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When India Sits at the Horseshoe Table: Chinmaya R. Gharekhan

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When India Sits at the Horseshoe Table

Chinmaya R. Gharekhan

- We must not treat our non-permanent membership of the Security Council over the next two years as a probationary period for our aspirations for permanent membership.
- On January 1, 2011, India will take its seat at the Horseshoe Table in the temporary structure of the United Nations building in New York; the original building is undergoing massive renovation which will last another 3 - 4 years. It has been 20 long years since this writer had the privilege of taking his colleagues in the permanent mission to the Security Council to represent India. We all felt proud, as should the present permanent representative and his team. Twenty years sounds like, and is, a long time, considering that there was never a gap of more than six years for India to be returned to the Council. Successive governments in Delhi hesitated to contest for a seat on the Council after Japan thrashed us in the election for a non-permanent seat in 1996 — 142 votes for Japan, 40 for India! (No, this writer was not the PR at the time.) This time, only five countries did not vote for us and Pakistan was not one of them. In the meanwhile, other aspirants for permanent membership have had at least two 2-year terms on the Council, not that it means much insofar as a country's case for permanent membership is concerned.
- The uninitiated might be curious about the functioning of the Security Council, perceived to be the most important organ of the United Nations charged with the awesome responsibility of maintaining peace and security in the world. How do 15 countries discharge the nearly impossible task of preventing a breach of peace or of punishing those found guilty of committing aggression against another country? (The crucial word is 'found' .) The answer is: they do not always manage to do justice to their mandate, or, rather, they manage to do that less often than not. It cannot be emphasised enough that the Security Council is not a court of law, it does not take its decisions on the basis of merits of a case or complaint; its decisions are almost always the result of hard negotiations among its members, or, to give the process its proper

description, horse-trading around the horseshoe table, especially among the permanent members. Sometimes, the act of aggression is so blatant that unanimity is reached without even having to discuss the issue, as was the case with Iraq in 1990 when Saddam Hussein attempted to swallow Kuwait. But when India complained about Pakistan's aggression in December 1947, our case got tangled in what was still the incipient stage of the Cold War. We never got satisfaction, or justice, from the Council. We ought to realise by now that the Council is not about justice in any legal or moral sense; it is and will always be a political body, which tries its best to clothe its judgments in a legalistic and moral language. However, once we recognise this — as we must — everything will fall in place and we ought to be prepared to play by the rules, mostly unwritten, which guide the work of the Council.

- A few words about the modus operandi of the Council might be useful. After more than six decades, the Council still does not have definitive rules of procedure; it functions on the basis of provisional rules which nobody wants to tamper with. The presidency of the Council rotates among its members every month according to the English alphabetical order. Thus, India will become President in August 2011. Normally, a non-permanent member gets to serve as President twice during its term. The President calls other members for informal consultations in the first week to decide on the 'organisation of work' for the month. This is done on the basis of the agenda of the Council and other factors. The only slight discretion the President has is about the timing of convening the meeting. The written rule is that the President must call the meeting when a member of the Council asks for it but even this requirement is not always respected, most often by one or more permanent members. All substantive decisions are held in informal meetings held in a small room next to the main chamber and all compromises and concessions are worked out in bilateral or more-lateral conclaves outside the Council, often even outside the U. N. building and in capitals around the world. There is no requirement for a quorum, but the firm practice is for all 15 members to be present before the President calls the meeting to order. The then Soviet Union boycotted the meeting of the Council in the early 1950s to protest against China being represented by the Kuomintang regime based in Taiwan instead of the new PRC and regretted it forever; in its absence, the Council branded North Korea the aggressor and authorised military operations; the American troops based in South Korea are still technically blue helmets serving under the U. N. flag.
- The Charter of the United Nations, which is its Constitution, is truly a remarkable document. It is amazing how the countries participating in the San Francisco conference in 1945 reached agreement during the brief period of three months on the text of the Charter. The article containing the famous veto took the longest time to agree upon. What it says is that any decision on a substantive matter needs the concurring votes of the permanent members. Over time, 'concurring' has come to be accepted as meaning 'no negative' vote of a permanent member. Thus, a permanent member may abstain or even not cast its vote on a particular resolution so as to not

block its adoption. The politics of this is that when a permanent member abstains, it is in effect voting in favour whereas when a non-permanent member abstains, it is usually meant to indicate its unhappiness with the resolution but is unwilling, always for a political reason, to actually vote against.

- Some members of the 'strategic' community in our country have convinced themselves that it is not in India's interest to serve on the Council since it will compel us to speak up, "take positions" on issues which it would be politic for us to avoid. However, the same experts are anxious for us to play a major or big power role on international stage. We cannot have it both ways; we must not shy away from 'taking position' ; that would not suggest prudence but lack of confidence in ourselves. At times, we will invariably make one or more countries unhappy with our stance but that comes with the turf. Besides, there is also the bright side; we can use our membership to oblige some countries.
- When India came aboard the Council in 1991, this writer was convinced that we must utilise our membership to undo the damage that had been caused to our interests and moral authority by prevaricating on the question of Iraq ' s aggression against Kuwait. Our refusal to ' condemn ' Saddam Hussein ' s action for misguided reasons cost us dear in diplomacy. It was not a question of doing the right thing; it was above all a question of taking a position which would have been completely in our national interest, besides having the added advantage of being ' right ' . The fact that we were isolated in NAM was not bothersome; after all, we were isolated on the question of NPT. This writer remembers a meeting between Indian and Kuwaiti Foreign Ministers in the U. N. building. The Indian Minister, who knew Kuwait was not happy with India, assured his Kuwaiti colleague that India was " 100 per cent, even 110 per cent with Kuwait. " The Kuwaiti said: " Excellency, we would be satisfied with 100 per cent, all we want is that India should " condemn Iraq ' s aggression ' . " Even then, we refused to use the word ' condemn ' . We effectively used our membership in the Council to repair the damage caused by our short-sighted approach by voting in favour of resolutions, or by abstaining on resolutions which were not to our great liking; we contented ourselves by making strong statements in explanation of our votes.
- We must not treat our non-permanent membership over the next two years as a probationary period for our aspirations for permanent membership. That would be a huge mistake. We must deal with issues, including what might appear to be difficult ones, by the yardstick of our national interests, and not by how our vote will please or displease some members. This might be easier said than done. We will come under pressure from others. After all, no country follows a truly independent line. But if we justify our vote by the criterion of our interests, others will understand. More importantly, the people of India will understand. The government must take the citizens of our country into confidence and must be more proactive in explaining its decisions to the people.

- The Security Council has become more assertive in expanding its jurisdiction in dealing with issues which might not fall within the rubric of 'security' ; it has tended to interpret its mandate more broadly. It is only a matter of time before it decides to discuss environment and other such issues. It is in India's interest to be associated with a body which might draft new rules of international behaviour. While it would be wonderful to have the right of veto, it is simply not going to happen. Permanent membership without veto, if and when it happens, will be of immense importance for us. If that were not the case, why would some countries so vehemently oppose it?

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