperate, as far as possible, in evacuation of foreign nationals wishing to leave the country. Also, it decided that all the member-states shall freeze all funds and other financial assets and economic resources which were on their territories owned or controlled by certain persons as were enlisted in the resolution. It also imposed a arms embargo and a travel ban.

Further, after the Libyan Government did not pay heed to the warnings issued under resolution 1970, the UN Security Council adopted UNSCR 1973 granting authorization to the member states to ‘take all measures necessary’ to protect civilians in Libya. The resolution called for an immediate ceasefire and cessation of violence against the civilians. The resolution allowed the member states to take all measures to implement the ‘No-Fly Zone’, that is, the flight ban over Libyan airspace. The US President on 19 March 2011, authorized the armed forces to start military action in Libya. Also, British Government and France formally announced to support in enforcing the resolution.

The resolution also backed the NATO intervention. An UN-backed government was established called the Government of National Accord which was recognized internationally. However, GNA failed to provide stability and the self-proclaimed Libyan National Army (LNA) captured the East of Libya. LNA backs the Tobruk-based parliament which governs the East of Libya and the western parts from Tripoli are controlled by the GNA. Both have been in conflict since 2014, with LNA led by Khalifa Haftar against the internationally recognized Government of National Accord, led by Fayez al-Sarraj.

In 2020, at the instance of Chancellor Angela Merkel, Berlin International Conference was organized with the main purpose of reaching a consensus among concerned States on the Libyan Crisis. On 12th February 2020 the Security Council endorsed the conclusions reached in the Berlin conference by adopting resolution 2510.

The resolution emphasized the need for permanent ceasefire, demanded absolute compliance on the arms embargo by the member States, imposed under resolution 1970 (2011). The Security Council made it clear that the meetings of 5+5 Joint Military Commission shall continue without any delay and with full participation. The purpose was to reach an agreement of permanent ceasefire inclusive of terms for ceasefire monitoring. The Council also criticized the increasing level of violence in Libya.

Permanent Ceasefire: In pursuant of the Security Council resolution 2510, the Government of National Accord and the

---

Libyan National Army signed an agreement of permanent ceasefire.

Thus, the role of Security Council in achieving this ceasefire was crucial. However, the success of the ceasefire, more or less, depends upon the foreign actors backing GNA and LNA.

Role in Syrian Crisis:
The civil war dates back to 2011 when protests broke out against Bashar al-Assad’s government. Violence was resorted to by the government to suppress the outbreaks. Opposition militias began to rise by 2011 itself and by 2012 the conflict had emerged into a civil war.\(^{19}\) Since then a lot has taken place and a lot actors have been involved. Syrian National Army and Turkish backed groups have caused a lot of violence in Northern Syria as reported. The fighting has been mainly between Soldiers who support the Syrian President, the rebels and the Islamic State (IS).\(^{20}\)

There have been violations of UNSC resolutions and Russia has helped Syria escape international accountability. Since 2013, UNSC has passed 26 resolutions (till 31\(^{st}\) May) on Syria related to various aspects but they have lacked implementation. About 10 draft resolutions have been nipped in the bud by exercising veto, jointly by Russia and China. Additionally, Russia has vetoed other Six of them.\(^{21}\)

In Resolution 2254 (2015) the UNSC endorsed a blueprint for achieving peace in Syria. The Council acknowledged the close linkage between a ceasefire and a parallel political process, in pursuance of the Geneva Communique 2012. It requested the Secretary-General, in consultation with the relevant parties, to lead the efforts in determining the requirements of the ceasefire.\(^{22}\)

The March 6, 2020 ceasefire between Russia and Turkey led to reduction of hostilities in the northwest of Syria but the violence against civilians have not come to a naught, with the country still a “living nightmare”.\(^{23}\) Thus, the role of Security Council in Syria can not be much appreciated in the light of lack of implementation, exercise of veto by Russia on various draft resolutions. The support by Russia and Iran to the Syrian Government on one hand and the support by US, Saudi Arabia and Turkey to the rebels have made the conflict additionally complicated.

Role in Russia-Ukraine Conflict
The inception of the crisis may be traced back to November 2013, when a deal for integration with the European Union was denied by President Viktor Yanukovych. This led to protests which were tried to be subdued violently. The issue deepened as Russia supported Yanukovych while the protestors were supported by US and Europe.

\(^{23}\) Ten years on, Syrian Crisis ‘remains a living nightmare’: UN Secretary-General, available at: https://news.un.org/en/story/2021/03/1086872 (last visited on July 21, 2021)
Further, these protests grew and overthrew the government. In attempt to restore its influence in Ukraine, Russia captured Crimea. The pro-Russia separatists as backed by the Russian Army began capturing the territory in Eastern Ukraine and their conflict with Ukrainian military thus intensified.\textsuperscript{24}

A ceasefire agreement, that is the first Minsk Agreement, was signed in the capital of Belarus on September 5, 2014. Further, on 12\textsuperscript{th} February, 2015 Minsk-2 was signed by representatives of the DNR and LNR, Russia, Ukraine which provided for measures to implement the Minsk agreement.\textsuperscript{25}

It is clear that various principles of UN Charter have been violated in the conflict including the very basic principle of ‘non-use of force’. Members of the UN must abstain from using threat or using force against the territorial integrity of any State.\textsuperscript{26} Russian aggression on the sovereign territory of Ukraine has not only violated the UN Charter but various other principles of international law. Also, a number of multilateral and bilateral agreements have been violated.\textsuperscript{27} From the above discussion, the failure of UN Security Council in tackling this conflict is evident. The primary reason for this is Russia’s permanent membership. Russia has blatantly used its veto power in this regard. For example,\textsuperscript{28} In July 2015, an attempt was made by the UNSC to create an international tribunal that would prosecute pro-Russia eastern Ukraine, who, allegedly, shot down a Malaysian Airlines passenger jet. But Russia vetoed this resolution.

Thus, though about 40 meetings have been convened by UNSC on Russia-Ukraine conflict, only 2 of the resolutions could be adopted.\textsuperscript{29} Russia’s Veto has exposed the Council’s inefficiency in dealing with the matter. The agreement of 2015 has though halted a full-fledged warfare but sporadic conflicts have not ceased.

\textit{Role in US-Afghan Conflict}

Role of Security Council in the US-Afghan issue can always be put to question. The conflict is though very old but the conflict was revived when US forces killed al-Qaeda leader Osama Bin laden. US took its own initiative to secure Afghanistan from the terrorists. President Barack Obama had announced that the US Forces shall withdraw from Afghanistan by the end 2016. In 2017, US dropped its most powerful non-nuclear bomb popularly known as “mother of all bombs”, at a cave complex in Eastern Nangarhar Province. More altercations happened between Taliban and US forces. There have been peace talks which have been called off later without any effective result. However, by 14\textsuperscript{th} April 2021 Biden

\textsuperscript{24} Everything you need to know about the Ukraine crisis, available at: https://www.vox.com/2014/9/3/18088560/ukraine-everything-you-need-to-know (last visited on July 21, 2021)
\textsuperscript{25} The Minsk-2 agreement, available at: https://www.chathamhouse.org/2020/05 (last visited on July 21, 2021)
\textsuperscript{26} The United Nations Charter, art. 2.
\textsuperscript{27} For example, Agreement on Friendship, Cooperation and Partnership between Ukraine and the Russian federation (1997) etc.
\textsuperscript{28} The UN Security Council, available at: https://www.cfr.org/backgrounder/un-security-council (last visited on July 22, 2021)
\textsuperscript{29} Resolution 2166 (2014) and Resolution 2202 (2015).
administration announced complete US withdrawal. The US top commander in Afghanistan has stepped down and the US-led military mission is near the end. President Biden has announced the end of the military mission by Aug 31, 2021. Majority of the troops have already withdrawn.

The UN Security council Resolution 2513 (2020) emphasized that it will continue to play a role for promoting peace in Afghanistan through United Nations Assistance Mission in Afghanistan. It applauded the agreement for bringing peace to Afghanistan between United States of America and Afghanistan. Earlier resolutions 2255, 2344, 2489, 2501 were passed to establish peace within Afghanistan. The role of other actors may have worsened the crisis as Russia and US have clashed over Afghanistan issue. Furthermore, no serious sanctions could be taken against the US for its part in Afghanistan because of its permanent position in the current world order and its permanent membership in the Security Council. The fact that governments in a country is not stable or is not able to cope up with internal acts of aggression should not, per se, give a right to other State to invade a country or deploy troops in it.

CHAPTER 2: MEMBERSHIP OF SECURITY COUNCIL INCLUDING INDIA’S CLAIM TO PERMANENT MEMBERSHIP

INTRODUCTION

The United Nations Security Council Comprises of 15 members, of which 5 are permanent and 10 are no permanent members. Earlier, the total membership of the Council was 11 but by an amendment on 17th October 1963 (w.e.f. Aug 31, 1965), article 23 was amended and the membership of the Council was increased to 15 members. The five Permanent members of the Council are- China, the United States, France, the United Kingdom and the Russian Federation. The non-permanent members (10) are elected for a two-year stint.

Each member of the UNSC shall have one vote and decision on procedural matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members. Thus, the permanent members have been conferred with what is referred to as Veto Power.

NEED FOR EXPANSION OF THE SECURITY COUNCIL: It has been time and again put to debate by the critics that the current distribution of power does not represent changing world order. The world order has changed, the membership of UN itself has expanded manifold, but the membership of Security Council has not yet been expanded except once in 1963 from 11 to 15. The number of member countries in the UN has gone from 51 to 193.

Many countries like India, Brazil, Germany, South Africa have put forward their claims for permanent membership of UNSC. Africa
and Latin America are not represented in the Council and the economic superpowers like Germany and Japan are not the permanent members. The target date for enlarging the Council, that is 1995 (50th anniversary of UN) have long passed and no clear ground has been set out in this regard.  

**INDIA’S CASE FOR PERMANENT MEMBERSHIP:** India has been selected as a non-permanent member for the 2021-22 term. However, for many years India has been trying to get a seat at the permanent table. India won 184 out of 193 seats at the UNGA. This is India’s eighth stint at UNSC. India has been of the view that the membership of the Security Council should be enlarged in both the categories, that is permanent and non-permanent. India’s claim can be backed on following grounds:

(i). The US and Soviet Union offered India to join UNSC in the year 1950 and 1955 respectively but India did not take that offer due to the Cold war politics involved. It was thought as an attempt by both the countries to use India to their own interests.

(ii). India qualifies for being a member on any objective criteria, as political system, GDP, territorial capacity etc. Besides, India is the largest democratic system of the government in the world.

(iii). India is one the founding member countries of the UN. India has played an important role in United Nations peace-keeping operations. It provided a number of troops for United Nations Emergency Force (UNEF). In the Sinai Peninsula and contributed both militarily and economically in UN’s peace keeping endeavour in Congo. It has also taken part in other peace-keeping operations, as well. Further, India has actively participated in UN initiatives and various UN summits.

(iv). India has been elected for 8 terms (including the recent one, 2021-22) as a non-permanent member. During its stints, India has contributed significantly for the cause of international peace.

(v). India has about twice the numbers of peacekeepers deployed on the ground as much by P5 countries. India also deployed world’s first all-women peace-keeping force to Liberia in 2007.

(vi). India exercises an influence among the non-aligned and other developing countries which comprise the vast majority of UN members. India has primarily emerged as a leader of the Third-World countries as evidenced by its leadership role in Non-Aligned Movement.

Thus, India as a country with such population must be represented at the UNSC. All permanent members, except China has backed India to become a permanent member. The factors above stated, thus make India a very deserving candidate for permanent seat at the UNSC.

---

33 Supra note 6 at 537  
35 India played its part in peace-keeping operations in Somalia, Angola, Rwanda etc.  
37 India played a significant role in multilateral movement of newly independent, developing countries that resulted into the Non-aligned Movement.  
38 Dr. H.O. Agarwal, *International law and Human Rights* 441 (Central Law Publications, Allahabad, 22nd edn.)
Roadblocks: India’s seat at the permanent membership table has been backed by US, Russia, France and UK at various point. Though, the support has not been very constant. The last three US administrations, for example, have implied support for India’s claim including President Joe Biden. But, US President’s nominee for UN Ambassador, Lind Thomas Greenfield, minced her words stating that India’s claim was a “matter of discussion”39.

Further, it is very unlikely that China will support India’s claim to the UNSC. The reason being India’s not-so-cordial bilateral relations with China. Given the recent Doklam standoff between the two nations, the chances seem thin that China is going to back India’s claim anytime soon.

Also, other G4 countries like Japan, Brazil and Germany have been putting forth their claims for the permanent seat. Thus, inevitably, India has to compete with them for the permanent spot.

Limitations of Security Council: need for reforms
The current distribution of power in the Security Council represents the geopolitical realities of 1945 and not the current world order. When UN was established some 22 percent of the member states were on the security council but in the current scenario, it has dropped below 8 percent. Thus, it is clear that many countries are not adequately represented in the Council. The structure of 15-member Security Council has to be more representative, as the decisions of the Security Council are binding upon its members and if its resolutions are to be implemented and respected, it is a sine qua non that it must have legitimacy, which would require adequate representation of the member-states of the U.N in the Council.

This is also underpinned by the statement of President of UN General Assembly that “The implementations of Council’s decisions and its very legitimacy could be enhanced if the Council was reformed to be more representative, effective, transparent and accountable”40.

Veto Power: The most significant distinction, besides others, between permanent and non-permanent members is exercise of veto powers by the permanent members. It has been subjected to various criticisms. First and the foremost of them being that such powers to permanent members violates the principle of Sovereign equality as enshrined in UN Charter.

Secondly, these powers granted to the 5 nations based on their standing in the world order in 1945. A lot of time has passed, the world order has changed but the veto powers vest in those same five States.

The presence of Veto Powers renders the Council helpless in taking action against the permanent members. It was granted to those 5 countries in regard to their positions after the Second World War with the primary aim that the Big Five will help achieving the aims

39 India’s dream of becoming a permanent member of the UNSC is paved with obstacles, available at: https://www.statecraft.co.in/article (last visited on July 29, 2021)


41 The United Nations Charter, art. 2
of the United Nations, that is, promotion of international peace and Security.

The Veto powers conferred have been time and again misused by the nations to further their own national interests or to protect their allies. During the Cold War Era, the USSR exercised its power of Veto.

The recent trend of exercising Veto Power by the P5 nations have been in resolutions which “condemn” mass violence or genocide in a country. The perfect example of this could be Russia and China using it for any resolution on Syria. The general opinion of the members of the Council, be it non-permanent or permanent, have been concurrent as to that Bashar-Al-Assad, the President of Syria has been using chemical weapons against his citizens. However, Russia and China do not agree to this and thus whenever a draft resolution with respect to this issue has been put to vote, China has either abstained from voting or vetoed it along with Russia. The misuse by Russia has been to the extent of vetoing any resolution condemning Syrian President for subduing any opposition with violence and resolutions seeking to impose sanctions on Syria. Another glaring example of misuse is when US recognized Jerusalem as the official capital of Israel and then vetoed a resolution which sought to criticize the same.

Thus, in the light of above limitations, reforms in the Security Council are much needed.

3. CONCLUSION

With the changing times and roles of various countries in the current global scenario, the role of UNSC also underwent a change. On one hand there has been an increase in authority and efficacy in addressing issues constituting a threat to international peace and security aftermath of the Cold War as there are lesser chances of decisional blockades, on the other it has also become much politicized. The emergence of concepts like Right to Protect (R2P) has added further dimensions to the role of UNSC.

With the Changing role of UNSC and its increasing authority, the debates for reforms in the Security Council have also taken pace. One of the basic areas for potential reforms has been enlargement of its membership and consequently a plethora of reform proposals have been put forth by various individual States, UN Panels etc. The basic argument backing these proposals is that the current composition of UNSC is archaic and instead of representing the geopolitical and geoeconomics realities of the current global order, it reflects the ‘the constellation of powers at the end of World War II’. It reflects the status quo of a bygone era. G4 countries have been voicing their claims for permanent membership for a long time now. The fact that economic superpowers like Germany and Japan are not the permanent members clearly emphasizes that the current composition is outdated. With regard to India is concerned, it has based its claim, inter alia, on the population size and its role in peace-keeping operations. However, its relations with China strangulates India’s claims as China is highly unlikely to back India’s claim for permanent membership and China being a permanent member, her support is important.

However, an effective reform model must consider the changing role of UNSC and thus nations significantly contributing to the increasing peace-keeping operations or contributing significantly financially to the UN should have a greater say in the Council. This brings to light another area of reform without which, probably, other reforms cannot take place, that is, Veto Powers of the Permanent Members. With the changing role of Security Council, there has been an increasing trend in the use of Veto by the P5 countries. Exercise of Veto by China and Russia has increased drastically since 2011, mainly in respect of resolutions against Syria. Russia has accounted for about 19 vetoes since 2011 and majority of them (14) were on Syria. Russia has also vetoed resolutions related to conflict in Ukraine. US has primarily used its veto in support of Israel. The Veto Powers have been a major roadblock for UNSC in tackling humanitarian crisis in various cases. The hurdle of amendment to the UN Charter (which requires two-third of the majority and the support of P5 nations) should not be a ground for implementing the reforms as in the context of changing global order the objective of UNSC of maintaining international peace and security could be truly achieved only if the current outdated composition of the council is reformed and the permanent members of the council can put “INTERNATIONAL PEACE” above their own interests.

**BIBLIOGRAPHY**

**INTERNATIONAL DOCUMENTS REFERRED**

1. The United Nations Charter
2. UN Security Council Resolutions-

**BOOKS REFERRED**


Dr. H.O. Agarwal, *International law and Human Rights* (Central Law Publications, Allahabad, 12th edn.)

**JOURNALS REFERRED**


**IMPORTANT WEBSITES/ARTICLES ACCESSED**

5. What’s happening in Syria, available at: https://www.bbc.co.uk/newsround/16979186.amp (last visited on July 17, 2021)
14. India’s dream of becoming a permanent member of the UNSC is paved with obstacles, available at: https://www.statecraft.co.in/article (last visited on July 29, 2021)

*****