PAKISTAN AND THE EXPANSION OF UNSC



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Pakistan and the Expansion of UNSC

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Abstract

The United Nations Security Council (UNSC) is a key component of the UN body, but has been under the spotlight when it comes to the issues of reform and expansion. Presently, the Security Council is composed of five permanent members, United States, France, Britain, China, Russia and 10 non-permanent members elected in two groups for a two-year term. Questions regarding the democratic credentials of the council have often arisen and there has been a lot of debate about the unfair advantage of the five permanent members with the veto power.

The issue is more about representation and more democracy and Pakistan has reiterated its concerns about these issues time and again in the UN forum. Pakistan has time and again laid emphasis and has been persistent in its stance that fair and equitable UNSC reforms must be carried out, in order to make this UN organ more effective and democratic and thus meet the aspirations of all the member states.

Keywords: UN Security Council, Equitable Representation, Expansion, Effective Reform.

Introduction

The debate regarding the reformation of the United Nations Security Council (UNSC) is as old as the organization itself. The basic changes which have been desired for by several nations are; doing away with the power of veto by the permanent members and the inclusion of new permanent and non-permanent members in the organization. The present structure of the UNSC is not representative of majority of the world population. The power structure of the organization revolves around the traditional world powers of the Second World War era. Several nations like Germany and Japan have already surpassed the economic and political clout of these powers, but still they do not have a say in the Security Council. The permanent members do not want to extend the power of veto to other member states, and are also not forthcoming when it comes to the suggestion of increasing the permanent members. A

large group of countries demand the expansion of the UNSC on a proportionate and equitable basis. A number of proposals have been forwarded for structural reforms in the organization, but till this day, no headway has been made. Inability of UNSC in reforming itself is seriously harming the credibility and the rationale behind the creation of the organization. It is therefore unavoidable to reform the institution in line with the justified aspirations of the member states and on the basis of equitable representation.

In the previous years, the United States of America had proposed an approach under which a certain criterion was kept under consideration. This approach called for prospective members of the UN to be eligible for UNSC's permanent membership keeping in consideration the population, economic prowess, democratic credentials, military capability and among others, human rights and financial contributions to the UN as a whole, as well as UN peacekeeping endeavors. Former presidents, George W. Bush and Barack Obama wanted India to be included in the UNSC. Pakistan has always opposed such a move because of gross human rights violations committed by India in occupied Jammu and Kashmir. However, Pakistan does want more non-permanent members, with better credentials, giving more representation to other regions. This would make the Security Council more democratic in outlook.

It is commonly believed that the misuse of the veto power by UNSC permanent members has been the primary cause for the Council's failure to preserve international peace, e.g. Russia and US veto on various resolutions regarding Kashmir and Palestine respectively. Similarly, during the Cold War, veto was used by the big powers against Pakistan for advancing their interests, e.g the then Soviet Union.

On a number of occasions Dr. Maleeha Lodhi, Pakistan's permanent representative to the UN, has outlined Pakistan's perspective, which calls for equal representation and is also reflected in the stance adopted by numerous other states, supportive of

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Mohammad Jamil, "Pakistan's Stance on UNSC Reforms", *Pakistan Observer*, March 11, 2017, https://pakobserver.net/pakistans-stance-on-unscreforms/ Accessed March 2018.

opposition to any kind of reform agenda which would undermine smaller states. The main flaw in the UNSC's distribution of power is the inequitable distribution of permanent seats, as well as the under representation of most of the world's populace. A lack of transparency has made UNSC ineffective during serious crises and the failure to act in times of conflict has been a major factor, reflecting an ineffective organ of the UN. Opposing the proposal for expansion with regards to permanent membership, Pakistan's envoy has reiterated that, "the principles of sovereign equality of states demands equal opportunity for all states to seek membership of the council."

In order to ensure equal opportunity, additional electable seats based on fixed rotation and periodic elections should be available for all states to aspire for UNSC membership. Pakistan's stance in this regard also reaffirms and reiterates its firm and principled position in opposition to the increase of permanent members as a part of the Uniting for Consensus group (UFC), which has always called for an effective, fair and feasible reformation of the Security Council reform based on consensus among the UN members.³ The UFC is comprised of members like Canada, Turkey, Pakistan, Italy, Argentina, South Korea, Spain, Mexico and Malta. The main factor behind the staunch position taken by countries with regard to the reform of the Security Council is due to the importance of this particular organ in the UN system. The Security Council has a major responsibility for maintaining security and peace, and this role is undertaken by it in numerous ways. That is why Pakistan is of the view that the UNSC reforms must not be detrimental to the interests of smaller countries.

Masood Haider, "Pakistan wants UNSC reform to reflect 'aspirations of all'," Dawn, May 4, 2016, https://www.dawn.com/news/1256138. Accessed February, 2018.

Taimur Malik and Bilal Ramzan, "UN Security Council Reform and Pakistan," *Pakistan Today*, March 7, 2015, https://www.pakistantoday.com.pk/2015/03/07/un-security-council-reformand-pakistan/. Accessed January 2018.

UNSC Reforms

In order to understand the dynamics involving the UNSC reforms, it is important to understand the underlying principles of the UNSC. The Preamble to the Charter of the UN lays emphasis on the nature of the UNSC and reiterates that the UN has been formed to save the coming generations from war, which in the past has brought death and destruction to the world. Similarly, the United Nations is also to endorse faith and trust in essential human rights, the value of human life and to give equal rights to men and women of all nations. Apart from this, the main function of the United Nations has been to also ensure that international law is followed along with social progress and better standards of living. In order to achieve the above goals, practicing tolerance and unity for maintaining peace and security, as well as accept and endorse ways and means to avoid armed conflict and also the promotion of the advancement of all people in the world.⁴

The UNSC comprises fifteen members, out of which five are permanent, while ten are elected for a period of two years each. The permanent members have the power of veto, while each nation in the Council has a single vote. The permanent members (P5) are US, UK, Russia, Republic of China and France, four of whom represent the victors of the Second World War. The UN Charter signed immediately after the Second World War had to recognize the centrality of the P5 victor states to the Security Council. Therefore, a special privilege through veto was given to these states. Presently, the other ten members are: Bolivia, Egypt, Ethiopia, Italy, Japan, Kazakhstan, Senegal, Sweden, Ukraine and Uruguay. The non-permanent seats rotate among states and are allocated to different regions of the world. Pakistan has been a non-permanent member seven times in the UNSC.⁵

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The Preamble of the UN Charter, http://www.un.org/en/sections/un-Charter/preamble/index.html.

⁵ "Pakistan Elected to UN Security Council as non-permanent member", *Pakistan Tribune*, October 22, 2011, http://paktribune.com/news/Pakistan-elected-to-UN-Security-Council-as-non-permanent-member-244549.html. Accessed February 2018.

All matters related to procedures are determined by the assenting vote of nine members, whereas other issues, which are not procedural, are decided by the affirmative vote of the nine members. as well as the concurring votes of the permanent five members. In what can be called the vision of the UN Charter, the function of the UNSC is to maintain international peace and security, keeping in harmony with the philosophy and the main purpose of the UN. This purpose extends to the investigation of disputes, ways and means of adjusting such disputes, and also the terms of settlement. Furthermore, the UN Charter also foresees the function of the UN as one which regulates armaments, to determine threats to peace or similarly, acts of aggression. Apart from this, to decide what action needs to be taken and to call upon member states to apply coercive measures such as economic sanctions and other similar actions which do not involve the use of force. Similarly, other functions include the addition of new members, as well as exercise the trusteeship functions in 'strategic areas'. UNSC is the only body which has the enforcement powers provided under Chapter 6 and 7 of the Charter of the UN.6

The UN Charter has been amended only three times. Out of these three amendments, only one includes amendment in the number of the UNSC members and increasing the number of the non-permanent members from six to ten. Therefore, the number of concurring votes to adopting a resolution was also increased from seven to nine, including the concurring votes of the P5. After 1963, no reforms have been made to date. There has been an argument that the outcome of this reform was not felt until much later. During the Cold War era, the Security Council mostly remained ineffective and dormant due to the clash between US and USSR. In the post-Cold War era, the question of reforms was once again raised by Nigeria and India in 1979, but it was not considered until 1992.

It has been commonly assumed that the former UN Secretary-General Boutros Ghali's 1992 report titled, "Agenda for Peace" was an attempt towards invigorating and mainstreaming the discussion for various UN reforms, including reforms in UNSC. A working group was established to discuss the issue of reforms and

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⁶ UN Charter, https://www.un.org/en/sections/un-Charter/un-Charter-full-text/.

make their recommendations. The group met three times and gave their recommendations, but they were not considered by the General Assembly and the reforms agenda was kept on the back burner for the next decade.

During 2005, the then Secretary-General, Kofi Annan appointed a High-Level Panel on Threats, Challenges and Change to look into the different aspects of the UN including the Security Council. Resultantly, the panel recommended two models regarding the extension of the UNSC. Both the models recommended an increase in the number of representatives from Africa, Asia and the Pacific, Europe and the Americas to six; making the total numbers of the UNSC members to around twenty four. Model A suggested an increase in the number of permanent seats by one member and an addition of three non-permanent members with two years term. Model B did not suggest any increase in permanent members, but introduced a new category of eight seats for a renewable term of four years. It also included one additional seat with a two-year term.

Both these models were put forward for discussion in the 2005 global Summit, but consensus could not be achieved. The panel also made the recommendations that those states which are contributing more financially, militarily and politically be considered more deserving of having a non-permanent seat. The summit could not achieve its objectives, but during this period, the voice of G-4 countries (Germany, Japan, India and Brazil) grew stronger for having a permanent seat on the council. The summit's failure gave way to the introduction of inter-governmental negotiations which were severely criticized due to the fact that the panel acted on consensus, while the inter-governmental negotiations were more reflective of the states' own interests. The inter-governmental negotiations also bore no fruit as all the countries cling to their old stance and no headway was made.⁷

The main deadlock in these negotiations has been the opposing stance of G4, UFC and African Union. The G4 wants an increase in

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Nico Scrijver, "Reforming the UN Security Council in Pursuance of Collective Security", *Journal of Conflict and Security Law*, Vol.12, No.1, Spring 2007. Accessed March 2018.

the permanent seats, while the UFC wants more comprehensive reforms and expansion in non-permanent seats only. The UFC, of which Pakistan is an active member, also wants consensus on the reforms and the modalities of the process. It does not want the power of veto to be extended to the new members, wants a balanced regional representation and wants transparency in the working principles of the Council. On the other hand, the African Union (AU) has 53 countries in the UN and quotes the past injustices to make a case for having two seats among the non-permanent seats. At present, the G4 have bypassed the inter-governmental committee to win support for them through a resolution in the general assembly. Japan and Brazil are actively working on gaining support and Brazil has announced that it has the support of 100 members of the General Assembly, just short of the majority vote by 28 votes.

The power of veto is among one of the remnants of the old power structure when the world started to rebuild after the Second World War. The issue of veto has been a debatable one. The proponents of the veto suggest that it has a balancing effect among the different power centres in the world, while the opponents are of the opinion that the power is being misused by the permanent members to serve their own interests and is a major reason why the Security Council could not achieve its full potential.⁸ Pakistan has suggested that the permanent members should consider giving up their veto power in order to make the UN a democratic and truly representative body. Pakistan's permanent ambassador to the UN, Dr. Maleeha Lodhi, while participating in the IGN (intergovernmental negotiations) on UN reforms in April 2019, suggested that ideally, no country should have the power of veto in order to make UN a more democratic body. The issue of Kashmir has been lingering in the UNSC due to the use of veto by Russia. Similarly, any resolution moved in the Security Council about Palestine issue and the illegal occupation of the West Bank by the Israelis is vetoed by the US.

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Sahar Okhovat, "The United Nations Security Council: Its Veto Power and Its Reform." *University of Sydney*, https://sydney.edu.au/arts/peace_conflict/docs/working_papers/UNSC_paper.pdf. Accessed March 2018.

The P5 are not in favor of extending the veto powers to even the new permanent members, if any manage to get in as a result of reforms. This is because the power of veto hinders quick action in UNSC. If each member gets a power of veto, the UNSC will be unable to pass even a singular resolution due to the conflict of interests of the member states. A possible solution would therefore be to restrict the use of veto in certain cases, for instance in situations of genocide or severe human rights abuses. The uses of veto can also be restricted to vital national security issues of the permanent members.

The UNSC has many flaws, the primary apprehension being the inequitable distribution of the permanent seats. This set up does not represent a geographical distribution, nor does it represent the economic prowess of the P5 states. Japan is the second highest contributor to the UN in terms of finances, but still it does not have a permanent seat in the UNSC. The rationale behind bestowing the power of veto upon the P5 states seems to be waning due to the rise of several other power centres throughout the world. In this regard, the claim to a permanent seat from Germany, Japan, India and Brazil is stronger than ever. The P5 states have never clearly elaborated their position on the expansion of the UNSC. But they would not like to dilute the amount of influence they have, by giving said powers to other states. The power of veto is a forceful weapon available with these states which they could use to safeguard their interests.

The second major flaw is the under-representation of most of the world's population in the Security Council. Presently, the allocation of seats is on the basis of geographical pattern, but there are some areas where the majority population of the world resides, for instance Asia. Asia is home to 60% of the world's population, but has to share the 5 non-permanent member seats with Africa. The formulation of such a policy for distribution of seats needs complete overhaul in order to make UNSC a truly representative body.

Thirdly, the lack of transparency in UNSC decisions has made the body almost dysfunctional in the current global crisis. The recent events in Syria and the lack of consensus among Russia and the rest of P5 was a clear indication that UNSC cannot be relied upon in times of crisis. Russia and China blocked three resolutions on Syria in 2011 and 2012. In September 2013, when the use of chemical weapons by the Assad regime came up, there were serious reservations if the Council could find a consensus. The agreement came two years too late in October 2013. These instances also renewed the discussion on reforming the UNSC. The guiding principles in decision making seem to have eroded with the passage of time and what is left is the individual interests of the member states.

Fourth is the rigidity of the UNSC itself, notwithstanding reforms. It is a body which is historically indisposed to reforms because of the privilege the member nations enjoy and the overarching power structure it has established over the decades. The P5 have not yet expressed their opinion on the issue of reforms. The lack of consensus on Syria further cautioned the P5 that extension of permanent membership to India or Brazil might backfire and might complicate frail balance in the Council.⁹

The Secretary General's Recommendations and Different **Models**

The High Level Panel set up by the then Secretary-General Kofi Annan made their recommendations proposing that those states which financially, militarily and politically contribute the most to the UN should be given increased involvement in the decision making process. ¹⁰ The High Level Panel recommended two models:

Model A

This model proposed increasing the number of the members to 24. It proposed six additional seats in the permanent category and three extra seats in the non-permanent cluster. The six additional permanent members were proposed not to have the power of veto.

Michael Teng, "United Nations Security Council Reform." Stanford University, November 2003, https://web.stanford.edu/.../United% 20Nations%20Security%20Council%20Reform. Accessed February 2018.

Secretary General Kofi Annan's Reform Agenda, Global Policy Forum, https://www.globalpolicy.org/un-reform/32283-secretary-general-kofiannans-reform-agenda-1997-to-2006.html. Accessed February 2018.

This model did enjoy popular support among the member nations because the largest group of UFC opposed the measures and contradictory to the democratic norms of the Security Council.

Model B

This model also proposed an increase in the number of member states to 24. It did not create fresh permanent seats. In its place, it created eight additional seats with four-year renewable terms. In this model, Africa, Asia and the Pacific each, receive two seats, as do Europe and the Americas. In addition, one extra non-permanent seat is created. This model is also problematic in a sense that it does not address the population disparity in the different regions. While Africa, Europe and the Americas have roughly the same population, the Asia Pacific region has a population density much larger as compared to the other continents, but it still got only two seats.

The Group of Four

The Group of Four (G4) consists of Germany, Japan, India and Brazil. These countries have wished to have permanent seats in the Council without the power of veto and also want to increase the number of member states to 25. Their claim to permanent membership is based on the High level Council's suggestion that the greatest contributors should have an increased involvement in the Council. Japan is the second largest contributor to the UN in terms of finances and Germany is the third largest. In terms of population, India is one of the most heavily populated countries of the world and comes at the second number in this respect and the second largest contributor to the peace missions of the UN. Similarly, Brazil is the largest state of the Latin America. Owing to the slow process followed by the inter-governmental negotiations committee, the G4 has started to pursue their own path in order to have support among the General Assembly. 11 Brazil has already announced that it has the support of almost 100 members of the General Assembly. India also

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Oliver Stuenkel, "Leading the Disenfranchised or Joining the Establishment? India, Brazil and the UN Security Council", FGV RI, http://ri.fgv.br/sites/default/files/publicacoes/10d7bc9faa.pdf. Accessed January 2018.

enjoys popular support among the members of the General Assembly including that of France, Russia and UK. The biggest opponent of the G4 is the UFC which wants the expansion of the UNSC based on democratic principles and across the board agreement among the member states. Pakistan staunchly opposes the inclusion of India, although it does not oppose the inclusion of Japan, Brazil and Germany.

UFC

The UFC commonly known as the "Coffee Club" is a cluster of countries led by Italy and who are opposed to the expansion of the permanent seats in the UNSC. They demand a consensus to be built before any kind of reform could be considered. It was formed by Italy, Pakistan, Egypt and Mexico, but later, many other states joined and now there are 77 countries in UFC. They strongly favour increase in number of the non-permanent seats and believe that the expansion of the permanent seats would result in the accentuation of disparity among the member states. The UFC proposed the following two models:

The Green Model

The green model proposes an increase in the number of non-permanent seats to 20 and all the seats will be renewable.

The Blue Model

The Blue model proposes a new non-permanent category having tenure of three to four years. It also proposes to add two more seats to the non-permanent category. The question of renewability has not been addressed and room for negotiation has been left in this regard. ¹²

Walter Hoffmann, Ayca Ariyoruk, Special Paper No. 4, "Security Council Reform Models: Models A and B, Italian Proposal, Blue and Green Models and A New Model C", *Centre for UN Reform Education*, http://www.centerforunreform.org/?q=node/148. Accessed February 2018.

The Panama Proposal

The Panama proposal advocates increasing the number of total seats to 21. This scheme gives one seat to Latin America and the Caribbean, one to the Western Europe and other groups, and two each for Africa and Asia. It proposes a five-year term for each member. If a state is successful in becoming a non-permanent four times repeatedly, it will be entitled to become a permanent member without a veto. This proposal is unclear in terms of the consecutive membership of a state. What happens when a state automatically becomes a permanent member? Does it mean that one seat is reduced from the non-permanent category?

Pakistan's Stance on UNSC Reforms

Pakistan has opposed extra permanent members on the UNSC. Pakistan's permanent representative to the UN, Dr. Maleeha Lodhi has stressed on the need for equitable representation in the UNSC. Pakistan has always been an ardent proponent of fair representation in the UNSC. Lodhi, while explaining the dynamics of the UNSC with reference to the reform and expansion has stated that in 1945, the UNSC represented 20 per cent of the membership of the UN. However, in contrast, presently, the representation is 8 per cent, which shows that almost one third of the membership has never had representation on this key UN organ. Moreover, full fledge negotiations to restructure the UNSC started in the year 2009 on the essential five important areas, which included the question of veto, regional representation, the categories of membership and among others, the prospective size of an enlarged Council, and also its relationship with the 193-member Assembly.

Despite the fact that there is broad consensus on the expansion of the Council as part of the UN reform process, there are member states who take an entirely different position. For instance, the 'Group of Four', including the countries, India, Brazil, Germany and Japan has not been forthcoming at all for the expansion of the UNSC membership by 10 seats, with six additional permanent members and four non-permanent members. However, on the contrary, the Uniting for Consensus Group, led by Pakistan and Italy

insists that an increased number of permanent members will not make the UNSC more effective. Therefore, as a middle path, the UFC has suggested a new category of members, who will not be permanent, but will have longer terms and also have prospects to get re-elected. Lodhi has highlighted repeatedly that representativeness and accountability are both essential as they are interlinked.

Lodhi has also been critical of the Group of Four's stance, as she has been of the view that the Common African Position, which calls for representation of an entire region, must not be overlooked. She has further stressed that the UN Charter recognizes the permanent members by identity and not by regional representation. Pakistan's permanent representative has reiterated that Pakistan is fully dedicated to positive and favorable engagement as far as the reform process is concerned, but the process must encompass increased membership.¹³

Conclusion

It can be said that the potential and prospects for noteworthy reform seem far away as amendments to UN Charter require a confirmatory vote and domestic endorsement by the two third majorities in the UN. This obviously involves and includes the entire Security Council's permanent members, which seems like a distant dream as the permanent members would not like to support any measures that might curb their own influence in the global body. Although there is consensus that the UNSC's composition is dated and either of the several suggestions for restructuring unequivocally leaves some member states unhappy. However, there have been proposals that reiterate the need for additional permanent members and also for a new category of elected seats with the possibility of renewal.¹⁴

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Pakistan urges more non-permanent seats in UNSC to ensure regional representation, *Dawn*, March 18, 2018, https://www.dawn.com/news/1398047. Accessed January 2018.

The UN Security Council, Council on Foreign Relations, https://www.cfr.org/backgrounder/un-security-council, September 24, 2018. Accessed January 2018.

Without reforms UNSC is destined to lose its legitimacy and influence in the eyes of the states, and other multilateral institution might become more relevant which will result in decentralization of peace and security. The dilemma is that all member states of the UN express their frustration at the slow process of the Council, but still a common consensus on reforms has not been reached. It would not be out of place to mention the role of P5 states. They have not yet made their position clear; especially the US and China. They neither want to lose the advantage they have in the UNSC, nor do they want to further complicate the decision making process by including new members in the Council. This dissatisfaction and distrust is contributing towards the inactivity, rather than as a motivator to accelerate the reform process. Political will is required to solve this complex puzzle and short term measures should be taken to set the stage for meaningful dialogue on the reforms process. Pakistan being a part of the UFC (Uniting for Consensus) Group continues to advocate effective and feasible reforms, thus resulting in fair and equitable reforms reflecting the interests of the wider leadership.



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