“ROLE AND FUNCTION OF UNITED NATION SECURITY COUNCIL (UNSC) IN MAINTAINING PEACE AND HARMONY AMONGST THE NATION-A SPECIAL REFERENCE TO INDIA’S CLAIM IN BECOMING PERMANENT MEMBER IN UNSC”

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“Peace is not made at the council table or by treaties, but in the hearts of men”

-Herbert Hoover

Abstract

In the advent of horrendous Second World War, and in order to maintain International Peace and Security and even significantly to protect Human Rights at International level, the United Nations was formed on 24 October, 1945. Article 7 of UN Charter establishes the principle organs of the United Nations which are: General Assembly, Security Council, Trusteeship Council, International Court of Justice and a Secretariat. And in this research work the main focus would be on the nature and functions of Security Council. The vital responsibility of Security Council is determining the existing threat to peace or act of aggression portrayed by one member country against the other member country of UN and then calling upon the parties to settle the dispute by peaceful means. In certain factual scenarios the Security Council can also impose sanctions or authorize the use of force in ensuring the restoration of International Peace and Security.

The accompanying paper attempts to introduce the role and function of United Nation Security council (UNSC), secondly world leader’s Speech in making India a permanent member in UNSC, thirdly it will deal about the Role of India in becoming the permanent member in UNSC, finally the current scenario and Case Laws regarding the UNSC that have galvanised the unprecedented effort to meet the needs of the world. The methodology applied here is doctrinal method, qualitative procedures and the researcher applied here the secondary resource method.

KEYWORDS: Assembly, Member, Peace, Security, Threat.

● RESEARCH OBJECTIVE

- To enlighten on the aspect of effectiveness of United Nations Security Council acting
as a peacekeeping force.

- To know about the efforts made by The Prime Minister Of India, Narendra Modi in making India, a permanent member in United Nations Security Council through its speech and also to know about International leader’s saying in making India a permanent member.

- To know about the Role of India in becoming Permanent Member in United Nations Security Council.

- To enlighten about the current scenario of India in resolving disputes with other member countries through the help of UNSC and Landmark case law with respect to India as to how UNSC is ensuring peace to solve the pertaining disputes.
RESEARCH METHODOLOGY

Our research is based on the analytical study of the India’s role in becoming permanent member in the UNSC. Thorough research has been done by relying on secondary sources. Secondary data inclusive of quantitative and qualitative data has been used over here. Apart from that we have also used books, journals, newspapers, magazines, and websites for the thorough study of the given topic. A lot of valuable information was also procured from the various e-journals.

The method of research used here is Analytical Research Method. An exhaustive analysis is done on the issues raised in our objectives which we aim to achieve throughout our project. The main aim of the research paper is to find out how India is playing its role in becoming the permanent member in the UNSC.
RESEARCH PROBLEMS

1. How the United Nations Security Council has ensured its effectiveness as a peacekeeping force?

2. In what manner The Prime Minister Of India, Narendra Modi and other International Leaders are making efforts through their speech to make India as a permanent member in United Nations Security Council?

3. What are the steps India is taking and playing its role for becoming permanent member in United Nations Security Council?

4. What is the current scenario of India in resolving disputes with other member countries through the help of UNSC(United Nations Security Council).
1. What is the role of UNSC in maintaining peace and security among nations and what are the roles India have played for becoming a permanent member in the UNSC?

2. What is the effort of Indian Prime Minister along with few other leaders in making India a permanent member in UNSC and current role of India in the peacekeeping force with several case laws for the justification.
“Building peace through the political processes of the United Nations” by Courtney B. Smith\(^1\) explores how peace can be built through the political processes of the United Nations. An approach to understanding patterns of international cooperation which remained state-centric in its focus\(^2\). Two important changes already highlighted above concern the increased importance of decision-making by consensus\(^5\) and the growing use of informal consultations in its processes\(^3\). A second issue related to United Nations decision-making and peace that requires additional attention concerns "the relationship between the nature of the negotiation processes and outcomes"\(^4\), including implementation and compliance.

“The Future of United Nations Peacekeeping” by Norman Bowen\(^5\) discusses about how the United Nations peacekeeping will continue to play a significant role in promoting and maintaining peace provided that the UN and contributing member states sustain current efforts to resolve longstanding problems. Reliable and sufficient financing must be assured. Investment in early warning and crisis prevention mechanisms is desirable. A more representative Security Council would enhance UN legitimacy.

“United Nations: Peace-Keeping and Humanitarian Activities” by Vimal Kaushik & Anita Aggarwal\(^6\) talks about United Nations objective in maintaining peace and security among different nations. It also talks about how the present role of the UN should be made stronger to stop smaller wars and have its decisions fully carried out. The world still has a long way to go before it can ensure peace and justice for everyone. Wars, poverty, and human rights violations are still widespread.

\(^1\) Smith, Courtney B. International Journal of Peace Studies, Vol. 9, No. 2, pp. 11-29.
CHAPTERISATION:

1. INTRODUCTION

Public international law is concerned with how the structure and conduct of sovereign states, analogous entities and intergovernmental organizations are maintained. Public international law has unique features attributed to itself which differentiates it from law of domestic legal systems.

There is no central legislative authority when it comes to public international law instead a non-hierarchical judicial authority is recognized. The largest international organization is the United Nations (UN) which currently has 193 member states. Resolutions and declarations of the UN and other international organizations are non-legally binding instruments and do not create legal obligations for States. The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945. The ICJ identifies the sources of international law in Article 38 of the Statute. Examples include mass vaccination programmes (through WHO), the avoidance of famine and malnutrition (through the work of the WFP), and the protection of vulnerable and displaced people (for example, by UNHCR). Board for coordination (CEB) at the inter-secretariat level. Specialized agencies may or may not have been originally created by the United Nations, but they are incorporated into the United Nations system by the United Nations Economic and Social Council acting under Articles 57 and 63 of the United Nations Charter. At present the UN has in total 15 specialized agencies that carry out various functions on behalf of the UN. Civil society organizations also engaged in the post-2015 process, along with academia and other research institutions, including think tanks.

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10 http://www.un.org/aboutun/chart_en
Role of UN Organisation in ensuring peace and tranquillity among different nations.

Peacekeeping is a technique which has been developed, mainly by the United Nations, to help control and resolve armed conflict. Saving succeeding generations from the scourge of war was the main motivation for creating the United Nations, whose founders lived through the devastation of two world wars. Since its creation, the UN has often been called upon to prevent disputes from escalating into war, or to help restore peace when armed conflict does break out, and to promote lasting peace in societies emerging from wars.

The Security Council, the General Assembly and the Secretary-General all play major, complementary roles in fostering peace and security.\textsuperscript{14}

Pursuant to its “Uniting for Peace” resolution of November 1950 (resolution 377 (V))\textsuperscript{15}, the General Assembly may also take action if the Security Council fails to act, owing to the negative vote of a Permanent Member, in a case where there appears to be a threat to or


breach of the peace, or act of aggression\textsuperscript{16}. The Assembly can consider the matter immediately with a view to making recommendations to Members for collective measures to maintain or restore international peace and security.

The Charter empowers the Secretary-General to "bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security". One of the most vital roles played by the Secretary-General is the use of his "good offices" – steps taken publicly and in private that draw upon his independence, impartiality and integrity to prevent international disputes from arising, escalating or spreading.

**PEACEKEEPING**

The first UN peacekeeping mission was established in 1948, when the Security Council authorized the deployment of the United Nations Truce Supervision Organization (UNTSO) to the Middle East to monitor the Armistice Agreement between Israel and its Arab neighbours. Since then, there have been a total of 64 UN peacekeeping operations around the world. Over the years, UN peacekeeping has evolved to meet the demands of different conflicts and a changing political landscape. Born at the time when the Cold War rivalries frequently paralyzed the Security Council, UN peacekeeping goals were primarily limited to maintaining ceasefires and stabilizing situations on the ground, so that efforts could be made at the political level to resolve the conflict by peaceful means. UN peacemaking\textsuperscript{17} expanded in the 1990s, as the end of the Cold War created new opportunities to end civil wars through negotiated peace settlements, Burundi\textsuperscript{18}. As the decade drew to a close, continuing crises led to new operations in the Democratic Republic of the Congo, the Central African Republic, Timor Leste, Sierra Leone and Kosovo.

The nature of conflict has also changed over the years. Originally developed as a means of dealing with inter-State conflict, UN peacekeeping has been increasingly applied to intra-State conflicts and civil wars. Although the military remain the backbone of most peacekeeping operations, today’s peacekeepers undertake a wide variety of complex tasks,


\textsuperscript{17} “Peacemaking” refers to the use of diplomatic means to persuade parties in conflict to cease hostilities and to negotiate a peaceful settlement of their dispute.

from helping to build sustainable institutions of governance, through human rights monitoring and security sector reform, to the disarmament, demobilization and reintegration of former combatants, and demining. The Department of Peacekeeping Operations (DPKO) provides political and executive direction to UN peacekeeping operations, and maintains contact with the Security Council, troop and financial contributors, and parties to the conflict in the implementation of Security Council mandates. The Department works to integrate the efforts of UN, governmental and non-governmental entities in the context of peacekeeping operations. DPKO also provides guidance and support on military, police, mine action and other relevant issues to other UN political and peace-building missions.

PEACE-BUILDING

The experience of recent years has also led the United Nations to focus as never before on peace-building – efforts to reduce a country’s risk of lapsing or relapsing into conflict by strengthening national capacities for conflict management, and to lay the foundations for sustainable peace and development.

Building lasting peace in war-torn societies is among the most daunting of challenges for global peace and security. Peace-building requires sustained international support for national efforts across the broadest range of activities – monitoring ceasefires; demobilizing and reintegrating combatants; assisting the return of refugees and displaced persons; helping organize and monitor elections of a new government; supporting justice and security sector reform; enhancing human rights protections and fostering reconciliation after past atrocities.

The United Nations has been at the center of expanding international peace-building efforts, from the verification of peace agreements in southern Africa, Central America and Cambodia in the 1990s, to subsequent efforts to consolidate peace and strengthen states in the Balkans, Timor-Leste, and West Africa, to contemporary operations in Afghanistan, Haiti and Sudan\(^\text{19}\).

Recognizing that the United Nations needs to better anticipate and respond to the challenges of peace-building, the 2005 World Summit approved the creation of a new Peace-building Commission. In the resolutions establishing the Peace-building Commission, resolution

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\(^{19}\) The United Nations electoral assistance has become a regular and increasingly important feature in United Nations peace operations. In 2005 and 2006, UN peace-keeping forces supported elections in six post-conflict countries – Afghanistan, Burundi, Haiti, Iraq, Liberia and the Democratic Republic of the Congo-with populations totaling over 120 million.
60/180 and resolution 1645 (2005), the United Nations General Assembly and the Security Council mandated it to bring together all relevant actors to advise on the proposed integrated strategies for post conflict peace-building and recovery; to marshal resources and help ensure predictable financing for these activities; and to develop best practices in collaboration with political, security, humanitarian and development actors.

The resolutions also identify the need for the Commission to extend the period of international attention on post-conflict countries and where necessary, highlight any gaps which threaten to undermine peace-building.

The General Assembly and Security Council resolutions establishing the Peace-building Commission also provided for the establishment of a Peace-building Fund and Peace-building Support Office.

WOMEN, PEACE AND SECURITY

While women remain a minority of combatants and perpetrators of war, they increasingly suffer the greatest harm. In contemporary conflicts, as much as 90 percent of casualties are among civilians, most of whom are women and children. However, the UN Security Council has recognized that including women and gender perspectives in decision-making can strengthen prospects for sustainable peace. This recognition was formalized in October 2000 with the unanimous adoption of resolution 1325 on women, peace and security. The landmark resolution specifically addresses the situation of women in armed conflict and calls for their participation at all levels of decision-making on conflict resolution and peace-building. Since the agenda was set with the core principles of resolution 1325, three supporting resolutions have been adopted by the Security Council — 1820, 1888 and 1889. The four resolutions focus on two key goals: strengthening women’s participation in decision-making and ending sexual violence and impunity.

II THE MANNER IN WHICH UNITED NATIONS SECURITY COUNCIL HAS ENSURED ITS EFFECTIVENESS AS A PEACEKEEPING FORCE

“Building peace through the political processes of the United Nations Security Council” by Courtney B. Smith20 explores how peace can be built through the political processes of the United Nations Security Council. It is argued that the mechanisms and procedures of United Nations decision-making contribute to building peace, regardless of whatever decisions are ultimately

made. In particular, four dimensions of his research related to the nexus between United Nations processes and peace are discussed: the non-resolution consequences of United Nations decisions, the effects of United Nations participation on delegates and other key actors, the performance of key dynamics which lie at the heart of United Nations decision-making, and the innovative research strategies for investigating these and other issues related to building peace through the United Nations.

ARTICLE 51. Promotion of international peace and security:
The State shall endeavour to —
(a) promote international peace and security;
(b) maintain just and honourable relations between nations;
(c) foster respect for international law and
(d) encourage settlement of international disputes by arbitration.

Since the Second World War, 199 wars have been fought by 81 countries and 69 countries have been directly the theatres of war (Mr Janez Stanovnik, Paris, UNESCO, 1978). Mr Gil Elliot, who made a valiant attempt to count the man-made deaths in the 20th century has arrived at a total of 110 millions from 1900 to 1970. This figure includes 38 million soldiers. It means that one out of every 30 inhabitants on the earth was killed through government criminality (pages 43-44, ‘Victims of Politics: The State and Human Rights’ by K. Glaser and S. T. Possony, New York, Columbia University Press, 1979).

After 1970 there have been more deaths in wars in Middle East and African countries. India was no exception, which has been attacked several times and is subject to cross-border terrorism in which thousands have been killed. Terrorist attack on World Trade Centre, New York, on 11th September 2001 and, subsequently, bombing to contain terrorism in Afghanistan has also resulted in killings of a large number of people, including women and children. We are also witness of war on Iraq and also of subsequent killings by suicide squads. Thousands have been killed or maimed. Use of depleted uranium dust on missiles heads will have devastating affect not only on the victims but also on future generations. Stockpiling of a large number of nuclear armaments, chemical and biological weapons and degradation of ecology and environment have created a situation in which future of children is not safe. Children world over are living in appalling conditions. If huge resources spent on armaments are consecrated to their welfare, the world will become a place worth living.
In such world scenario, spirit of the provisions of Article 51 as enshrined in the Constitution of India, acts as a beacon and reflects an earnest desire for maintenance of world peace and security by avoiding conflicts and wars in the interest of entire human race. Although the said Article 51 is one of the ‘directive principles of the state policy’ and cannot be interpreted as implying a mandate to create a new world order, but the development of science, technology, transport and communication and developed information technology, expansion of international trade and commerce have brought the world together as a ‘global village’ and hence all these developments call for a new world order which is possible only by maintenance of world peace and security as envisaged in Article 51 of the Constitution of India.

The present problems of the world, like huge stock-pile of nuclear arms, capable of devastating the entire world several times, dangers of low and high intensity wars among nations, terrorism (including cross-border terrorism), boundary disputes, ethnic disputes, economic and political problems, environmental degradation, pollution, problems of disputes based on religions, etc, which affect the entire humanity, can be solved only by a rationale view and awareness, taking into account enormity of the present situations and by creating an impartial world body, with enough powers to implement its directives, decisions or law. The said Article 51 gives a new vision and such provisions should not only be adopted by all nations in their respective constitutions but every nation must adhere to those provisions, in spirit and action, in dealings with other countries.

From ancient times Indian philosophy and vision seeks to bring humankind to the path of peace, cooperation, co-existence, non-violence, human dignity and human advancement and believes in universality of mankind as one human family (Vasudhaiv Kutumbakam). The provisions of Article 51 of the Constitution of India embodies an affirmation of that philosophy and ideals. The promotion of international peace and security as a constitutional directive is a declaration made by the people of India not only to the Indian society but indeed to all people of the world. For, every declaration affecting international life and International relations is a declaration made to all mankind.

The vision given by Article 51 of the Constitution of India for international peace and security also enjoins us all in its clause(c) to strive for fostering ‘respect for international law’. But one can have respect for international law if it is based on justice and equality, is enacted by a duly constituted world body having universal sanction and is enforceable on all peoples and
nation states. The present ‘so called’ international law has no universal sanction and is not enforceable and, therefore, it has proved to be inadequate in-as-much as it has not been able to solve problems. The result has been that big and powerful nations, by bombings and imposing sanctions, have only brought misery, hunger, disease and poverty to more people and problems remain unsolved and sometimes aggravated.

Thus, it is obvious that the provisions of Article 51 of the Constitution of India is a unique provision propounding a great Indian philosophy and which creates an awareness and acts as a beacon for international peace and security. It can serve as a guideline for framing international law based on justice, equality, co-existence and human dignity in this strife-torn world for the ultimate objective of human advancement. Therefore, Article 51 of the Constitution of India is the reference point of the conference and emphasis has been given to its clause(c) which enjoins the state ‘to foster respect for international law’. It also follows that international or world law has to have universal sanction, be applicable to all countries and peoples of the world and must be enforceable. In order to enforce obedience to such law there has to be an executive authority and world judiciary to decide disputes and for interpretation of such laws. “Laws not enforced cease to be laws and rights not defended wither away” (Thomas Moriarty).

This research began with the observation that the political processes of the United Nations Security Council can act as an instrument for building peace even in situations where no outputs are generated. Studies show that in United Nations decision-making and building peace have cross-fertilized each other in a manner that has enhanced our understanding of both of these fields and, more importantly, areas where they intersect. It is illustrated here how the organization's political processes contribute to building peace through their non-resolution consequences, through the effects of participation on delegates and other key actors, and through the enhanced performance of the mechanisms which lie at the heart of the decision process. There’s a continued need to systematically explore United Nations decision-making. Important progress has been made in this regard, but the best scholarship in this area is largely based on research that was conducted more than two decades ago. This neglect across the 1980s and beyond occurred when the study of international organizations was eclipsed by regime theory, an approach to understanding patterns of international
cooperation which remained state-centric in its focus\textsuperscript{21}. Unfortunately, the years of regime theory dominance also represent a period of time during which the United Nations became a very different place than it was when this earlier research was completed; two important changes already highlighted above concern the increased importance of decision-making by consensus\textsuperscript{22} and the growing use of informal consultations in its processes\textsuperscript{23}. A second issue related to United Nations decision-making and peace that requires additional attention concerns "the relationship between the nature of the negotiation processes and outcomes"\textsuperscript{24}, including implementation and compliance. Most studies tend to focus on the interests of states and the content of the agreement, not on the processes through which the agreement was created. Since state compliance with treaties is an integral part of building peace, both international organization and peace studies scholars will benefit from a deeper understanding of how different United Nations processes can either facilitate or inhibit the implementation of these agreements. Studies on the United Nations and its mechanisms of decision-making lay the groundwork for exploring these issues, but further research is certainly required.

Article 1 of the Charter of the United Nations states that one of the purposes of the United Nations is 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 the peace.” The rule of law ensures that international law and the principles of justice apply equally to all States and are equally adhered to. Respect for the rule of law generates an enabling environment for achieving the purposes of the Charter.

“The Future of United Nations Security Council Peacekeeping” by Norman Bowen\textsuperscript{25} discusses about how the United Nations peacekeeping will continue to play a significant role in promoting and maintaining peace provided that the UN and contributing member states sustain current efforts to resolve longstanding problems. Reliable and sufficient financing

must be assured. Investment in early warning and crisis prevention mechanisms is desirable. A more representative Security Council would enhance UN legitimacy. A careful division of labor between universal and regional organizations is emerging. Revised administrative, command, and training functions are being implemented. Better use of violence-avoidance strategies is desirable. Finally, the UN and member states should reinforce existing oversight and mission evaluation procedures.

The problems associated with UNSC peacekeeping are serious but not insurmountable. A reliable system of financing with reduced dependence on a few contributors would certainly remove a major complication to the deployment of peacekeeping forces. A more representative Security Council would help to alter the perception of and give greater legitimacy to the UN. It is also important for developing countries to step forward and contribute more troops and money. Peacekeeping will remain an imperfect but essential vehicle for the achievement of some limited international security objectives. Important steps can and should be taken to improve UN peace operations.

“United Nations: Peace - Keeping and Humanitarian Activities” by Vimal Kaushik & Anita Aggrawal26 talks about United Nations objective in maintaining peace and security among different nations. It also talks about how the present role of the UNSC should be made stronger to stop smaller wars and have its decisions fully carried out. But the effectiveness of UN actions depends on the political will of the Member countries-on their readiness to respect the decisions they themselves have taken. Also, these operations are costly. Because of a lack of funds, the UNSC is often unable to play a more effective role. The strength of the UN comes from its refusal to give up, even in the face of the stiffest challenge. When countries at war do not have the political will to stop, the UN sometimes has to withdraw its peace keeping troops. But it continues its work through diplomacy and negotiations, by constantly speaking with the parties concerned. The world still has a long way to go before it can ensure peace and justice for everyone. Wars poverty and human rights violations are still widespread. But that's precisely when the UN has to continue to operate.

Article 33 of the Charter is critical for the prevention of conflict and the peaceful settlement of disputes. Parties to an international dispute have access to diverse measures.

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and mechanisms for dispute resolution, including negotiation, enquiry, mediation, conciliation, arbitration, **judicial settlement** and resort to regional agencies or arrangements.

A strong rule of law, which protects **human rights**, helps prevent and mitigate violent crime and conflict by providing legitimate processes for the resolution of grievances and disincentives for crime and violence. Conversely, weak economic development and **inequality** can be a trigger for crime and violence. In this context, the principle of **the responsibility to protect**, adopted by the General Assembly in the **2005 World Summit Outcome**, is relevant. It highlights the importance of supporting national rule of law and human rights institutions to ensure that Governments have all the tools necessary to comply with their obligations to protect their populations from genocide, crimes against humanity, war crimes and ethnic cleansing, and calls upon the international community to support such efforts.

“**The United Nations in War and Peace**” by Nicholas Mirkovich points out the difficulties faced by the United Nations during times of adversities. The difficulties of the formal organization of the United Nations are, we know, only reflections of the deeper difficulties that exist in the relationship between their leading members; and not until a common principle of post-war order is accepted (even if in a rather vague form) can the machinery of the United Nations mean very much. Basically, two sets of ideas are fighting for supremacy. The one is that of a world organized on regional spheres of security and regional responsibilities. The other is that of a general international system of security and organization. There are no agreements on some principles at all times; and the formal organization of the United Nations suffers due to this fact. These principles involve basic postulates of the world of tomorrow. The future of the United Nations Security Council depends on our present policies. The solidarity of tomorrow is forged in the fire of the war. Solidarity and understanding on the battle fronts are necessary prerequisites of tomorrow's peace organization.

**III. Role of the Prime Minister Of India, Narendra Modi and other International Leaders for making efforts through their speech to make India as a permanent member**

in United Nations Security Council

“On behalf of over 1.3 billion people of India, I would like to congratulate every member country on the 75th anniversary of the United Nations. India is proud of the fact that it is one of the founding members of the United Nations. On this historic occasion, I have come to this global platform to share the sentiments of 1.3 billion people of India. For how long will India be kept out of the decision-making structures of the United Nations? A country, which is the largest democracy of the world, A country with more than 18% of the world population, A country which has hundreds of languages, hundreds of dialects, many sects, many ideologies, A country, which was a leading global economy for centuries and also one which has seen hundreds of years of foreign rule. When we were strong, we did not trouble the world; when we were weak, we did not become a burden on the world. How long would a country have to wait particularly when the changes happening in that country affect a large part of the world?”

Prime Minister Narendra Modi said in his speech in 75th annual session in UNSC that he was "deeply grateful" after India was elected unopposed as a non-permanent member of the UN Security Council. India won 184 votes in the 193-member General Assembly in the election. India, Mexico, Ireland and Norway were elected to the UN Security Council but the 193 .India will sit in the powerful UN body for two years beginning January 1 2021, along with the five permanent members and non-permanent members Estonia, Niger, Saint Vincent and the Grenadines, Tunisia and Vietnam. India was the only candidate for the lone seat from the Asia-Pacific category. Its candidature was unanimously endorsed by the 55- member grouping, including China and Pakistan.


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28 PM Narendra Modi Speech in 75th session in UNSC, Welcome to Permanent Mission of India to the UN, New York (pminewyork.gov.in)
Economic and military capabilities are important to ensure efficient candidates for the permanent membership category on the basis of the functional principle of representation. The power of different states keeps changing and continues to do so. The powers that constituted P-5 in United Nations Security Council have experienced considerable reduction in their power. At the same time, the world has seen the emergence of many militarily and economically powerful states. Some of the states like India, Japan, and Germany have outweighed some particular members of the permanent membership category of the United Nations Security Council in respect to some of the power-indicators though there are a lot of arguments whether they will be able to translate these powers to play major powers role.
It's extremely populous and nuclear-armed. India simply not considered influential enough on the world stage. The current permanent members of the Security Council are the five nations that were made permanent members in the charter when the United Nations was founded, and the five nations that are legally recognized as "nuclear weapons states" (although permanent membership is not officially31 contingent on the possession of nuclear weapons). Those five countries are:

1. United States
2. United Kingdom
3. France
4. Soviet Union (now Russia)
5. Republic of China (now the People's Republic of China)

At the time that China became a permanent member, it was not a particularly strong or influential country. However, it was one of the "big four" Allies during World War II, and had a strong relationship with the United States. It was in the interests of the other Allied powers on the Security Council, particularly the United States, to build Chinese influence and relations, and to recognize the nation as a key player in the war. India was also one of the charter members of the UN, joining in 1945 (the same time as the P5), but it was not an independent nation during WWII. (Its legal independence and partition came about in 1947, after which Pakistan applied for membership separately.)

Keep in mind that this China was the Republic of China, with whom the United States had very close political and military ties, and not the Communist government that later came to power as the People's Republic of China, which only took over China's Security Council seat in 1971. For quite a long time, both governments32 claimed to be the legitimate government of "China" and both claimed the same land as their own. It took a UN resolution to have Chinese membership shifted from the ROC to the PRC. (The ROC, i.e. Taiwan, is no longer recognized as a UN member state, despite repeated applications for membership.)

There are many benefits to being a permanent member of the Security Council: permanent

rather than rotational membership, a general increase in prestige and influence, and of course, veto power. Traditionally, China has been reluctant to use its veto, except with regard to issues that pertain directly to Chinese national interests. (The United States is the only nation to liberally use its veto, almost always against resolutions that are critical of Israel.) There's a lot of criticism of the Security Council today, and its general ineffectiveness, its strong bent towards the already powerful P5, the veto power itself...and the issue of geographic representation. As it stands, the permanent members of the Security Council have a heavy European bias. In fact, the only nation that represents a non-white majority is China, a country with a population that numbers over a billion. In light of that fact, the real question ought not to be why China is a member while India isn't, but why all members except China are white Western nations.

A number of nations have made cases to become permanent members. Japan and Germany were losing powers after World War II, but are now two of the largest economies in the world, and the two largest financial contributors to the UN after the United States. Germany has a powerful position in the EU, and Japan has the support of much of Southeast Asia and the Pacific Islands in its bid, through lobbying via financial aid.

**However, there are a few obstacles:**

1. **China** - China's position on India's bid has always been ambiguous. Its current position is that it's open to consideration, but not ready to approve of India's permanent membership. India-China relations are worst now than they've been for some time, irrespective of the Kashmir can of worms, China's ties with Pakistan, and other issues. However, China opposes Japan's bid, which India supports, and China will likely not support India for as long as India continues to support Japan.

2. **The United States** - The official American policy has been, for some time, to oppose India's permanent membership on the Security Council. Apparently this is because India is not a signatory of the Nuclear Nonproliferation Treaty, and possesses nuclear weapons - a source of great annoyance to the US. However, the President has declared support for India's bid. It's not clear what the US position is anymore, but we can be pretty sure that there will be no progress in the near future.

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3. **Pakistan** - Naturally, Pakistan opposes India's bid, and while it doesn't have as much influence in itself, it has close ties with both China and the United States (though recent events have thrown these alliances into question). Also, the very fact that India and Pakistan are embroiled in conflict that frequently appears on the Security Council agenda is an issue. (Although China is involved in more disputes, it manages to keep them off the agenda through its influence as a P5 member.)

4. **The structure of the Security Council itself** - This is by far the biggest problem. India is already on the verge of having the verbal support of all the P5, yet there's a very slim chance that it will gain a permanent seat anytime soon. This would mean an amendment the UN Charter, which requires a two-third vote of general members, and the support of the P5. But whatever lip service the P5 may pay to supporting India, they will likely keep tabling the issue because allowing one country to join the permanent members sets a precedent that might open a floodgate and upset the power balance. Why change things when they are comfortable the way they are (if inefficient)? Wouldn't it further legitimize the bids of other countries--Japan, Germany, Brazil, etc. all of whom seem to support each others' bids as G4 nations? The UN can't even seem to manage to raise the number of nonpermanent members on the Security Council, an issue that has been on the table for sometime.

     India is possibly the most obvious and least controversial option to add as a permanent member, and probably long overdue for a seat. But I doubt that this seat is coming anytime soon, as no nation has ever been added as a permanent member (Russia and China were sort of default choices after their predecessors). Expanding the number of seats would upset the sort of knowing stalemate that exists between the current members. It would also be handing India a hell of a lot more influence in the UN than it currently has. A few nations reject the concept of veto power and permanent membership altogether, and while they can't do anything about the current P5, they can sure try to block India from its power grab. Finally, the UNSC is one of the slowest moving international bodies in the world, and rather conservative and reluctant to change--it's not going to be any speedier on the issue of its own membership. Pressing for the urgent reform of the UN Security Council, India and Japan have decided to enhance bilateral efforts for the expansion of its membership to make the world body more effective and responsive to the realities of the 21st century. Prime Minister Narendra Modi and his Japanese counterpart Shinzo Abe during their bilateral talks called for concrete outcome in this direction by the 70th anniversary of the UN in 2015 and decided to enhance efforts bilaterally and under
the G4 to realise this. The G4 nations comprising Brazil, Germany, India, and Japan support each other's bids for permanent seats on the United Nations Security Council. "The two Prime Ministers affirmed the urgent need for comprehensive reform of the UN Security Council, especially its expansion in both permanent and non-permanent categories, to make it more representative, legitimate, effective and responsive to the realities of the 21st century. In this regard, India and Japan decided to strengthen their bilateral cooperation and outreach with other member states. They also highlighted the outcome of the third round of India-Japan consultations on UN issues held in Tokyo in 2019."
Other World Leader Stand’s on recent India’s membership in UNSC

- USA—“Topping the list is pushing India to became a permanent member of the UN Security Council, continued co-operation on terrorism, strengthening ties on issues like climate change and health working towards a multi-fold increase in bilateral trade”.
China-"Looking forward to working with them in maintaining international peace and security,"

Russia's UN Mission34 “Moscow is ready to work with the new members for the fruitful work as they take their seats on the Council”.

The French Mission to the UN also congratulated India, Ireland, Norway and Mexico on their victory while the UK, congratulating the winning member states, "We look forward to working with the elected members towards building peace and security around the world."

Warmly congratulating the winning countries, Belgium's UN Mission said "we're already looking forward to welcoming you as the observers to the Council in October."

Estonia said it "greatly" looks forward to working together with the newly-elected members in the Security Council next year.

Vietnam said it looks forward to working closely with the five new non-permanent members on the Security Council next year.

Dominican Republic said it "stands ready to pass the torch and support you on our common values for the greater good of humanity during your tenure in the Council."

The German mission said India, Ireland, Norway and Mexico "will be tasked with upholding the values” of the UN Charter in the “realm of international peace and security."

IV. THE STEPS INDIA IS TAKING AND PLAYING ITS ROLE FOR BECOMING PERMANENT MEMBER IN UNITED NATIONS SECURITY COUNCIL

India is due for election to the temporary membership of the United Nations Security Council (UNSC) later this year, for the 2021-22 period. Moreover, India for long has been of the view that the UNSC sought to be reformed by expansion in the membership of the Security Council in both the permanent and non – permanent categories.35

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34 Rule-48 of the Charter of the United Nations,1945
India, by any objective criteria, such as population, territorial size, GDP, economic potential, civilizational legacy, cultural diversity, political system, is eminently qualified for permanent membership.

Thus, the Indian tryst for permanent membership of Security Council flows broadly from a mix of, three streams, viz., India’s historic association with the UN system, India’s intrinsic value and place in contemporary international politics and its role as the leader of developing countries.

Need for UNSC Reforms

UNSC has been in existence for more than 75 years. However, it does not represent the geopolitical and economic realities of the 21st century.

- **Undemocratic UNSC:** Barring two regions (North America and Europe), other regions are either underrepresented (like Asia) or not represented at all (Africa, Latin America and the Small Island developing states).
- **Lack of Global Governance:** There are no regulatory mechanisms for global commons like the Internet, Space, High Seas (beyond your EEZ-exclusive economic zone) and no unanimity on how to deal with global issues like terrorism, climate change, cybersecurity and public health (as seen in the current pandemic).
- **Misuse of Veto Power:** The veto power is used by permanent five countries to serve the strategic interest of themselves and their allies.
- Since 1990, the United States has cast a veto on Council resolutions 16 times, concerning Israeli-Palestinian relations. Russia has done so 17 times, including eight times over Syria.
- Due to all these factors, the former UN Secretary-General Kofi Annan said that the Security Council must either, reform or risk becoming increasingly irrelevant.

**CASE FOR PERMANENT MEMBERSHIP OF INDIA IN UNSC**

India’s Historic Association with the UN System
India is the Founding/Original member of the UN. Also, since the independence and even earlier than that, India has been an active/energetic participant in all initiatives taken up by the United Nations like Millennium Development Goals, Sustainable development goals and various UN summits, including on climate change.

In the past, India’s was offered to join the UNSC by both the superpowers, the US and the then Soviet Union in 1950 and in 1955 respectively, However, India denied the offer due to Cold war politics in that era.

India, till now has been elected for seven terms for a two-year non-permanent member seat, the last being 2011-12.

Today, most significantly, India has almost twice the number of peacekeepers deployed on the ground as much as by P5 countries.

**India’s Intrinsic Value**

- India\(^{36}\) being the largest democracy and second-most populous country (soon to become most populous) in the world, are the primary reasons for India to be granted permanent membership in UNSC.
- Also, India is now the 5th largest economy\(^{37}\) and one of the fastest-growing economies of the world.
- India's acquired status of a Nuclear Weapons State (NWS) in May 1998 also makes India a natural claimant as a permanent member similar to the existing permanent members who are all Nuclear Weapon States.
- India’s international profile and capabilities rise due to its ever-expanding global footprint in diverse areas like politics, sustainable development, economics, and culture and science and technology.
- Based on these credentials, India’s claim for permanent membership is supported by G4 countries, majority of the permanent members of UNSC and the majority of countries in the United nation General Assembly.

\(^{36}\) Art 51, The constitution of India,1950.
\(^{37}\) Supra,Page-21.
V. Current scenario of India in resolving disputes with other member countries through the help of UNSC (United Nations Security Council).

India’s 5-S approach:
- SAMMAN - Respect
- SAMVAD - Dialogue
- SAHYOG - Cooperation
- SHANTI - Peace
- SAMRIDDHI - Prosperity

Committed to:
- Multilateralism
- Rule of law
- A fair & equitable international system.

A world-view anchored in our ethos: the world is one family

NORMS:
NEW ORIENTATION FOR A
REFORMED MULTILATERAL SYSTEM

INDIA: committed to promote responsible & inclusive solutions to international peace & security

❖ India’s Contribution in peacekeeping force and peacebuilding

India stands solidly committed to assist the UN in the maintenance of international peace and security with a proud history of UN peacekeeping dating back to its inception since the 1950s. India has contributed more than 2,53,000 troops, the largest number from any country, participated in more than 49 missions and 175 Indian peacekeepers have made the supreme sacrifice while serving in UN missions. India has also provided and continues to provide eminent Force commanders for UN Missions India is the fifth largest troop contributor (TCC) with 5,323 personnel deployed in 08 out of 13 active UN Peacekeeping Missions of which 166 are police personnel. The high standards of performance maintained consistently by the Indian troops and policemen deployed on UN Missions under challenging circumstances have won them high regard worldwide.

38 Ibid, page-17.
India has so far provided 17 Force Commanders in various UN missions. Besides the Force Commanders, India also had the honour of providing two Military Advisors and one Deputy Military Advisor to the Secretary General of the United Nations, two Divisional Commanders and seven Deputy Force Commanders. Indian Army has also contributed lady officers as Military Observers and Staff Officers apart from them forming part of Medical Units being deployed in UN Missions. The first all women contingent in peacekeeping missions, a Formed Police Unit from India, was deployed in 2007 to the UN Operation in Liberia (UNMIL).

India has been the largest troop contributor to UN missions since inception. So far India has taken part in 49 Peacekeeping missions with a total contribution exceeding 2,53,000 troops and a significant number of police personnel have been deployed.

🌟 Current Cases Laws Where India Played vital Role in UNSC

1. Lebanon (UNIFIL) (Since December 1998). One infantry battalion group comprising 762 all ranks and 18 staff officers deployed in the mission. The current situation in the Mission is tense and volatile due to the crisis in Syria.

2. Congo (MONUC/MONUSCO) (Since January 2005). Extended Chapter VII mandate. India has deployed an augmented Infantry Brigade Group (three infantry battalions including RDB) with Level III Hospital, a large number of MILOBs & SOs and two Formed Police Units (FPU). The FARDC along with the support of MONUSCO continues to conduct operations to reduce the influence of the armed groups like FDLR, ADF etc. The situation continues to be volatile and uncertain due to the presence of these armed groups.

3. Sudan (UNMIS/UNMISS) (Since April 2005). India has contributed two Infantry Battalion groups, Engineer Company, Signal Company, Level-II & Level-II Plus Hospital and large number of MILOBs and SOs. The latest political developments in the Mission led to widespread inter-tribe violence and large displacement of locals. The current situation continues to be highly volatile and sporadic clashes between the tribes are being reported regularly.

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39 Kesavananda Bharati v. Union of India, AIR 1973 SC 1461
40 Article 1 of the Charter of the United Nations
4. Golan Heights (UNDOF) (Since February 2006). A Logistics battalion with 188 personnel has been deployed to look after the logistics security of UNDOF. Current crisis due to the Syrian conflict has impacted the mission. The mission had relocated along the 'A' line and our contingent is currently based in Camp Ziounai & Camp Faouar.


6. Ivory Coast (UNOCI) (February 2004 to February 2017). India had deployed two infantry battalion groups, Sector HQ, Engineer Company Level II Hospital and a large number of Military Observers and Staff Officers upto Feb 2017.

7. Liberia (UNIMIL) (2007-16). India has been contributing both male and female FPUs ex CRPF/RAF in Liberia. An FPU of 125 all-women Police personnel served from 2007 to Feb 2016 as role models for Liberia's women & girls triggering a four-fold increase in the number of Liberian women applying to become police officers and became trendsetters for other such female FPUs across the Globe, and male FPU repatriated in Feb 2017.

8. Haiti (MINUHJUSTH) (2017-19). India contributed two Formed Police Units (FPU) with approx 280 police personnel from BSF, CISF & Assam Rifles from November 2017 to July 2019 which have been hugely successful. The mission was supported by Indian Army Staff Officers.

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41 Article 3, Universal Declaration Of Human Rights, 1948.
New Opportunities for Progress

- As a rule-abiding democracy and a positive contributor to the security of the global commons, India will work constructively with partners to bring innovative and inclusive solutions to foster development.

- India calls for greater involvement of women and youth to shape a new paradigm.

- A rapidly shifting global security landscape, persistence of traditional security challenges, and emergence of new and complicated challenges, all demand a coherent, pragmatic, nimble and effective platform for collaboration to ensure sustainable peace.

- Such a role must be more effectively undertaken by the Security Council, in the post-COVID19 context.

Effective Response to International Terrorism

- Terrorism is an enduring and critical threat to international peace and security.

- Terrorist groups have linkages across borders, regions and continents in recruitment, financing and operations.

- India is committed to combat this menace in all its forms and manifestations.

- India will pursue concrete and result-oriented action by the Council aimed at:
  - addressing the abuse of ICT by terrorists
  - disrupting their nexus with sponsors and transnational organised criminal entities
  - stemming the flow of terror finance
  - strengthening normative and operative frameworks for greater coordination with other multilateral forums
Reforming Multilateral Systems

- Widespread concern at the inadequacy of the existing multilateral institutions to deliver results or meet new challenges.

- A need to promote greater cooperation in multilateral institutions.

- Reformed multilateralism: a must for the post-COVID19 era.

- A first and vital step is the reform of the Security Council. It must reflect contemporary realities to be more effective.

Today’s peace and security challenges require a comprehensive and integrated approach, harmonizing national choices and international priorities.

India’s vision for international peace and security is guided by:
- Dialogue and cooperation,
- Mutual respect
- Commitment to international law

Streamlining UN Peacekeeping is an overdue task. We must ensure greater clarity, direction, and professionalism in UN Peacekeeping Operations.
JUDICIAL REVIEW

42 Apart from Afghanistan, peace within the country is crucial for nearly every other country within the region. For instance, for Russia blocking/stopping the drug supply and keeping its southern border secure from extremist influences is vital. In addition, at a time when Iran’s economy/wealth is in desperate straits because of low oil prices and harsh economic sanctions, its leadership cannot meet the expense of an Afghanistan at war with itself and its neighbours. Thus, India must provide a diplomatic push to a coalition/alliance of regional powers for ensuring/establishing peace in Afghanistan after US exit. During this pursuit, India must engage with regional/provincial power like Iran and Russia.

43 Engagement/Commitment With Iran: Although, India and Iran may have contradictory views on the US presence, but both are conscious of the challenges/hardships once the Taliban gain authority and or current administration in Afghanistan weakens as a outcome/result. This vibrant/dynamic is what makes Iran an important partner for India because the US subsequently winds down its troop attendance in Afghanistan. The Chabahar port is the most corporeal symbol of India-Iran- Afghanistan trilateral cooperation. Nevertheless, China's prospective involvement within the Chabahar project has definite strategic implications for India.

Here India must re-engage with Iran to make sure that China can't be allowed to chip away at at India’s crucial interests in its extended neighbourhood.

Engagement/Commitment With Russia: Even though Russia's interests in Afghanistan are in disagreement/conflict thereupon of the US’, it's role within the regional security medium isn't of a disrupter, rather of a balancer.

Therefore, India must engage Russia to play a significant role in Afghanistan. But, here also an alliance-like association between Russia and China may jeopardise India's mutual interests in Afghanistan. Nonetheless, Russia does share with India an honest relationship and may keep China in restraint. Besides convergence/union on regional security, India, Iran and Russia can expand cooperative/supporting mechanisms for

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42 Ibid 15.
43 Ibid 16
44 Article-30,Universal Declaration Of Human rights,1948.
commercial, trade and economic ties with Afghanistan.\textsuperscript{45}

\textbf{SUGGESTIONS: India probably has the strongest case for becoming a permanent member:}

- It's the world's largest democracy with a population that will eventually eclipse that of China.
- It's part of an otherwise underrepresented region, with large unrepresented religions (Hinduism and Islam).
- It's a large financial contributor, and a major contributor of UN Peacekeeping troops.
- It frequently serves as a non-permanent (rotational) member, and usually wins the votes of almost all member states in its bids for non-permanent positions.
- It has the backing of some major players (France, Russia, United Kingdom, United States or President of USA, anyway, a number of European, Asian, and Latin American nations, and the African Union.
- It's relatively trusted by the Muslim states, and the Security Council could probably use someone other than China that can negotiate in the Middle East.

\textbf{Conclusion}

India has been recognized as a rising/augmenting power by most of the states. Also, there's a great demand to democratize multilateral/numerous fora/forum, ranging from the United Nation system itself during this /context circumstance, India is making a legitimate/valid claim for its rightful/righteous place within the changing architecture of worldwide/ global governance, including the UN Security Council (UNSC). India has been elected eight times to the UN Security Council. India has been seeking a permanent seat on the United Nations Security Council as a member of the G4, an organization composed of Brazil, Germany, Japan, and India, all who are currently seeking permanent representation. The Russian Federation, United States, United Kingdom and France support India and the other G4 countries gaining permanent seats. India has emerged as a foremost, singularly

\textsuperscript{45} Ibid 15.
acknowledged rising power seen by most states, great and small, as making a legitimate claim to a place in the changing architecture of global governance, including the UN Security Council. The Indian interests in joining the reformed UN Security Council stem from its long, civilisational history, an exceptional, globally impacting geography and demography, its rapidly increasing traditional great power ambitions, and assuming its rightful place in the comity of nations in addition to its truly rich, varied and significant historic contributions to the UN system. Successive Indian leaderships have therefore, emphasised time and again, the pressing need to democratise the international relations embodied in the UN and its all-powerful Security Council. Reiterating this, the Indian PM Modi said in September 2020: We must reform the United Nations, including the Security Council, and make it more democratic and participative. Institutions that reflect the imperatives of 20th century won’t be effective in the 21st. It would face the risk of irrelevance; and we will face the risk of continuing turbulence with no one capable of addressing. Let us fulfill our promise to reform the United Nations Security Council. Though desires repeatedly articulated at the highest levels of government remain unfulfilled and seemingly intractable, its ideas and diplomacy, bilateral and multilateral, over the last few decades on the UN Security Council and its reforms including its quest for a permanent seat, highlight a growing, powerful consciousness in India. The Indian decision makers realise that it is now historically placed to become an international rule maker and shaper, as opposed to a meek rule follower in the policy relevant future. It truly marks a rising India’s dramatic desire to move to the centre from the periphery of global politics.

According to the G4 proposal, the UN Security Council should be expanded beyond the current fifteen members to include twenty-five members. If this actually happens, it would be the first time permanent Security Council status is extended to a South Asian nation and supporters of the G4 plan suggest that this will lead to greater representation of developing nations rather than the current major powers. India makes a number of claims to justify its demand. India has the world's second largest population and is the world's largest liberal democracy. It is also the world's fifth largest economy and third largest in terms of purchasing power parity as of 2020. India is the largest contributor of troops to United Nations peacekeeping missions with 7,860 personnel deployed with ten UN Peacekeeping Missions as of 2014 after Bangladesh and Pakistan, all three nations being in South Asia. India has contributed more than 180,000 troops, the largest number from any country,

46 Article-2,Universal Declaration Of Human rights,1948.
participated in more than 43 missions and 156 Indian peacekeepers have made the supreme sacrifice while serving in UN missions. India has also provided and continues to provide eminent Force Commanders for UN Missions. Although the U.S. and other permanent Council members were not very supportive of expanding the Security Council, in his visit to India, US President Barack Obama has offered his support for India to become a permanent member of the Council. However, the reaction from other Council members are not very clear, particularly from China. Thus, it is uncertain whether the demands by G4 nations will be implemented anytime soon. As of 2018 and according to The Economic Times, Pakistan has affirmed that it remains "firmly opposed" the creation of new seats in the council. In September 2017 House Resolution 535 was introduced in the 115th United States Congress to support India's permanent seat in UN security council, but the legislation did not proceed to a hearing in the House Committee on Foreign Affairs. The prospect/outlook for peace in Afghanistan depends on regional agreement/consensus to support the sociable, peace process as because it depends on actual development within the intra-Afghan negotiation/talks. India’s vision of a sovereign, stable, united, plural and democratic Afghanistan is one that's shared by Afghanistan, cutting across the ethnic and provincial/regional lines. A more active/dynamic engagement will enable India to figure out with like-minded forces within the region to make sure that the vacuum created by the U.S. withdrawal doesn't cause an unravelling of the gains registered during the last 20 years.

47 Article-6, Universal Declaration Of Human rights, 1948
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24. “Peacemaking” refers to the use of diplomatic means to persuade parties in conflict to cease hostilities and to negotiate a peaceful settlement of their dispute.


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