



Keeping our council

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Should India celebrate its return to the UN Security Council (UNSC) in January 2011? Paradoxically, the answer could well be both yes and no. (This is why paradoxes are so wonderful. They capture the complex realities of our new geopolitical order so beautifully.) The reasons to celebrate are obvious. The UNSC remains the most powerful international organisation. It is the only global body that can legitimise war. It can also impose debilitating sanctions on countries. Given these real powers, a certain mystique has also developed around the UNSC's power. This is why many countries, even strong middle powers like Brazil, South Africa and Canada (to name a few) go to extraordinary lengths to get elected. And when Canada failed to get elected this year, for the first time in its history, it was widely perceived as a humiliation. In short, winning elections to the UNSC is a big deal. The world should also celebrate India's return to the UNSC after an unnaturally long absence of 19 years. The reason is simple. Having served for two years on the UNSC, I came to discover what should be an obvious truth. In theory, there are fifteen members of the UNSC, five permanent and ten elected. And, indeed, in theory, the ten elected members of the UNSC should enjoy greater legitimacy because they have been elected by the international community of nations each year. By contrast, the five permanent members (commonly known as the P-5) have their seats in the UNSC only because they won World War II in 1945 — which becomes, quite naturally, a diminishing source of legitimacy with each passing decade. In international relations, sadly, there is often a gap between theory and practice. Before Singapore joined the UNSC in 2001, we were wisely told by an astute Chilean diplomat that whatever theory might say, in practice the UNSC had five members (permanent) and ten observers (elected). This should not come as a surprise. Since the elected members serve for only two years, they can hardly change the fundamental direction of the UNSC. When some elected members tried to change, for example, some anachronistic procedures, the P-5 chuckled privately and asked why the "tourists" on the UNSC were trying to change the "furniture" of the room. And there are many anachronistic elements in the council. The most dazzling anachronism is the fact that the "Rules of Procedures" of the UNSC are provisional. They remain provisional after 65 years. Over the past few decades, several elected members, including elected members from strong countries like Germany, Japan and Egypt, have tried to make these rules permanent rather than provisional. This has been fiercely resisted by the P-5. Why? Here too, the reason is simple. In theory, the P-5 can only exercise their veto on substantive issues and not procedural issues. However, to decide whether an issue is substantive or procedural, also requires the consent of the P-5. In short, whatever the theory may say, the P-5 control both the substance and procedures of the Council. And they want to keep it that way. This does not mean that elected members are completely powerless. To pass any resolution in the UNSC, we still require nine votes. Hence, if all ten elected members abstain, the P-5 alone cannot pass the resolution. This is what the US and UK discovered in the build-up to the Iraq war. Despite the massive arm-twisting that went on, several elected members refused to buckle and did not endorse any UNSC resolution authorising the invasion of Iraq. The bravest countries were probably Chile and Mexico. This caused a massive problem for the US and the UK, as it made the Iraq war technically illegal under international law, a point that to which Kofi Annan had to bravely agree under questioning from a journalist. This is why I have no doubt that India will be treated with utmost respect in the UNSC. It is

one of the few countries in the world whose real power and standing in the world is now higher than that of some permanent members. As Martin Wolf once astutely observed, “within a decade, a world in which the United Kingdom is on the United Nations Security Council and India is not will seem beyond laughable. The old order passes. The sooner the world adjusts, the better.” The P-5 know that they cannot arm-twist India (as they have regularly and effortlessly done with some smaller states). They also know that India enjoys enormous moral authority in the world community. Hence, India can have a major impact on the work of the UNSC. While some P-5 members may privately resent India’s influence in the UNSC, they will also be wisely patient as they know from previous experience that two years will go by very fast. And in January 2013, India will no longer be on the Council. This will help to explain my introductory point: that there may be reasons for India not to celebrate its election to the UNSC. In the short term (for two years), India’s presence in the UNSC will provide a healthy check on the power of the P-5. In the long term, paradoxically, India’s election to the UNSC will only further legitimise and entrench the position of the P-5 in the UNSC. Actually, to be fair, it is not just India’s election that legitimises the P-5. Every election of “non-permanent” members legitimises the “permanent” members because, by joining the UNSC, the elected members are providing a yearly dose of legitimacy to the UNSC. And as long as the UNSC appears to be legitimate in its present form, it makes it harder for aspirant states like India to gain their legitimate permanent seat. This therefore presents India with a painful paradox. On the one hand, there is virtually no question in anybody’s mind that India deserves a permanent seat in the UNSC. By 2050, or earlier, it will have the second largest GNP in the world. Any UNSC without India will then be seen to be inherently illegitimate. Each year that India stays out of the UNSC, it delegitimises the UNSC. But by entering the UNSC for two years, India may have inadvertently and unwittingly extended the legitimacy of the UNSC for another decade or two. This may not be a reason for celebration.

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