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UN Security Council: A need for a revamp

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Abstract

After the Second World War (1939-45), the United Nations was born out (Oct 24, 1945) as a successor to the League of Nations mainly under the leadership of United States of America. In a world essentially marked by anarchy, power politics and reluctance to subdue their sovereignty; the United Nations, particularly United Nations Security Council provided an international framework to settle bilateral disputes abstaining the brutal use of force, hence saving the globe from the menace of another unfortunate global war. Though the United Nations largely managed to thwart the humankind from the menace of another comprehensive war till date, the overview of the structure and functioning of the United Nations over the last six decades uphold the apprehensions of its inability to revamp itself, precisely the Security Council have neither been in consonant to the reality of 21st century nor been prepared to deal with the new security challenges surfacing around the world. The paper, thus, suggest for the revamp of the United Nations, particularly to make Security Council democratic, more representative, transparent and accountable in its functioning. There is no iota of doubt that any Endeavour to recast and revamp an obsolete and decayed international institutions of the magnitude of United Nations Security Council is formidable and challenging, however, it is the only available alternative to make it efficacious and dependable among member states in the changed dynamics of international politics in 21st century.

Keywords: revamp, recast, anarchic, democratic, UNSC, IOS (international organizations)

Introduction

After the Great War, the United Nations, mainly its Security Council was entrusted with the task of maintaining world peace, settling bilateral disputes by arbitration and saving the world from civil war and terrorism. In a world predominantly marked by power politics, hegemony and aspiration to shift balance of power by the use of brutal force, United Nations under the leadership of United States of America provided a beacon of hope, an international platform to settle bilateral disputes through adjudications and deliberations following settled universal norms, rules and regulations.

In this anarchic international system, the United Nations like any other international organization has its firmity as well as infirmity. Behind the formation of United Nations, state's sovereign will plays a pivotal role as sovereign states needed a global level mechanism to establish coordination among them for their mutual benefits- the vacuum largely filled by UN Security Council. However, reluctance to share their sovereignty with any other organization made United Nations redundant in dealing with even smallest of states. Thus, "although the UN strengthens world order, its design acknowledges the realities of international anarchy and the unwillingness of states to surrender their sovereignty"^[1]. Under these circumscribe, the UN primarily aims at providing a world wide systematized platform to settle bilateral disputes of members states through well settled international norms avoiding the blatant use of force.

The adoption of UN Charter on June 22, 1945 not only enshrines the basic principles which will govern the interstate relations but also sets out the structure of the UN and methods by which it functions. In essence, the Charter besides reflecting the realities of post Second War World, laid out the foundation for fair treatment in future, spanning from the evasion of conflict as the minutest and leading the way for social conformity and affluence around the globe.

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¹ Goldstein, Joshua S., International Relations, Six Edition: Pearson, 2008, PP 286.

The cardinal doctrine upon which preservation of cosmopolitan peace and security have been envisaged under the patronage of United Nations Security Council pertain to the acknowledgement of equal sovereignty and territorial integrity of all states, abiding to international obligations and opposing to aggression against any states. As Goldstein points out UN has become a “symbol of international order and even of global identity”^[2].

As per the UN Charter, the structure of the United Nation concentrate around the General Assembly which is a representative body of all member states, where states can deliberate on issues ranging from budget of UN to the matters related to peace, security, socio-economic cooperation and violation of human rights globally and offers guidance accordingly. Side by side is the United Nations Security Council, with five permanent members having veto powers along with ten rotating member states, which decides on issues of cosmopolitan peace and security. The Security Council can recommend measures including from economic sanctions to use of force against assailant states. It can also dispatch and observe the operation of peacekeeping force in any troubled area of the world.

In order to coordinate variety of socio-economic and developmental plans among member states, the UN has Economic and Social Council, the Secretariat is its administrative branch, the Secretary-General and a team look after the day today programs and policies of the Organization. The International Court of Justice (ICJ) is its judicial branch, ICJ is assigned with the task of settling legal disputes submitted before it by states. The Trusteeship Council supervise the conversion of former colonial territories to full independence. With the independence of Palau in the South Pacific in 1994, the Council suspended its activities.

Out of these six organs, the United Nations Security Council is entrusted with the prime objective of preservation of world peace and security, hence accorded with highest place in respect of taking irrevocable decisions. Overview of its working for more than six decades since its foundation, however raises doubts regarding its efficacy, legitimacy and representativeness. Save some sporadic success in respect to smaller states, where big players were involved, United Nations Security Council has become redundant in containing their aggrandizement. For a long duration the dynamics of Cold War and after 1990's replacement of bipolar world with new order along with shifting economic positions of various regions and states (such as China, Japan, Brazil, Russia, Africa and India vis-à-vis USA) and shrinking of world due to innovation in technologies made UN Security Council archaic and dysfunctional.

A Call for Revamp

In a changed global scenario, there is a call for a restructuring of UN in general and UN Security Council in particular. Only a changed, democratic, representative and transparent Security Council can meet the needs and aspiration of the new millennium.

The Charter has assigned UN Security Council a very religious role of maintaining international peace and security in a spirit of collective security providing fair representation to all countries. Taking undue leverage of the fluid and volatile situation of initial post war years, the

major powers have effectively ganged up the UN Security Council, hence making the body inconsequential for other members. Since its foundation on 24th October 1945, the structure and decision making process of the UN Security Council is still predominated by permanent-5 with voting rights, hence making it undemocratic and dysfunctional.

The UN Security Council does not reflect the current balance of power. The world today is totally different from what it was in 1946. The losers of Second World War-Germany and Japan have gained considerably militarily as well as economically, acquired a structure of global reckoning, hence long for a permanent seat in UN Security Council. Similarly, the Third World is no longer third, the so called BRICS with rapid economic growth, Africa and Muslim-majority countries, all demand for a permanent voice in the Security Council. The mindlessness of the Security Council to the new emerging military, economic as well as geographical reality made it ineffective, its support base has fallen drastically among member states. Even today, the decolonized nations of Asia, Africa and Latin America abode of around 80% population of the earth, are left out from the composition of UNSC and its decision making process. The Permanent-5 has used its prerogative of veto power selectively to protect their parochial interest and of their allies detrimental to global community. Hence with diminishing support base among member community, ” the Security council is losing its effectiveness and legitimacy”^[3] as a trustee of global peace and security.

From a theoretical perspective, requirement for and urgency of reforming the UNSC may be explained through the lens of two traditional international theories, namely idealism and realism.

Idealism as an offspring of political liberalism assumes that states are rational. Education, law and morality are guiding force behind their behavior. There is an intrinsic urge for cooperation and peace instead of domination and hegemony among states. By pursuing international rules, norms, treaties and organization, state can realize a just and peaceful order. The hope of the idealist failed with the doom of League of Nations in 1939. To salvage the UNSC, demand for reform is advocated worldwide, the urgency of which was further delineated by ‘realism’.

Political realists attack idealism as dogmatic, devoid of international reality. World politics is driven by struggle for power and competing national interest. Acquisition and maintenance of power is the only assurance for survival and sustained achievement of national aspirations. Similarly, the international organizations, UN Security Council is a forum for manipulation, where P-5 exercise the privilege of vetoing resolution to cater their national interest and that of allies inimical to global family. Moreover, the urge among emerging power for enlargement and democratization of UN Security Council is guided by an appetite to be treated according to their new economic and military positioning.

An Appraisal

There is no shadow of doubt regarding the urgency of reforms in UN Security Council in view of changed circumstance of new millennium. New world is much more shaped by the dynamics of globalization, privatization, development, global climate change, interstate conflicts and

² Goldstein, Joshua S., P.286.

³ Harper, Keith, Does the United Nations Security Council have the Competence to Act as a Court and Legislature, USA: New York University Journal of International Law and Politics, Volume. 27, No.1, P.105.

human rights than by politico-military might alone.⁴ Today almost every section of society, be it governmental or non-governmental actors (civil society), agrees that the Security Council needs to be restructured, its permanent membership reviewed and the veto rights revisited. However, the real momentum was witnessed after the end of Cold War with involvement of countries like Germany, Japan, Brazil and India (G-4). Later on another group of countries called IBSA, (India, Brazil and South Africa) pressed for prioritizing the issue. Under the duress, the Council met for the first time on 31 January, 1992 to ponder over the working of UNSC in the post Cold War world. The summit meeting mandated the Secretary-General Mr. B.B. Ghali to work out a plan of action. Resultantly, well thought of report “An agenda for Peace” drafted by Ghali emerged advocating myriad reforms in the running of the UN Security Council.

The indifference of Permanent-5 regarding any substantial reforms of UNSC coupled with deteriorating of ties between Ghali and USA Jeopardized all efforts of reforms by member states. However, under the stewardship of Kofi Annan (1977-2005), an agenda for reforming the United Nations Security Council evolved. Among the issues to be deliberated belongs to the classification and expansion, geographical representation, the use of veto power, refining the sanctions and working methods of the Council and its relationship with General Assembly. Under the initiatives of L-69⁵ countries in 2008, the debate sifted from “Open-Ended Working Groups”⁶ to Intergovernmental Negotiations for reforms in United Nations. Since 2009 General Assembly several rounds of negotiations have been held, yet varying stance of member states hampered the prospect of unanimity regarding the procedure of reforms.

Particularly during the 2005 world summit, a group comprising India, Japan, Brazil and Germany Popularly known as G-4 put forth a plan which envisages the expansion of both permanent as well as non-permanent members of the Security Council. The Group advocates for the inclusion of G-4 plus one more member from African states as permanent member along with 4 new non-permanent members so that the Council be reflective of changing dynamics of the globe. In order to break the impasse, the group declared backing of 100 members countries who clamored for vote.

Diametrically opposed to this perspective, another Group of countries known as the “Uniting for Consensus” (UFC) – Argentina, Italy, Canada, Columbia and Pakistan with the claimed support of 30 odd countries, instead of supplementing permanent members of the Council pressed for addition of periodically elected seats with provision of re-election. In place of voting, the Group prefers consultative mechanism based on consensus to get up to any accord.

Another momentous viewpoint belongs to African union, despite being a huge continent they are still unrepresented in permanent category. They rightly profess for the expansion of permanent as well no-permanent membership of UNSC, and through well thought of proposition popularly known as “Ezwlwin Consensus”, the AU demands for 6 new

permanent seats of which 2 would go to Africa with veto power as enjoyed by P-5.

Even the P-5 countries lack common vision on the issue of reforms. While USA advances criteria based approach for potential members, the China is still equivocal on the matter. On the other hand, Britain, France and Russia are in agreement to the proposition of G-4 countries. From their occasional assertions, it appears that P-5 countries are status quoists and unwilling to abdicate the privilege of veto power and support only partial reforms in the working methods of UNSC. Lastly, one cannot reform UNSC without amending its charter which requires not only the majority vote of the member states but also the support of all P-5 members. Therefore, perceiving of reforms in the UNSC without achieving at least minimum common ground among all five permanent members, appears to be remote dream.

Concluding Observation

In between claims and counter claims, today the urgency for overhauling and recasting of UNSC is evident more than ever before. It is rightly said. “you can resist an invading army, but you can not resist an idea which has matured”. Being a mirror image of 20th century cartography, the United Nations Security Council is unable to portray the dynamics of the new millennium. The world today has surpassed all the restrictions of trade and finance, become a knowledge-society with continuous movement of communication and information; a place where non-state actors influence decision making at global stage and security challenges are more of intra-state nature rather than interstate which UNSC can effectively deal with. In the changed circumstances, instead of window dressing complete revamping and recasting of UN Security Council has become a sine-qua-non. Onus lies with the big-5’s, they should shed off colonial mindset, by lending an ear to the clarion call of the world to democratize and restructure the UNSC, they must Endeavour to evolve a bit of agreement among warring factions, if the world body has to be salvaged from impending peril.

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⁴ Shah, Prakash, IDSA Monograph Series, No. 38, New Delhi, June 2014, P. 14.

⁵ L.69, a group comprises of 42 developing countries from Africa, Latin America, the Caribbean, Asia and the Pacific

⁶ UNGA resolution (A/RES/48/26) in Dec 1993 officially establishes the “Open-Ended Working Group” to look into the matter of the Security Council reforms.