

Chapter – IV

MAJOR ISSUES IN THE POST-COLD WAR ERA

(A) Gulf Crisis 1990-91

The developments associated with Iraq's overnight invasion/occupation of Kuwait in August 1990¹ and the successful military action under the authorization of the United Nations to restore Kuwait's sovereign statehood could be considered as epochal in more than one respect. The episode signified a new era in world politics; and it invigorated the United Nations in the cause of international peace and security. On the other hand, Iraq's unlawful action generated within the United Nations not only prompt moral disapproval by the international community in unison, but also extra-ordinary political will on the part of some major Powers (mainly for reasons that their vital interests were at stake) to set right the Iraqi wrong by employing all necessary means. In the process, the Gulf conflict brought the United Nations closest to the most vigorous application ever the Charter framework for collective enforcement of international peace and security. On the other hand, the overall effect of the Gulf conflict gave rise to the growing apprehensions about the sidelining (instead of strengthening) of the World Organization, in conjunction with the dramatic diminution of restraining forces (like the Soviet Union, the nonaligned, etc.) within the United Nations political processes.

As for India, the events in the Gulf during 1990-91 could be considered as one of the most challenging episodes in the annals of the administration of the country's foreign policy through the United Nations. India could not be indifferent to the developing situation, for vital political, economic and strategic interests of the country were involved. On a large plane too, India's traditional policy of striving to strengthen the persuasive (not coercive) powers of the United Nations with a view to settling international problems had never been put to test as strenuously as during the Gulf conflict. Nonetheless, India did not, notably, enjoy as much leverage as it would have liked to for furthering its

objectives, because the timing of the Gulf events unfortunately coincided with unfavourable developments that occurred both within and outside the country. How well did India attempt to uphold the legal/moral principles at stake and at the same time advanced its national interests, while conducting its policy on the question in the United Nations? The present chapter seeks to explore this question as an exercise to understand contemporary challenges before India's diplomacy in the United Nations.

Sandwiched between two turbulent areas (South Asia on one side and the Middle East on the other), the Gulf region with its oil wealth and major sea-routes is of geopolitical importance to India. Indeed, India had historically maintained close political, economic and cultural relations with the countries in the region. In line with its nonaligned foreign policy, India actively opposed the intrusion of cold war contentions (as manifested in the Baghdad) into the region in 1950s; therefore, India was pleased to welcome many of the countries of the Gulf into the fold of the Nonaligned Movement. India, also, deeply regretted the first Gulf war between Iraq and Iran (1980-88) and strove for restoration of peace through bilateral means and also through the NAM and the United Nations mechanisms. The Gulf region is also critical for India to check the rise of what is known as "Islamic fundamentalism" – a major problem in many of the Islamic countries with dangerous portents for stability in South Asia.

The economic content of India's interactions with the Gulf region has increased appreciably in recent decades. India receives nearly 80 per cent of its crude oil import requirements from the oil producing Gulf countries. India has built up important economic/commercial tie-ups worth millions of dollars with the countries in the region. Several thousands of Indian nationals are employed in the Gulf countries, and the regular remittances from those workers strengthened India's foreign exchange reserves position.

With reference to Iraq and Kuwait – the principal regional parties to the conflict under study – India has equally cordial relations with both. Both Iraq and Kuwait supplied to India 8.75 million tones of crude oil in 1990 (out of the

total import requirement of 24.28 million tones). Iraq as well as Kuwait had been major trading partners of India. The former accounted for over 60 per cent of project exports during the years 1981-90 with a value of 5,000 crore rupees. India's exports commodities (like tea, spices, chemicals and engineering tools) to Iraq for 1989-90 were valued at Rs. 126 crores.² Politically too, India and Iraq have developed more or less the same view on issue like peaceful nuclear energy, the question of the Indian Ocean as a zone of peace, colonialism and racism, etc. More notable was Iraq's consistent support to India on the Kashmir question especially within the Organization of Islamic Conference.

India's linkages with Kuwait are no less important. During the years 1981-90, Kuwait was the single largest donor to India: it gave 220 crore rupees from out of the total of 466 crore rupees from the region.³ India's exports (commodities like rice, gems, jewels, fruits, vegetables and engineering tools) to Kuwait increased significantly in three years — from 92 crore rupees (1986-87) to 198 crore rupees (1989-90).

About 2 lakh Indians were working in Iraq and Kuwait (172,000 Indians constitute the largest alien community next to the Palestinians in Kuwait). They remitted approximately 700 crore rupees each year in foreign exchange.

It was no wonder that, in view of the above multifarious linkage and interests, the situation arising from Iraq's overnight invasion and complete annexation of Kuwait in August 1990 left India with "agonizing choices".⁴ For, on the one hand, the aggressor has been a dependable political and trade ally and on the one hand, the conflict involved cardinal principles of international conduct, viz. respect for each others sovereignty, independence and territorial integrity, settlement of disputes through peaceful means, etc- the very principles India held dear to its heart. Moreover, Kuwait too was no less significant in economic and political terms for India. Therefore, India's policy towards many issues concerning the Gulf conflict had to defy strait-jacketed, simplistic characterizations like "credentials in doubt and credibility impaired".⁵ The conflict was a complicated challenge, and India's complex policy had to weigh

contending considerations so much so that neither its vital interests were sacrificed nor were the principles of international law brushed aside.

India's actions, reactions and interactions on the Gulf conflict between Iraq and Kuwait could be divided, for the sake of an organized discussion, into two phases. The dividing point between these phases roughly was the military action in January 1991 by the coalition forces to evict Iraq from Kuwait. The basis for phase-wise division appears convenient also in the light of India's assumption, coincidentally, of elected, non-permanent seat in the UIN Security Council for a term of two years in January 1991.

In the first phase, India's diplomatic strategy addressed mainly three aspects, viz., refraining from condemning Iraqi aggression, seeking from the United Nations relief in the context of impact of implementation of sanctions, and supporting the cause of a political settlement without resort to war.

In contrast to the quick and unequivocal condemnation by the UN Security Council of the Iraqi aggression against Kuwait on 2 August 1990, India's reaction was unequivocal and cautions. In a statement issued a day later, the spokesman of the Ministry of External Affairs regretted the failure of Iraq and Kuwait to settle their differences peacefully and hoped, in the context of the Iraqi statements, that Iraq would soon withdraw from Kuwait.⁶ India's cautious policy was further adumbrated in terms of opposition to (i) use of force in inter-state affairs; (ii) induction of outside military forces into the Gulf; and (iii) any unilateral actions outside the United Nations framework.⁷ This policy contained, at best, an implied rejection of Iraq's use of force; even this disapproval was diluted by other rejectionist ingredients aimed against Iraq's adversaries. One may surmise that India's non-condemnation stance was guided by the pragmatic considerations of protecting the lives and property of Indian nationals in Kuwait – the objective of which could not be realistically served without the cooperation of President Saddam Hussein's regime. Moreover, India did not perhaps wish to contribute to further hardening of stances, with a hope that better sense would prevail on Iraq in course of time to reverse its actions.

It may be noted here that what Iraq did to Kuwait on 2 August 1990 was undoubtedly unprecedented in the post-second World War history. Viewed against the categorical stance of the UN Security Council, India's "low-key and reasonable" posture of non-condemnation of Iraqi aggression and its plea for "earliest possible" withdrawal of Iraq from Kuwait stood in stark contrast. India was reminded of this deviation by Kuwait as well as by the United States. Kuwait politely registered its disappointment over India's stance during a visit by the emissary of the Emir of Kuwait to New Delhi in the first week of September. He noted,⁸

We expect our good friend, India, to play a more positive role, ... strongly condemn the brutal Iraqi regime's invasion and complete occupation of peaceful Kuwait... take part in the attempts to isolate Iraq and exert pressure on it to abide by the Security Council.

Presumably the United States, too, emphasized the need for India to be part of the world opinion; Indian External Affairs Minister, I.K. Gujral, after his visit to Washington sometime in the later part of August, noted India's wish to be "in step with" the world community on the Gulf crisis.⁹

Consequently, India's view as regards the aggression became much more critical of Iraq. For instance, Gujral stated while participating in General Debate in forty-fifth session of the General Assembly.¹⁰

The crisis has arisen from Iraqi invasion of Kuwait. It follows that Iraq must withdraw its forces from Kuwait as demanded by the Security Council. India does not recognize Kuwait's annexation. Kuwait's independence must be restored.

He also toned down India's opposition to induction of outside forces to mean only permanent foreign military presence in the Gulf. Gujral acknowledged, during a visit to the United Arab Emirates, the of right of the Gulf States to take necessary steps (like inviting foreign military presence) to defend themselves.¹¹

Impact of Sanctions

Indeed, India was in step with the international community insofar as implementation of punitive sanctions imposed by the Security Council against Iraq and the occupied Kuwait were concerned.

In what could be described as the first ever step of its kind, the Council imposed, at the initiative of the Western countries and their allies, the broadest set of punitive sanctions of economic nature against Iraq and occupied Kuwait. This action taken under the mandatory provisions of Chapter VII of the Charter required all Members States to prevent import, export or transshipment of all commodities and products including to/from Iraq or Kuwait and to prohibit any transfer of funds, supply of military equipments and weapons. The Council, however, exempted from sanctions foodstuffs and medicines to be supplied “under humanitarian circumstances”.¹²

Soon reports reached about the serious shortage of food and medicine in Iraq/Kuwait. India was very much concerned, because nearly 12 lakh Indians were stranded in the conflict zone. India attempted to deliver essential supplies to its stranded citizens but its vessels were stopped by the navy of the United States, which had enforced unilaterally interdiction of all ships approaching Kuwait or Iraq. It was against this backdrop that India, along with Philippines, approached the Security Council for permission to deliver humanitarian supplies for its nationals stranded in the area of conflict. The United States first questioned the veracity of the reports about shortage of food and then doubted if the supplies would not be pilfered by the Iraqi authorities before they reached the targeted populations.

In the Security Council, Cuba’s move to disallow any attempt to hinder access of civilian population and the foreign nationals in Iraq and Kuwait to food and medicines failed to secure necessary support.¹³ The adopted text set out a time-consuming process for clearing delivery of foodstuffs and medicines. The resolution empowered the Council (and the committee established by the

Council to supervise implementations of sanctions by Member States) to determine the existence of the need for humanitarian supplies.¹⁴ only after the adoption of the resolution, India was authorized to deliver foodstuffs to its nationals stranded in Iraq, Kuwait. Nonetheless, Cuba reflected India's sentiments where it pointed out the lapse of valuable time for cleaning India's request, whereas the Security Council was taking one precipitate action after another with extra-ordinary sense of urgency.

With regard to the larger question of implementation of sanctions, India as a dutiful Member of the Organization complied with the decision of Security Council.¹⁵ India did so at the tremendous cost of its economy. The impact of implementation of sanctions on the already fragile economy of the country was said to be more serious than anticipated, especially in relation to import of oil, remittances, and repatriation. India brought to the attention of the Security Council the fact that, because of ban on import of oil from Iraq or Kuwait, it had to suddenly look for alternative sources of supplies to the tune of one-third of its import requirements. Delay or uncertainty in that regard would retard the country's industrial growth. Furthermore, the sharp rise in oil prices had severely handicapped India's ability to finance import of oil. As against the budgeted amount of US \$ 3.5 billion (6,400 crore rupees) for import of 24.28 million tones in 1990-91 at the pre-conflict rate of \$ 17 per barrel, increase of one dollar per barrel would mean additional cost to its exchequer to the tune of \$ 222 million (400 crore rupees).¹⁶ At one point of time, the barrel rate of oil crossed \$ 28, which meant an additional gross financial burden on India to the tune of \$ 2.4 billion (4,400 crore rupees) which was quite unbearable to its fragile foreign exchange reserve position.

The next major area of serious impact of sanctions concerned foreign trade — where the loss was estimated, for the year 1990-91, at \$ 265 million. Besides the yearly inflow of remittances by Indian working in Iraq / Kuwait to the tune of \$ 389 million had completely vanished. Again, India had to undertake the biggest ever airlift in the aviation history (a total of 477 flights) of

its stranded nationals to safety of home — each flight carrying 300 passengers had cost Rs. 75 lakh. Repatriation of those evacuated would cost \$ 720 million.

India exercised its right, under the terms of Article 50 of the Charter, to consult the Security Council with regard to solution of its special economic problems arising from the implementation of sanctions. Then Council which was otherwise prompt imposing sanctions took nearly three months to respond to India's request for relief. The Council's brand of relief was tantamount to virtually no relief. For, the Security Council's sanctions committee merely made an appeal to all States to provide on an urgent basis immediate technical and material assistance to mitigate India's hardships.¹⁷ Not surprisingly precious little was forthcoming in pursuance of the appeal, a joint memorandum submitted by India and twenty other most seriously affected countries, too, was of no consequence.¹⁸

It was in this context, India was right in describing its experience as "both frustrating and disappointing". India's External Affairs Minister protested in the General Assembly, thus¹⁹ :

The consideration of our case took place after long delays and it resulted only in a call on Member states and United Nations specialized agencies to give attention to our problems. A lesson we should draw from this experience in that, in future, a mechanism should be devised for the automatic commencement of action under Article 50 in the event of the imposition of sanctions.

Also, India strongly favoured the Secretary-General's suggestion to supplement Article 50 by "appropriate arrangements creating obligations to assist concretely the disadvantaged third State or States".²⁰

India's Prime Minister, P.V. Narsimha Rao, subsequently raised the matter in the historic Security Council Summit meeting held in January 1992. He commented.²¹

While implementing its resolutions in good faith, it is incumbent on the Security Council to anticipate all the consequence of its decisions. Some

consequences may be unintended, but they can affect those whom they are least intended to affect.

One constant strand of India's policy was its preference for peaceful solution to the problem. As India's External Affairs Minister observed once: "while we recognize the complexities of the solution, we hope there will be a political solution in the interest of all".²² India's conception of a role to contribute to such a peaceful solution was devoid of a high-profile posture. As Iraq was reportedly not receptive to India's offer of good offices, it rule out any role of a "self-appointed mediator" and preferred rather to wait for a feel of the ground. Hence, a series of visits to Moscow, Washington, Belgrade, Dubai, Baghdad and much criticized visit to occupied Kuwait. The Minister for External Affairs wrote to his counterparts in China, France, USSR, United Kingdom, and the United States proposing an international conference under the UN auspices to defuse the conflict.²³ He reiterated the idea while he was in Dubai. It may be noted here that, whereas the UN Security Council demanded unconditional withdrawal and restoration of *status quo ante*, India seemed willing to leave the principle of withdrawal to the process of negotiations.

It is pertinent to refer to Iraq's attempt to link its withdrawal from Kuwait with the Israeli withdrawal from occupied Arab territories including the Palestinian homeland. Obviously, it was a clever move on the part of the President Saddam Hussein to reap propaganda/political benefits from a situation of disadvantage. The move was intended to shift the focus away from Iraq's wrong-doings and mobilize the Arab opinion against the United States and Israel. India tended to favour initially a comprehensive approach to solve the problem, in a way accepting the linkage of the Kuwait and the Palestine problem not exactly in the manner Iraq desired, but in a sequential manner. Later on, as Iraq continued to insist on prior acceptance of its demand for settlement of all aspects of the Arab-Israeli conflict, but India became more firm to reject any linkage of the Kuwait conflict with other long-standing questions. The Minister of External Affairs spokesperson was quoted as nothing that²⁴ : merely because

there was no movement in regard to one issue, there was no reason to stall movement towards progress on the other.

At one point of time, Prime Minister V.P. Singh, in a state of helplessness, indicated: “Our perception is that there has to be collective action at UN. That is the forum we have to look for a solution”.²⁵

In the meantime, matters reached a point of no return with the Security Council setting a specific date (15 January 1991) by which Iraq was required to withdraw voluntarily. In case of Iraq’s failure to do so, the Council invoked in a curious way of the Chapter VII authority of the UN Charter and authorized “Member States cooperating with the Government of Kuwait... to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area”.²⁶ What “all necessary means” meant was a subject of divergent interpretations. While the United States interpreted the resolution as the last chance for Iraq to peacefully withdraw, and contended that “all necessary means” including use of force if necessary.²⁷ Many countries including India did not think so. A senior official of the Ministry of External Affairs was reported as stating that whereas India supported resolution 678 (1990), India was not convinced that the resolution authorized use of force.²⁸ In any case, India made it clear that it did not believe in the use of force for the resolution of the problem, with reference to the feverish war preparations by the pro-Kuwait coalition led by the United States. India’s External Affairs Minister, in a meeting of the Parliamentary Consultative Committee attached to his Ministry, ruled out deployment of the Indian forces “under any circumstances”.²⁹ India advised restraint and accommodation to Iraq and the United States.

However, during the months of November-December, India was too preoccupied with internal political development to undertake any major diplomatic initiative. Perhaps, it realized that stakes were so high for both parties that not much room was left to manoeuvre an honourable way out.

Various initiatives by the European Community, France, the Soviet Union, and the UN Secretary General were futile to persuade Iraq to announce withdrawals before 15 January 1991. Once the deadline lapsed, the conflict took a new, more serious turn with the launching of military action led by a US-led coalition on 16/17 January 1991. It was a setback to India's desire for a peaceful settlement; at a higher plane, in the words of the Secretary-General, it was a "startling failure of collective diplomacy".³⁰

In the changing situation, India's diplomacy was confronted with a grave challenges – especially so because India began its two year stint in the Security Council in January 1991.

India's Prime Minister lost no time in recording his "deep distress" at the outbreak of the hostilities.³¹ India, as were many nonaligned countries, was anxious about the "simple and straight forward"³², goal of the military operation, viz. to get Iraq out of Kuwait, to restore legitimate authority in Kuwait and to "restore peace and stability to the area".³³ But the scope and severeness of the operations-extending to Iraq and civilian targets therein — caused a great deal of anxiety about the motives of the countries leading the operation. Therefore, the urgency of bringing to an end the hostilities immediately. India worked towards bringing about immediate ceasefire and revival of negotiation process-subject to the acceptance by Iraq of the requirement on immediate withdrawals from Kuwait. The tactics it employed towards that end ranged from concerting with nonaligned, like minded countries to bring pressure on the warring parties, to take initiatives by itself or supporting initiative by other countries.

The principal element of India's diplomacy in the Security Council was to find a basis for early ceasefire. As such India welcomed Iraq's offer on 15 February to negotiate on the Security Council resolution 660 (1990) "with the aim of reaching an honourable and acceptable solution, including withdrawal". Describing the offer as a "window of opportunity", India proposed a three-pronged action plan envisaging (i) that the Council should explore the basis of peaceful implementation of resolution 660 (1990); (ii) immediate cessation of

hostilities to provide a congenial environment; and (iii) that the Secretary-General be authorized to explore the possibilities of peaceful settlement.³⁴

The Soviet Union launched a diplomatic initiative on 18 February and informed the Security Council that the President Saddam Hussein accepted its four point plan (i) Unconditional acceptance of immediate withdrawal from Kuwait under resolution 660 (1990), following which other resolutions would be deemed as rescinded; (ii) Total withdrawal of the Iraqi troops in 21 days after ceasefire came into effect; (iii) exchange of prisoners of war within three days of the commencement of the ceasefire; and (iv) monitoring of ceasefire and withdrawals by UN peace-keeping forces.³⁵ The United States found the Soviet plan unsatisfactory.

The main American objections were that the withdrawal schedule did not confirm to the immediacy envisaged in resolution 660 (1990); that what looked like unconditional acceptance of resolution 660 (1990) was infact conditional insofar as cancellation of the rest of the resolutions of the Council on the subject was concerned including resolution 662 (1990) that nullified Iraqi annexation of Kuwait.

The United States took the counter-offensive and issued a charter of four tough demands: viz., (i) Iraq must begin *instantaneous* withdrawal it in respect of Kuwait city in 48 hours and from the whole of the Kuwait in one week; (2) Release of prisoners of war to the third country nationals in 48 hours of the commencement of withdrawal; (3) Iraq must be removed from all Kuwait oil installations; and (4) Any breach of the above demands by the retreating Iraqi forces would be instantly and sharply punished. The American Permanent Representative declared that the only way to avert the impending commencement of the ground war was the immediate and unconditional acceptance by Iraq of the Charter of demands. At that stage, India intervened to suggest that in case the United States and the Soviet Union were unable to narrow down differences in their respective plans, the non-permanent members of the Security Council could be authorized to some way out. The suggestion

was favourably received by the Soviet Union, Ecuador, and Yemen. However, the delegate of Egypt registered a descending voice. In view of the impasse, the USSR indicated its intention to work for an integrated solution on the basis of both the American and Soviet plans.

In the meantime, the coalition forces launched a massive ground offensive, as planned, on 24 February, thus mounting pressure on Iraq to surrender. Battered heavily on battlefield, Iraq completely yielded to the Allied demands in accepting unconditionally resolution 660 (1990) and all other relevant resolutions. Consequently, operations were suspended with effect from 28 February 1991.

Once Iraq surrendered, the United States and its allies sought to further tighten screws on a defeated Iraq. A 7-Power draft was introduced in the Council on 2 March outlining numerous preconditions for a ceasefire, viz., rescinding of annexation of Kuwait, acceptance of legal liability for the losses and damages resulting from invasion/occupation of Kuwait, release of the detained Kuwait nationals and third country nationals return of all Kuwaiti property seized by Iraq.³⁶ India welcomed Kuwait's liberation. However, it abstained in the vote on the text which was adopted and it expressed reservations on the ground that the resolution did not incorporate permanent and formal ceasefire; that the procedure to verify Iraq's compliance with whatever it was required to do was vague and Secretary-General should have been associated with the process; (3) the resolution kept open the possibility of resumption of hostilities; and, (4) finally, the continuation of sanctions even after the liberation of Kuwait was beyond the original intent of the move.

Agreeing that suspension of hostilities was a significant step towards restoration of peace, the Indian Permanent Representative pointed out that deficiencies of the text could have been corrected.³⁷ He noted:

We feel that with sufficient time to consider the draft resolution, ... with a more active and prolonged dialogue, we might conceivably have reached a

more consensual draft that could have addressed some of the grave and urgent issue in a more positive and purposeful manner and helped in achieving the rapid and durable restoration of peace and security in the area.

India supported four of the seventeen unsuccessful amendments introduced by Cuba. As Cuba pointed out, resolution 686 (1991) reflected the Security Council's abdication of its fundamental responsibility i.e. establishment of ceasefire. Instead of conforming to the standard practices of bringing about an unconditional ceasefire, resolution 686 (1991) established some pre-conditions for ceasefire. China, too, abstained on the text, because some suggestions it made were not accepted by the sponsors. In China's view, the Council should play "a positive role in establishing a formal ceasefire and in seeking a practical formula for a political solution" within the framework of the relevant resolutions of the Security Council.

After Iraq accepted the terms of resolution 686 (1991), there followed a series of month-long informal consultations on setting out further, more elaborate terms for a formal ceasefire. Those consultations – in which India also took part led to the "mother" of all UN Security Council resolutions as a diplomatic slap in the face of Iraq's claim earlier to wage to mother of all wars against infidels. The draft was, in the words of one of its sponsors, a 'complex and detailed' one, comprising in its operative part nine sections and thirty-four paragraphs. The controversial provisions concerned, (1) United Nations guarantee to the inviolability of Iraq-Kuwait boundary as agreed upon in the 4 October, 1963 Baghdad Agreement; (2) destruction of Iraqi chemical, biological weapons, and ballistic missiles with a range of more than 150 miles, under international supervision; (3) destruction, or rendering harmless of nuclear-weapons-usable material under the International Atomic Energy Agency's verification; (4) creation of a Fund to pay compensation for any direct loss, damage or injury resulting from Iraq's illegal actions; and (5) prohibition of any Iraqi support to any form of international terrorism.³⁸ The United States would have liked the text to be more harsh, but the veto power bearing Permanent

Member like China, France and the Soviet Union insisted on toning down of the original text. India was credited with bringing about two changes in the draft in the course of negotiations. At the instance of India, a provision was inserted for withdrawal of coalition forces from Iraq after the deployment of the UN observers (paragraph 6). Likewise, paragraph 20 provided for exemption, from continuous enforcement of sanctions, supply of food-stuffs and essential goods for civilian use.

The Security Council's guarantee of the border was without any precedent and, therefore, the Security Council should have left the questions of Iraq's liability to the World Court. Yet, India voted in favour when the text was put to vote, because it welcomed a formal, definitive cease-fire contained in the text. China and Zimbabwe, too, voted in favour whereas Ecuador and Yemen abstained, with only one negative vote by Cuba.

India explained its vote in the following interesting words³⁹:

The draft resolution deals with issues which the Security Council has never before been called upon to consider. The authors of the draft have assured us, bilaterally as well as in course of formal consultations, that they have put together the various elements of the resolution in the full understanding that the international community is dealing with a unique situation of which there has been no parallel since the establishment of the United Nations; hopefully there will be none in the future. We have urged to look at the resolution in the light of the uniqueness of the situation.

Indeed, India looked at the totality of the resolution – the way it was urged to. It supported the text in the vote. Nonetheless, the Indian delegates introduced a note of caveat here and there. India expressed opposition to any future attempt by the Council to impose arbitrarily a boundary line between two countries. India was supportive in Iraq-Kuwait case because what was involved was merely the demarcation of the boundary as per the terms of the 1963 Agreement. Again, India believed that all non-military sanctions against Iraq

should have been lifted, although it was gratified by addition of a provision for six-monthly review.⁴⁰

India followed up its positive stance on Resolution 687 (1993) in course of various consequential moves. For instance, India had readily agreed to send military observers to form part of the UN Iraq-Kuwait Observer Mission. The Mission was set up in April 1991 to observe compliance with ceasefire and maintain demilitarized zone on the Iraq-Kuwait boundary. However, India should have pointed out the danger of instituting a peace-keeping force, traditionally a non-enforcement activity, now under the enforcement provisions of the Charter.⁴¹

Likewise, India had supported the work of the Boundary Demarcation Commission which completed its technical work in August 1992 and its recommendations were endorsed by the Council.⁴²

The Indian government's response to Gulf crisis has been very cautious. The Gulf War found India confused and divided between support to Saddam Hussein and loyalty to the United States. It was contrary to the Indian tradition in such situation, which has taken a principled stand and to play active role in diffusion of crisis.

India has vital national interest in the Gulf region. It has the best relations with the Arab countries and has close trade link with them. Several lakhs of Indians are working in these countries. But the crisis in Gulf has caught India just following the lead given by others. There was no clear articulation of what national interests were jeopardized by the war in West Asia. There was no clear policy formulated to protect, leave alone, and promote these national interests.

Even India has a good relations with Iraq as well as a good friend of Saddam Hussein, but India did not want to be seen as rewarding aggression and decided to join the international consensus in support of UN economic sanction against Saddam. The fact that the Soviet Union was working in harness with

United States in the first post-Cold War crisis doubtless eased India's decision, which also reflected in the improvement of its relations with Washington.

At the early stage of the crisis, the first official statement on the crisis comes one week after Iraq had occupied Kuwait. It merely stated that India was in the process of formulating its policy.⁴³ Iraq was not denounced for its act of invasion. Two further statements were lengthier but not more enlightening. Parliament, media and intelligentsia had all been critical of the government's cold response. Critics of the government's low key handling of the crisis in the Persian Gulf blamed both the Prime Minister V.P. Singh, and the then Foreign Minister, I.K. Gujral, for their failure to play a role and take an initiative in defusing the crisis in accordance with India's traditions. I.K. Gujral had announced in the Rajya Sabha that the Indian government had deliberately maintained a low-profile. India did not 'condemn' the Iraqi aggression against Kuwait, not even in annexation, in the beginning. The aggression of a member state of NAM by another was a matter serious enough to deserve an immediate denunciation than merely a silent or mild disapproval.⁴⁴

Congress President Rajive Gandhi regretted that India had 'lost the initiative' and expressed that India should have been much more active right from the beginning when Kuwait was taken over by Iraq. During the last phase of his government, V.P. Singh made an important move by allowing US military aircraft on supply runs from the Philippines to the Persian Gulf to refuel at Indian airports. Washington appreciated the gesture which, by reducing the amount of fuel the planes need to carry, increased Cargo load. Since New Delhi did not publicize its decision, the media and most of the politicians were unaware that US military aircraft were refueling in India.⁴⁵

When Chandra Shekhar became Indian Prime Minister, his government continued maintaining India's support for UN action against Iraq and agreed to continued US refueling even after diplomatic efforts to resolve the crisis failed and the bombing on Iraq began.⁴⁶ By this move of refueling, it was interpreted as being a violation of the diplomatic principle of neutrality towards the

belligerents in a war to which India was not a party. The government contention was that India was not neutral in this war but was very much part of it. As it was a war authorized by the UN through the Security Council resolution, which India did not oppose. It was obligatory on its part to go by the UN decision. The trouble appeared to have been that the US had converted what was supposed to be a war by the UN into virtually an American war.⁴⁷

According to the provisions of the UN Charter, under which this war was authorized, made it compulsory for any UN member to assist in the war when called upon to do so, although, of course, the sovereignty of member nations placed some limit upon what could be demanded of them. But granting refueling right did not violate these limits in any way and in fact to refuse the Americans to refuel their planes would have violated India's obligations to the UN.⁴⁸

This Iraq action was regarded as a most indefensible aggression to resist, which was the objective of all peace and justice loving countries. India could not contribute any thing in money or material terms. Indian permission to refuel American planes was a small contribution to reverse the military invasion against Kuwait since Iraq had refused to accept peaceful withdrawal of its troops from the Kuwait territory. It was well understand that the UN resolution authorized action only for evicting Iraq from Kuwait and not for destroying Iraq or its military capabilities or for imposing upon the West Asia region, a regime devised by the US for its own purposes. Financially, also it was not going to cost much to India as the US command had agreed to pay landing fee and to replace the fuel that would be supplied to the American Planes.

Chandra Shekhar's basically supportive stance drew increasing criticism from his main supportive party i.e., Rajiv's Congress Party, which thought that by taking a different track it could bolster prospects for new elections anticipated in 1991. Rajive felt restless about India's being on the sidelines, playing not role in the Persian Gulf Crisis, and calculated that his party would gain at the ballot box by adherence to non-alignment, Indian nationalism (i.e., opposing

Superpower domination), and Indian Muslim support for Iraq, like other countries in Asia, some Indian Muslim sympathized with Baghdad, especially after the air attacks against Iraq began in January 1991.⁴⁹

In a critical letter to the Prime Minister Chandra Shekar, Rajive Gandhi charged the government with neglecting India's vital foreign policy interests during the Gulf crisis and reducing the nation to the level of a "helpless spectator". He argued that the government should "come up with a creative and relevant response" to the crisis, so that a peaceful solution could be evolved through non-violent means.⁵⁰

The charged atmosphere exploded the accidental discovery by an Indian press photographer that a US military transport was refueling at Bombay airport. Once the Indian media revealed that refueling was taking place on a regular basis, a political storm broke over Chandra Shekhar's head. With Rajive Gandhi taking the lead, the entire Indian political spectrum, except Bhartiya Janta Party (BJP), denounced the government's continuing to grant the United States refueling rights when bombs were storming down on Baghdad.⁵¹

India, though formally aligned itself with UN sanctions, it did not join the naval blockade of Iraq. It was refused to send military troops. Several factors can be attributed to the low profile policy; First and foremost factor was the safe evacuation of Indian national from Iraq and Kuwait. Indian government believed that to condemn Iraq for aggression would be risking Indians to harassment, humiliation or even worse. It was not easy task to evacuate this huge humanity from a war zone. In the greatest airlift in history since the Berlin blockade in 1949, the government had flown back home or safety all those nationals willing to leave the crisis zone.

Secondly, Indian government wanted to protect its economic interests. It made an effort to ensure that the flow of petroleum to India does not dry up as a result of the UN sanctions against Iraq. India was getting around 8.5 million tones of oil and oil products from Iraq and Kuwait.

Thirdly, the Indian government at that movement was too pre-occupied with the domestic problems. The delayed reaction might have been the result of the Devi Lal crisis which rocked the government at the time, followed by the horrendous fall-out of the Mandal Commission's Report. The government was evidently taken unawares, as the intelligence agencies once again let it down.

Fourthly, because of internal and regional situation, the Indian government perhaps could not afford to commit itself or involve actively in the Gulf crisis. Its armed forces were occupied to help the civil administration in tackling the various internal crises like in Punjab, Jammu and Kashmir and Uttar Pradesh etc. Not very cordial relations with the neighbouring countries required constant vigilance on the borders. Moreover, India did not like to contribute to the naval armada in the Gulf because it was not set up under the UN flag. Above all, India's experience of sending troops in Sri Lanka had not been a very happy and successful one.⁵²

Lastly, India could not be a 'self appointed' mediator as no sensible government would poke its nose unless its interests were directly threatened.

With the charging betrayal of non-alignment, Rajive Gandhi threatened to withdraw Congress support from the government. The Rajive Gandhi who criticized US bombing attacks on Iraq in 1991 hardly sounded like the man that, as Prime Minister from 1984 until 1989, was eager for better relations with Washington. A cornered Chandra Shekhar had no choice but to ask the United States to stop refueling. Understanding the political bind in which the Prime Minister found himself, Washington agreed quickly, seeing no advantage in trying to force the issue. Since the war ended just a day or so later, the loss of refueling facilities had little impact on the US supply pipeline.⁵³

The US pay back for the Chandra Shekhar government's cooperation, by playing a positive role in supporting New Delhi's quest for a large emergency loan from the International Monetary Fund (IMF) to meet the financial drain caused by the Gulf crisis. This 180 degrees switch from the negative stance the

United States took when India sought help from the IMF in 1980 was also facilitated by the Indian government's promise to undertake major economic reforms. The desire straits in which the Indian economy found itself was another factor.

In the United Nations, after India joined the UN Security Council in January 1991 as one of rotating, non-permanent members, New Delhi gained an important voice in deliberations on the Persian Gulf crisis. India's weak government also found itself like all Security Council members under great pressure from the Bush administration to join the consensus for keeping Saddam's away from Kuwait. In a show over Security Council votes, Secretary of State James Baker announced cessation of US aid to Yemen, after Yemen along with Cuba supported Iraq and voted against US favoured resolutions. To Washington's annouance, India seemed to be on the side of Yemen and Cuba in its initial 1991 vote to oppose proposed reparations.⁵⁴

In subsequent vote on 3 April, however, New Delhi changed its position, dropping its opposition and voting for the key resolution that spelled out the ground rules for dealing with Iraq. This important switch in the Indian stance, for which the US government pressed hard, came only after a tough internal struggle by Chandra Shekhar government between those who stressed good relations with the United States and those who were against the relations with US about the precedent of UN infringement of Iraq's sovereignty.

However, as regard the American reactions to India's stance during the crisis, which were contrary to expectations in some quarters, there was no open expression of resentment by the Bush administration because it appreciated the fact that India with the policy of non-alignment with big Muslim population, was under severe compulsion to take a particular line of action. They felt that India had been helping them in critical moments, whenever required and they wanted to respect their sensitivities at a different juncture to its domestic politics.⁵⁵

(B) Gulf Crisis-2003

Another major challenge to international security and to the United Nations in maintaining international peace and security, in the recent past has been the military intervention in Iraq in 2003 by the United States and its allies under Operation Iraqi Freedom. It is not possible however, to properly examine that intervention and the issues leading up to the intervention in isolation and without first having regard to the last decade and a half of conflict. Indeed, in considering whether or not the most recent intervention is legal, it is that period of armed and political conflict with Iraq that is partly determinative.

The intervention in Iraq in 2003 has been a matter of considerable controversy, both prior to the commencement of operations and since then in the light of the failure of arms inspectors to find weapons of mass destruction with the Iraqi territory, and allegation of faulty intelligence and misleading public statements by State officials. Many issues arise out of war, including the basis upon which states may use force against one another; the effectiveness of various international instruments governing the non-proliferation and disarmament of weapons of mass destruction; the conduct of military operations in the field; the role of the United Nations are others in post-war reconstruction the accuracy or otherwise of military intelligence used by leaders to justify action against Iraq; and the role and relevance of international law in modern politics. All these issues are important and have bearing on the maintenance of international peace and security.

One of the key issues which has attracted significant attention in the legality of use of force against Iraq. Various arguments might be employed in an attempt to validate the action against Iraq. It might be argued, for example, that intervention was permissible as an act of anticipatory self-defence, in the face of intelligence suggesting that Iraq was in a position to launch weapons of mass destruction at 45 minutes' notice. This would have to be tempered against the subsequent filing of a dossier by the United Kingdom Parliamentary Foreign Affairs Committee on 7 July 2003 on Iraq's weapons, relied upon by Prime

Minister Tony Blair in his address to the Parliament on 18 March 2003, was incorrect. The contention would also need to reflect upon the legal arguments that neither the United Nations Charter, nor customary international law permit anticipatory self-defence.⁵⁶ A more controversial position might also have been posited: that action was permissible by way of humanitarian intervention, due to the dreadful human rights records of Saddam regime.

Ultimately, however, it is not only one argument that was used by all members of the coalition forces. As will be seen through the overview of the respective position of coalition States, below, the intervention in Iraq was found on the basis that there existed an implied authority from United Nations Security Council resolutions to use force against Iraq, and through Iraq's failure to comply with UN imposed weapons of mass destruction disarmament and verification programme established under those resolutions. This concept of implied authority has come to be known as one of "automaticity" and was also adopted by coalition States in the 1998 intervention in Iraq under Operation Desert Fox.⁵⁷

The US Military Action in Iraq

The unilateral and pre-emptive military action by the US against Iraq, raises a number of issues that impinge on International Law. Although it can not be denied that Saddam Hussein was a dictator and was guilty of violation of human rights and had not complied with the UN resolution but certainly he posed no imminent threat to the US. He did not declare war on the US and there is no evidence that Iraq has nuclear weapons and US forces yet to find large cache of chemical and biological weapons. It is very much obvious from the above that UN could not have taken action against Iraq under Article 39 as there was no "threat to the peace, breach of the peace or act of aggression" by Iraq. Under these circumstances, was US action justified under Article 51? Certainly not, because the US was neither a victim of aggression nor of armed attack, including terrorist attack. The US did not face any imminent threat of danger from Iraq. It is true that terrorist attacks constitute a threat to international peace

and security but the US was not a victim of Iraqi terrorist attacks. Even President Bush has now admitted that there was no evidence to suggest that Saddam Hussein's regime was involved in September 11 attacks.⁵⁸ Even if for the sake of argument, Saddam had link with Al-Qaida, as has been repeatedly pointed out by Bush, does that authorize US to use force against Iraq? The Security Council, under Resolution 1373 (2001) has accepted that terrorist attacks could give right to self-defence but it has neither authorized the use of force nor recognized the US right of self-defence against any state. The right to self defence should be determined on the basis of interpretation of the UN Charter. Iraq was neither a case of premeditated aggressor nor was it an imminent threat to peace. There is an element truth in US argument relating to possession of weapons of mass destruction, non-compliance with UN resolutions and sponsorship of terrorism by Iraq but together they do not make a case for pre-emptive action in defence of the majority of members of the Security Council. This was not "a case of necessity". Further, the issue does not become "a case of necessity" unless all ordinary means of self-preservation are exhausted. It is to be noted that even in "a case of necessity" a state does not have unlimited power to use force. The means and extent of defence must not be disproportionate to the gravity of the original armed attack and the means employed must be strictly necessary for repelling the attack. How proportional has been the US response to Iraq's so called "threat" is for everybody to see. It is interesting to note that even though bush stressed that it was Iraq's violation of UN resolutions, which prompted the US action he himself quickly ignored the UN as well as the international legal provisions, whenever they came in his way. Iraq is a classical example of force prevailing over reason as the US has bluntly violated all principles for which the UN stands.⁵⁹

India's Response:

Studying Indian government's response to the Gulf war 2003 has been an interesting case. The current crisis started brewing since September 2002 when America declared that weapons of mass destruction, terrorism and absence

of democracy demand active intervention. The US not only proclaimed itself to lead this 21st century but it was also accepted so by almost all other countries. However, the trouble started emerging when it was felt that the US was going overboard in asserting its leadership to an extent that was virtually subsuming all global system, particularly, the UN. Such a stance made it uneasy for other sovereign nations to submit their energies to the US efforts. It is a different matter to submit to an international community of nations than to a nation. Most of the nations, therefore, had to manoeuvre between the real politick of the US power, the necessity of the UN and the need to fight against emerging threat to world polity. In the case of India, it was on March 2, 2003 that the Prime Minister Atal Bihari Vajpayee asserted that India does not want war and is hopeful of a solution through the UN. And since, India has been friendly to both the US and Iraq, but it can do is to have a 'Middle Path'. This was the first policy posturing by India. Next day, the US ambassador, Robert Blackwill said, "US is satisfied with India's stand".⁶¹ But the left parties criticized the government severely for taking the 'middle path' CPI (M) termed the stand as 'serious shift' in foreign policy.⁶² Party's Parliamentary leader Somnath Chatterjee said "what is the Middle path when there is threat of a real war". Referring to the reported statement by Blackwill he said it amounted to direct interference in India's internal matters. "As if we are waiting for a certificate from the ambassador".⁶³ The next few days saw the showdown between the UN weapons inspector and the US. Hans Blix, the Chief UN inspector said Iraq's cooperation is to be coming active. The US labeled the Blix's report on Iraq as "a catalogue of non-cooperation by Iraq". The US wanted to give a halt to this grudging game of cooperation; and pressed the need for using force. Since the UN Security Council Resolution 1441 disallowed automatic resort to war, the US-UK thought of coming up with another resolution. It divided the UN Security Council. France and Russia made their position clear to oppose any such resolution. Responding to this situation, Yaswant Sinha remarked in Lok Sabha on March 7, 2003 that we are at a critical juncture in world history. This

calls for the combined wisdom of international community.⁶⁴ At that time the dominant interpretation of the events that the government was able to make that Baghdad was really complying with the UN resolutions. The Indian Parliament also took serious note of the 'Regime Change' policy stressed out by the US for Iraq. It was Natwar Singh, the Congress leader who imagined the dangers of this policy for the home turf, "suppose after Iraq, the US asks India and Pakistan to sit down and talk Jammu and Kashmir what would you do if the regime change formula is extended". Interestingly, he also stressed what the world is faced with a "horrendous situations" to which the UN Security Council and NAM had no answer. The notable point here was that higher rungs of both, the BJP and Congress concurred over the irresolvability of the situation and the irrelevance of global system and subsystem in front of a trampling unilateral power. During this period, situation was really worsening in Iraq. On March 9, 2003 then Prime Minister A.B. Vajpayee was briefed comprehensively by the army on the likely impact of Iraq war on India. India's defence establishment anticipated resistance in Iraq to the US led allied forces. Similarly, the Parliamentary Standing Committee on External Affairs was told by independent experts that the US war on Iraq might not be a short one.⁶⁵ The committee was told that the economic impact of the war on India would be great and was likely to hit the growth rate. Iraqi resistance was the dominant proposition in the minds of India's policy makers and it influenced the government's decision to go for the Parliamentary Resolution deploring the US aggression. Most found India's Middle path approach was ambiguous and one that tacitly supported the US aims. Away from home, war clouds were getting darker over Iraq. The US and France both were stepping up their lobbying for and against the new resolution in UN Security Council. March 17, 2003 emerged as a probable date by which clouds would burst. The UN pulled out its civilian staff from Iraq-Kuwait border and the inspectors virtually halted their inspections barring unavoidable land petrols. The inspectors were finally pulled out on March 17 within hours of the President George W. Bush's 48 hours ultimatum to the Iraqi President Saddam Hussein

and his two sons to leave the country. The US-UK duo dropped the idea of the new Resolution. The UN was sidetracked. The Allied forces around Iraq were put on 4-hours notice. The Ministry of External Affairs in India could see the war was around the corner. Its press release of the day bemoaned “we are deeply disappointed by the inability of the UN Security Council to act collectively, specially the failure of the permanent members to harmonise their position on Iraq”.⁶⁶ The past experiences of Gulf War 1991 with regard to oil supply and evacuation of Indians from the region gripped common man’s mind. The issues were raked in the Parliament, media and everywhere. Assuring statements flew from respective ministers. The government gave the picture that it has done its homework well, particularly after the March 12 statement of the Prime Minister to both the House of Parliament. In any case this homework was never tested for neither the oil supply lines were disrupted or hardly any Indian around 3.5 millions – living in the region adjoining Iraq was threatened by decapitated missile system of Iraq. Around 50 Indians present in Iraq were already advised to leave the country well in time.⁶⁷

On March 20, the war drums were beaten. The US launched attack on Iraq. Bush telephoned the Prime Minister A.B. Vajpayee and apprised him of the situation. Expressing his deep anguish that the UN Security Council was not able to reach an agreement, the Prime Minister hoped that the military action would be concluded at the earliest. He told Bush of the need to provide humanitarian assistance, adding that India was ready to participate in such efforts. Everyone in the government was confronted with the stand that they would have on the situation. A statement from Ministry of External Affairs (MEA) said, “It is with deepest anguish that we have seen reports of the commencement of military action in Iraq”. The then Deputy Prime Minister L.K. Advani when asked about what side he is, averred that “we are concerned about our national interest”. Arguing from a sort of neutral stand Defence Minister George Fernandes said “the stand, we have taken per se makes it possible for India to get involved in it any way”.

It was clear that though India was not happy with the commencement of war, it decided to take the Middle Path. It had done so to safeguard the national interest. Any opposition to the US led war in Iraq and active mobilization against the US unilateral move might have elevated India's stature in the developing world. Some analysts, however, argued that was there any scope for the developing world to do what the UN had failed to do? Perhaps this was the realization when India made it clear to Ali Akbar Velayati, that India is not about to take any initiative through the NAM or otherwise on Iraq. The XII th NAM Summit that occurred in the last week of February at Kuala-Lumpur did criticize US for unilateralism and carrying out a regime change in a sovereign nation. But nothing substantial come out of it.

Further, the opposition parties had been pressurizing for a resolution for long, the demand that was not considered initially. A Resolution condemning US invasion of Iraq would have also usurped the sentiments of common Indians- protesting actively or not – thereby reflecting the overall expression of India. Finally, India adopted the Parliamentary Resolution on 8th and 9th April in Lok Sabha and Rajya Sabha respectively. The Resolution 'deplored' the US aggression on Iraq 20 days later when the war was in final stage.

The Resolution was criticized on tactical ground by intelligentsia in the country, for it was too late in time and blunted much of the leverage India had gained from its policy of middle path. Even at the domestic front, the resolution affair had become comic. Not because it was too late but it represented somersault of government's earlier stand of no resolution. Though, the resolution opened with words like as an expressing of national interests. It was read by most of the magazines as a case of 'national irrelevance'.⁶⁸ During the debate over resolution in the parliament, there was however a feeling of gratification that India endorsed its principle stand of deploring unilateral aggression on a sovereign nation. Jaipal Reddy called the resolution "extraordinary" E. Ponnuswamy said "I honestly feel that this resolution should have come 20 days earlier". Expressing his satisfaction, Raghuvansh Prasad Singh said, "Had the

Parliament not passed this resolution it would have been a big mistake”. P.A. Sangma highlighted interesting points about the war and India. He said, “first of all, the war was not about morals. It was plainly about the national interest of an individual country. The war was about commercial interest of a country. This war clearly showed the incapability and failure of UN system. The UN had failed and something has to be done about it. The lesson that we should learn is about the way war has been fought. The entire Iraq war has gone so much on high tech, we need to see our defence system itself now. The last point ... is that the US will perhaps win the war in Iraq, but winning peace in Iraq is much more important”.

The resolution expressed satisfaction for the decision of the government of India to commit Rs. 100 crore in cash and kind to the UN including 50,000 metric tonnes of wheat to the World Food Programme. The House wished that Iraqi reconstruction is done under UN auspices.

The Indian scholars voiced their utmost displeasure at the dismal performance and coveting the international body like UN by the few powerful nations like US and others. The war on Iraq exposed the nefarious designs of the super power particularly the USA in imposing sanction, declaring unjustified war in the name of human rights, in the name of extension of democracy and in the name of recent high profile war against terrorism. But behind all these the scholars find that those are just preserving the US interest in that region and domination at the international level. Kanti Bajpai expressed deep concern over growing irrelevance of the UN and blamed US for not only the UN's conditions but also for dividing the NATO and EU. He also raised the issue of arms proliferation to state and non-state actors. He emphasized the need for a stringent inspection regime. Lastly, he pointed out at the humanitarian crisis wherever the terrorism and war on terrorism is waged. In this overall context he proposed India to raise above quietism. “India can't be content to lie low when there is so much at stake. We are disowning a legitimate role in the international community if we think that some tactical sidestepping will suffice”.⁶⁹ Whereas

Tavleen Singh favoured middle path for the country to safeguard national interest without getting bogged down by 'ideological mumbo jumbo'. She criticized the US for bringing the agenda of morality into this war, when attacking a sovereign country is a far cry from any sense of International morality.⁷⁰ Whereas C. Raja Mohan, expressed his great pleasure in seeing the US and India coming closer, He titled this coming closer as a subject matter of his new book 'Crossing the Rubicon'.⁷¹ According to C.R. Ghare Khan, India's former Permanent Representative to the UN, cautioned against writing off the UN. He infact proposed the option of the UN resolution "Uniting for Peace".⁷² For India he suggested the NAM route to actively strive for averting this and future crisis.

J.N. Dixit, a former diplomat argued out that by being supportive of the US position on Iraq, India would ensure its potential and economic interests, in both regional and global terms. He proposed that India had got to be realistic. And, the realistic position is to tell the US that India generally understands the logic of US policies, but as a friend, must point out the consequences of unbridled unilateralism.⁷³ On the other hand Sanjay Baru brought down the arguments to realism, where national interests in the long run are preserved neither by allying with existing powers nor rhetoric and sloganeering against them but by patiently building up the attributes of modern power. This is to be done by developing country's very own political, economic and military capacities to much higher levels. This would be 'The Real Power'.⁷⁴

Major conflicts in Iraq were declared over by US by the end of April 2003. The low-intensity conflicts that began thence started crashing the hope of a swift stabilization. The sagging morales of troops, piqued guerilla warfare, exposure of lies behind the launch of war and domestic pressure forced the US and UK to take shelter under the UN umbrella. The UN Security Council Resolution 1483 passed on May 22, 2003 (14-0, with Syria abstaining) was ambiguous in giving any major role to the UN. The UN member countries were appealed to contribute troops in Iraq under the overall US led coalition

command. Initially, many countries like India who were looking for their due role in Iraqi reconstruction through the UN welcomed the Resolution enthusiastically. But the initial excitement soon died down as the nuances in the draft became clear. The onus from the international community once again suddenly shifted to respective national interests. On May 29, Government of India's Cabinet Committee on Security (CCS) decided to postpone the decision on this contentions issue till the various factors were carefully analyzed.⁷⁵ During this time Deputy Prime Minister L.K. Advani's visit to the US and the UK was most crucial wherein the 'drop in' style of Rumsfeld and Bush gave the impression of urgency and importance with which the US was looking for India's support. In his talks with George Bush, Advani said that CCS has postponed the decision twice, for some "clarifications" were needed like the exact role of Indian troops in Iraq, duration and command structure. Bush promised a Pentagon team to visit India within a week. In the final statement, Advani said, "the response I got convinced one that the American government is earnestly endeavoring to recognize India as a major power", that kind of relationship is consciously built up.⁷⁶ This made a section of the intelligentsia to speculate that Advani's statement was just a step away from sending troops to Iraq.⁷⁷

Back home the political parties started posturing themselves. The left parties – CPI (M), CPI, RSP and Forward Block in a joint statement declared their opposition to India's sending troops to Iraq. And by June 10, the Congress Party expressed its dissatisfaction over the issue. Continuing its opposition to Indian government's stand in 1991 war, when Chandra Shekhar was the Prime Minister, the Congress said this time the whole Iraqi exercise lacks any credible UN mandate including the May 22 UN Security Council Resolution 1483. Further, in the wake of Parliamentary Resolution against the aggression it make no sense in participating now.⁷⁸ Rasthriya Swayam Sevak Sangh (RSS), the socio-cultural backbone of the Bhartiya Janta Party (BJP) during this initial phase showed openness over the issue. Its press statement said, "there was no

question of RSS opposing move to send Indian troops”.⁷⁹ The Janata Party President, Subrahmaniam Swamy said, “Vajpaye’s somersault in the Iraq situation is indication of my stand that India should have allied with the US in war. It should withdraw the Parliamentary Resolution now”.⁸⁰ Seeing opposition from the Congress, the main leader of the opposition in the Lok Sabha, Sonia Gandhi was invited to discuss the issue. They met on June 15, 2003, a day before the Pentagon team arrived and two days before Advani came back from his Washington visit. The stance seemed to continue for the entire June month because Advani has remained busy in the BJP Chintan Baithak in Mumbai till June 20; and on June 12 the Prime Minister was to leave for China.

On June 16th the Pentagon team of the US civilian and military official led by Peter Rodman, Assistant Secretary for Defence, visited India to offer “clarifications”. The team held talks with B.S. Parekh, Joint Secretary in Ministry of External Affairs (MEA) and other top-level civilian and military officials, including the Foreign Secretary Kanwal Sibal and National Security Adviser, Brajesh Mishra. The team offered best of their clarifications, but they did not seem convincing enough, which made India to leave the decision very much open. At this point government promoted its own assessment of the ground situation. B.B. Tyagi, India’s Ambassador to Iraq, then stationed in Jordan was asked to move into Iraq and get an independent assessment of the situation in Iraq. Similarly, it also activated other embassies in West Asia for their assessment in their host countries, if Indian troops are deployed in Iraq. Simultaneously the MEA allowed 500 Indian labourers to go to Iraq, as requested by a Kuwaiti company. And a three member’s medical team was deputed to Iraq to work out the setting up of a 50-bed hospital in collaboration with Jordan.⁸¹ This was all happening by the fag end of June month.

By end June the US State Department started, announcing that sixteen countries have agreed to send troops to assist the US led coalition forces in Iraq. At the same time, informally the senior diplomats from the US and UK were trying to influence countries like India, Pakistan and Bangladesh etc. that were

capable of sending their considerable and professional military personnel. Igor Ivamov, the Russian Foreign Minister, visited India on June 20 to impress upon the plain fact that Resolution 1483 does not offer any 'clear mandate' to send troops by the UN member countries. The Russian Foreign Minister also said that the ground situation in Iraq is worsening day by day. The Amnesty International termed the situation 'turbulent'. In addition, after consulting Iraq's neighbor's, categorically meant that Iraq's neighbours want India to stay out.

At home George Fernandes, India's defence Minister revealed that the Pentagon team had failed to convince India on these issues. The involvement of UN, command and control of Indian troops, and the logistics, implying thereby that these were the issues Kanwal Sibal was expected to hammer out in the US. This was the time of some decision-making.

Government of India's ambiguity on the Indian troop deployment in Iraq invited piqued domestic pressure. All the major newspapers disfavored troops deployment in their well-argued editorials. Several senior academicians strongly opposed the deployment in a joint statement issued on July 82. The statement read "sending of troops would do immense violation to all values of the country has cherished since the freedom struggle. We cannot be identified as an occupying imperialist force. It will be a mission for war making not peace-keeping. We will be sending a terribly wrong message to the people not only in Arab countries but also to our friends around the world including Europe and the US".⁸²

Kanwal Sibal on his return said that there are some 'Grey Areas' in Resolution 1483. He added, that even if we could not send the troops, it would not impair the Indo-US bilateral relations. It implied that this Washington talks failed to hammer out the issue to India's satisfaction. When asked, has the US been able to convince India, he said, "they don't have to convince us. We have to convince ourselves". The Government of India however, was still far from being final on the decision. The parleys during the second week of July were hectic. On July 12, the government decided 'on balance of considerations' that it

cannot send troops to Iraq. The official decision formally announced was dated July 14. It said the entire Iraq crisis lacks any kind of UN sanctions. India does not want the repeat of International Peace-Keeping Force (IPKF) and then there is no point in self-financing this deployment to get the Indian troops fired at in Iraq.

The grief and shock expressed by the international community at the incident meant a few important lessons for India. First, the situation in Iraq is getting day by day from bad to worse. Second, the US forces and the UN activities not only lacked coordination but shared tension. The local population is apparently expressing their disapproval with the UN for its association with the invading forces. Lastly, the optimism in India that Iraqi might never welcome the US, but will feel relieved with the presence of a friendly country like India, got dampened.

Considering these developments, India expressed its unwillingness to send the troops even after the UNSC Resolution 1483. Though the permanent commitment to this statement is doubtful indefinitely, it at least affirmed the decision in unambiguous terms against Indian military deployment in Iraq. Later, in August 2003, the Defence Ministry said that India infact has no troops to spare due to current domestic compulsions. This was the India's current position on the issue at that time.

Democratizing the UN Security Council

“A theory of legitimate power is inescapably a theory of democracy in the interlocking processes and structures of the global system”.⁸³

In the context of the debate about the United Nations in recent years, the expression “democratize” connotes an urge for a sense of equity which is perceived to be lacking. It inevitably relates to questions of representation, legitimacy, accountability and participation. It suggest that “democracy within the family of nations means the application of its principles within the world organization itself”.⁸⁴

The end of cold war and the role of the Security Council in the Gulf conflict and its aftermath revived public interest in the Council. A parallel development, spearheaded by a group of developing countries aimed at revitalizing and reforming the UN and its agencies.⁸⁵ The Tenth Summit of Non-aligned countries in Jakarta in September 1992 addressed the problem and proclaimed NAM's determination "to play a leading role in contributing to the revitalization, restructuring, and democratization of the United Nations system".⁸⁶ The First Document of the Conference prescribed its adherence to the principles of equal participation, more balanced representation, and better equilibrium and, in relation to the Security Council, spelt out a set of objectives:

- (1) To ensure that the role of the Security Council reforms to its mandate as defined in the Charter so that there is no encroachment on the jurisdiction and prerogative of the General Assembly and its subsidiary bodies;
- (2) To ensure that the exercise of special powers by "some states" does not create imbalances and discriminatory treatment in the international community or in the UN;
- (3) To review the veto power since it is contrary to the aims of democratizing the UN; and
- (4) To review the membership of the Council with a view to reflecting the increased membership of the UN and promoting more equitable and balanced representation.⁸⁷ Some of these principles were amplified in subsequent NAM statements.

It was at this stage India having mentioned the subject of Security Council expansion in Foreign Minister Solanki's speech in the General Assembly in 1991 and also in Minister of State Faleiro's statement at the 47th General Assembly in 1992 took the initiative to activate the question during the session. This resulted in a consensus resolution (47/62 of 11 December, 1992) which called upon the Secretary General to ascertain the views of member-states in this regard. These written submissions were made available by the Secretary

General in September 1993 and paved the way for the General Assembly Resolution 48/26 of December 23, 1993, which set up an Open-Ended Working Group (OEWG) to consider all aspects of the question of increasing the membership of the Security Council and other matters related to the Council.

The debate was conducted at other fora also. A seminar organized by the Stanley Foundation in 1991 on the future of the UN concluded that “too much power resides in the World War II victors while regional powers have little or none” by way of representation in the Security Council. Nevertheless, “the likelihood of near change in the Security Council’s composition is dim, but eventually change is necessary”. It is also opined that Germany and Japanese “economic super-powers” should have permanent seat in the Council.⁸⁸ By 1993, these perceptions had crystallized further. Former National Security Advisor Brzezinski advocated the need for expansion on the ground that the Security Council “remains handicapped by the fact that its composition no longer reflects the existing realities of global power”.⁸⁹ Similarly, the United States Commission on Improving the Effectiveness of the United Nations (authorized by the US Congress under PL 100-204) said in its Final Report in September 1993 that –

Finding a formula to include the most important global regional powers in the Security Council so that they bear their full share of responsibility, is an urgent and frustrating task. The Commission supports the addition of Germany and Japan to the Security Council as permanent members, without the veto. The Commission felt that an expanded Council could consist upto 20 members which are from Asia, Africa, and Latin America could be given rotating permanent seat without the veto power. It shortlisted India, Pakistan, and Indonesia (for Asia); Nigeria, South Africa, and Egypt (for Africa); and Argentina, Brazil and Mexico (for Latin America).⁹⁰

The Open-Ended Working Group which worked from 1 March to 2 September, 1994, considered all aspects of the quest question in a set of six clusters and reported that:

Although the debate was substantive and constructive, clarifying the position of member-states, no conclusion was drawn. While there was convergence of views that the membership of the Security Council should be enlarged, there was also agreement that the scope and nature of such enlargement required further discussion on other matter related to the Security Council. It was noted that the Council had initiated a number of steps to enhance its working methods and procedures. There were also views expressed on possible further measures the Security Council may be advised to take in this regard.

Unavoidably, therefore, the 49th General Assembly decided to renew the mandate of the Working Group to enable it to continue its work. When the OEWG resumed its work in February 1995, it had before it a Secretariat tabulation incorporating the views of member-states on specific questions relating to clusters I and II. A scrutiny of this document reveals that substantial support exist for the view that:

(1) the Security Council should be expanded; (2) the expansion should be in both permanent and non-permanent categories; (3) the Third World should be given permanent member seats in the Council; (4) the balance between North and South should be improved; (5) the size of the expanded Council should be between 20 and 25 (some supports was forthcoming for a Council of 29 proposed by India, Indonesia, Tunisia, and Nigeria, while there was no support of a Council of less than 20 as suggested by the United States); and (6) the question of veto and the modalities of its use, should be addressed.

The Secretariat tabulation also shows that there is little support for the view that expansion exercises should be completed in 1995. Further, only 21 members (including nine from the West European and other group and nine from the East European group) expressed themselves specifically in support of the permanent membership being offered to Germany and Japan.

The proceedings of the OEWG in 1994 and in the early months of 1995 have brought forth many innovative ideas with regard to the Council expansion. The Nordic countries support an enlarged Council in low twenties in which a small number of new seats could be allocated as permanent seat for certain states whose broad role and responsibilities in the maintenance of international peace and security merit acknowledgment. Italy has proposed the identification of 20 or 30 states – medium-size and small – who should be allowed more frequent and regular representation on the Council in group of two. The Italian proposal suggests that 10 additional non-permanent seat should be created for this group of countries while leaving intact the existing two categories of permanent and non-permanent members. The rationale of the Italian suggestion is that such a mechanism would not necessitate an expansion of the permanent membership and would yet allow that group of countries which has been active in matters related to the Security Council to be represented in the Council on a more regular basis.⁹¹ Australia has suggested the creation of eight quasi-permanent seats to be allocated amongst regional groups along with reallocation of the existing membership of these regional groups to reflect the post-Cold War realities. NAM, on its part, has elaborated its views in a document submitted to OEWG and has asserted that (i) the gross under-representation of the NAM countries in the Council must be corrected; (ii) the negotiation process should be democratic and transparent; (iii) for the time being, expansion should take place only in the non-permanent category if no agreement is forthcoming “on other categories of membership”; (iv) the size of the Council should be increased from 15 to 26; (v) the re-election clause in Art. 23(2) of the Charter should be examined in the context of the overall agreement on expansion; and (vi) after the completion of the present exercise “there should be a periodic review of the composition of the Council”. The NAM paper also dwells at some length on the relationship of the Council with other organs of the UN, and with member-states which are not members of the Security Council, as well as on the Council’s working methods and procedures.⁹²

India's own views in the matters were enunciated in detail in the written submission to the Secretary-General incorporated in document A/48/264 of 20 July, 1993, in Foreign Minister Dinesh Singh's statement in the 48th General Assembly Session, and in the statements made in the Open-ended Working Group on 8 April, 1994, and 18 February, and 15 March, 1995. These have essentially focused on the subject in matter of Cluster I – expansion - and have emphasized the organic linkage between clusters I and II. The Indian argument, apart from endorsing the general NAM position and the NAM Position Paper of February 13, 1995, and powerfully reinforced by India's along and consistent record of contribution to all aspects of UN's work, has focused on:

- (i) the need to retain the proportion between general membership and membership of the Security Council as it was in 1945. This would necessitate as Council of 29 members. India, however, was willing to accept the NAM consensus figure of 26;
- (ii) the need to increase the number of permanent members by “at least” five to permit a fair and equitable proportion to be made available to NAM members;
- (iii) the need for objective criteria on the basis of which the selection of new permanent members could be undertaken (e.g. population, size of economy, contribution to the UN as a whole and to peace-keeping in particular, global role and interests, and future potential). These would need to be applied universally and without exception;
- (iv) the need to select new permanent members globally and not regionally; and
- (v) the need for transparency in the selection process and for the avoidance of disproportionate importance being given to “informal consultations”.

An interesting aspect of the matter is that, apart from the United States, permanent members have been reticent (in varying degrees) in the expansion of their views. While the United Kingdom and France are supportive in principle of the expansion of the permanent membership, China and the Russian Federation

have maintained a noticeable silence (though the latter has lent support to India's candidature in bilateral fora but not in the UN). Only France has specifically supported a permanent seat for a Third World country though China has, in more general terms, endorsed the view that the balance between North and South in the Council must be improved. France alone is supportive of giving veto rights to new permanent members. Only the United States, the UK, and France have lent specific support for the permanent membership of Germany and Japan. Only France and the United States have specifically endorsed proposals for increasing the number of non-permanent members in the Council. All these, together, tend to suggest that Russia and China would like to see no change in the permanent membership and the United States and the UK would essentially like to confine the enforcement of new permanent membership on Germany and Japan only. A more substantive aspect of this, which does not get clearly reflected in discussion in New York, is the interplay of interests and forces within the European Union, between the United States and the EU, between the United States and Japan, and China's perception of Japan's endeavour to raise its global profile.

Expansion is one aspect of the reform agenda; equally relevant is the question of the working methods of the Security Council and its relationship both with other principal organ of the UN and with the membership of the Organization. The Council, after all, acts on "behalf" of the members who, in Art. 24(1) of the Charter, agreed "to confer on the Security Council primary responsibility for the maintenance of international peace and security". Hence the relevance of the cluster II, relating to measures to enhance effective and efficient functioning of the Council.

Concerns about the working methods of the Security Council are not of recent origin and have focused on the lack of consultations with the wider membership of the UN, on an excessive reliance on "informal consultations" and the resultant lack of transparency in decision-making, and on the absence of meaningful scrutiny by the General Assembly reports of the Council. In sum, the

Council's functioning seen to be violative of the spirit of Art. 24 and of the balance of considerations incorporated therein.⁹³

Fifty years is a short period in life of an international organization, even if allowance is made for the fashionable perception relating to "acceleration of history". These 50 years have been unique in the sense that "for the first time in the history, the world has come to consist nominally equal sovereign states: almost all of them are members of one world organization and subscribe to the single set of principles – those of the UN Charter; and that there is a functioning global organization that the capacity to make important decisions".⁹⁴ The need of the hour, therefore, is to induce confidence through removal of structural inequalities, through democratic functioning, and through genuinely common agenda. Only then would sovereign states come forth to make the United Nations "a centre for harmonizing the actions for nations" in the attainment of common ends.

India's claim for the Permanent Seat in the UN Security Council

Demands for the reform of the United Nations Organization (UNO) have been growing in recent years. This is because of two reasons. First, the UN is generally regarded as inefficient, over-bureaucratized, undemocratic, aloof and unresponsive to real human needs.⁹⁵ Second, there is a need for reforming the world body so that it can smoothly and efficiently face the challenges that await it in this new millennium.⁹⁶

Probably the most popular target of the UN reform is the Security Council, its most important organ conferred with the primary responsibility of the maintenance of international peace and security. It has five permanent members (China, France, Russia, the UK and the USA) and ten rotating non-permanent members elected for two year term. Unlike the non-permanent members, the permanent members have the veto power and considerable control over the Council's deliberations and decision. They naturally attract criticism from those who wish to "democratize" the UN lessen the influence of great powers.

Demands for the reforms of the Security Council are made due to several reasons. First, the increase of membership of the world organization has been reflected neither in the permanent membership nor in the non-permanent category. In 1945, when the General Assembly had 51 members, the Security Council had a total number of 11 members which included 5 permanent and 6 non-permanent members. In 1963 when the strength of the General Assembly was 113, the Security Council membership was increased from 11 to 15. Since then the membership of the Assembly has gone up to 185, but the Council membership remains as it is. Thus, the Council is not an accurate reflection of the UN membership.

Second, the permanent membership of the UN Security Council made up Britain, China, France, Russia and the USA is a historical anachronism.⁹⁷ As Michael Howard has rightly remarked “the Security Council is basically a condominium of the victorious major allies who would jointly keep the rest in order”. In the fifty years since the Council was established, the permanent seats occupied by Britain and France have appeared increasingly anomalous, apparently owing less to their international status than their positions as recognized nuclear weapon states. Thus, the Council is not an accurate reflection of the current distribution of power among states. Therefore, any change which better reflects the political realities of the 2000s rather than of 1945, will ensure its moral sanction and political effectiveness.

Third, the five recognized nuclear weapon states which have also the distinction of being the largest arms exporters of the world, currently make up the entire permanent membership of the Security Council. When the UN Charter was first signed, only the US had an operational nuclear weapons but over the years, the permanent membership of the Council has become analogous to nuclear nuclear weapon status. This has given rise to the impression that the possession of nuclear weapons confers power and status to the owner.

This perception has prompted at least half a dozen other countries (South Africa, North Korea, Iraq, Iran, Israel, India and Pakistan) to go nuclear.

On the other hand, the inclusion of states that do not possess nuclear weapons or which have not apparent ambitions to develop them, in the permanent membership of the Council, combined with the removal of one or more of the nuclear weapon states from the Council will strengthen the case of disarmament.

Fourth, the actual naming the five permanent members in the UN Charter introduced a static element in it. The Charter could not visualize the possibility and consequences of disintegration or disappearance of a permanent member of the Security Council. And finally, the way Security Council is structured goes against the principle of the equitable and fair representation of various regions. The admission of the new members into the UN General Assembly has been almost entirely from Asia, Africa, and Latin America, but these regions remain under represented in the Security Council. So there is a strong need in reforming the UN Security Council.

However, the demand for the restructuring of the Security Council has evoked negative response from many quarters. The opponents, first of all, argue that the Council in order to be effective, must remain a small body. Its small size enables it to deliberate and take decisions quickly. In this respect, its present size of fifteen members is rightly justified. Secondly, questions which may ultimately require economic and even military action for gravest nature cannot be reasonably examined in terms of the mathematical ratio drawn from the General Assembly. Thirdly, at present, the UN is working far more effectively than ever before: the Security Council debates are no longer characterized by familiar Cold War polemic and the Council is taking decisions and authorizing the UN operations in an unprecedented scale. Finally, the addition of more permanent/non-permanent members will hardly render the Security Council democratic because even without the permanent membership or a removal veto power, the great powers will always exercise disappropriationate influence on the decisions of the UN Security Council. So there is no need for the reform of the Council.

However, it can be advocated that the arguments against the reforms of the Security Council cannot be sustained in long run because the demand for reform among the UN members is a strong one and its growing stronger day by day. In fact, by now the permanent members have also felt the need for the reform of the Security Council although large scale differences persist among them on the nature and modalities of the reform.

Any reforms of Council requires the amendment of the UN Charter under Article 108 and 109. But the question is: will the permanent members, especially the USA, allow the amendments to Charter even if it goes against its national interest? In fact, Jesse Helms, an American Senator, even warned that he along with Senator Colleagues would block the approval of the Council expansion plans if it goes against USA interest a threat rightly described by the international observers the “sixth veto power”. It is however, natural that if a country which pays 25 per cent of UN budget owes \$ 1.3 billion dues, will not accept any radical change that undermines its superior state.⁹⁸

Under these circumstances, the Security Council can be reformed when the UNO is financially independent from its permanent members, especially the USA and the Third World countries can play a more assertive role. With no authority to borrow and no cash reserves, the UN is almost entirely dependent for revenue on the contributions of its member states, especially on the major powers. They praise and support it where it serves their purpose and refuse to pay to it where it did not. Hence, so long as the UN is financially dependent upon them they will not allow any negative change in its Charter by financially blackmailing it.

The world body can be financially self-sufficient in a number of ways. First, all the member states should pay their dues to the UN in full and in time and a defaulter should not only lose its vote from the General Assembly, but also from the Security Council. Second, the UN should be allowed to borrow money from commercial source like International Monetary Fund (IMF) and the World Bank. Third, a “global tax” should be imposed by the world body on military

budgets, international financial transactions, petroleum and hydrocarbons and air tickets. These are justified on the ground that such activities depend predominantly on the exercise of peace and security. The developing countries also have an important role in getting the Security Council reformed. Their role has been very significant especially when the developed countries are in favour of a partial or selective expansion of the Security Council to the detriment of the developing countries. They should strongly disapprove the moves, especially of the USA, for including only Germany and Japan in the Council and pending a final decision on the choice of the other permanent members. The declaration of the 12 NAM Ministerial Conference which was held in New Delhi on the Security Council expansion is a right step in this direction. Since 3/4th members of the General Assembly are developing countries and no amendment of the UN Charter can be made without their support, they should make it clear to the developed countries that they are not going to back anybody's candidature in the Assembly unless their gross under representation is corrected in the Security Council.⁹⁹ Meanwhile, the developed countries may try to divide the developing countries by suggesting that they should choose among themselves who will represent them in the Security council. Now it is the duty of the developing countries to remain united and decide among themselves as to who should be sent to the Council as their permanent member.

However, while reforming the Security Council, all the UN member countries, both developed and developing should remember that co-operation not confrontation is essential if successful reform is to be achieved. Second, reforms should be incremental in nature in order to avoid direct confrontation with the developed countries. Third, any reform of the Council must be carefully engineered to ensure its political effectiveness while changing its legitimacy.

If the Organization of American States chooses its candidate from Africa and Brazil is nominated from Latin America, the only continent which may have the problem in choosing its candidate for the Security Council is Asia. In such circumstances, the best way to avoid any controversy is to select a

member on the basis of the objective criteria which will be valid not only for Asia but for any other continent. These criteria include a very high military capability, a superior economic status, a large population, a significant regional status, a sincere commitment for the fulfillment of the financial obligations to the UN and a proven record of adherence to the Purpose and Principles of the UN Charter.¹⁰⁰

Now let's take the case of India on the basis of the above criteria.

Here, India claims could find avenues for fulfillment. India has a long-term interest in a permanent seat consistent with its importance as an active and functional member of the UNO. Following is the objective criteria, which testify to its eligibility for permanent membership of the Security Council.¹⁰¹

Military, India has the distinction of having the fourth largest army in the World. Besides being the sixth Nuclear Weapons States of the world, India has an indigenous ballistic missile programme. In economic terms, India is the eight largest industrialized country and is poised to become the fourth largest by 2015 A.D.¹⁰² It has a vast market, hidden potential of natural resources, and third largest scientific and technical community in the world. In terms of per capita GDP, both India and China are very close to each other. For example, in 1989, India's per capita GDP was \$ 340 and China per capita GDP was 350.¹⁰³

India is world largest democracy and the second most highly populated state which account for 16 per cent of the world population. Early in the next century, it will overtake China as the world's most populous country.¹⁰⁴ India has significant standing in the South Asian region. It accounts for 73.4 per cent of the South Asia's territory and 76.5 per cent of its population. Barring Pakistan, it has good neighbourly relations with all the countries and has helped them at the time of their need. It helped Nepal in restoring democracy and played an important role in the liberation of Bangladesh. It has sent its troops to Sri Lanka to restore peace and normalcy and used its navy to protect President Gayoom of Maldives from a possible coup in 1998. It has played a leading role

in the formation of SAARC and ratification of south Asian Free Trade Agreement (SAFTA). By making concessions to its small neighbours economically, India has proved that it does not have hegmonistic designs and seeks to befriend others through conciliatory moves.

India has served six terms in the Security Council as a non-permanent members in 1950-51, 1967-68, 1972-73, 1977-78, 1984-85 and 1991-92 and is also one of the new important countries which has good and honourable record as a regular and non-defaulting payer of its dues to the UN budget. But the most important qualification that should entitle India to a permanent seat in the Security Council is its consistent role in promoting the Purposes and Principles of the UN Charter. In his address to the UN General Assembly on November 3, 1948, Pt. Jawahar Lal Nehru declared that “I should like to state to this General Assembly on behalf of my people and my government that we adhere completely and absolutely to the principles and purposes of the UN Charter and that we shall try to the best of our ability to work for the realization of those principles and purposes”.¹⁰⁶ One of India’s early concerns in the United Nations was that all states should be represented in the organization so that the UN might truly act as an instrument of peace settlement of international disputes.¹⁰⁷ India supported China’s claim to the permanent membership of the world body when the later was replaced by the Farmosa Regime following the communist revolution in 1949 by the USA and its allies. In the fifties when India counted for nothing in terms of political, economic and military power, played very crucial role in some important international issues relating to peace and security such as Suez Canal Crises, Hangarian Crises.¹⁰⁸ The leaders of many nations praised India a number of times for its role as a peace-maker. Whenever there was a conflict or an aggression or a grave dispute, there was voices abroad suggesting or hoping that India could play a role in their resolution. In view of such an important role of India in world affairs, there were suggestions by certain governmental and non-governmental organizations that India should be accorded the Great Power status, and a permanent membership of the UN

Security Council either in place of the Republic of China (The Formosa Regime) or even otherwise.¹⁰⁹ But India humbly declined the offer India's concern for peace has also been reflected in her repeated stand for general and complete disarmament within the framework of the UN. During the 1950s, India was foremost among the non-nuclear powers to expose the dangers of nuclear testing and Nehru was the first head of the government to propose a test ban. India's efforts considerably reinforced the world wide campaign to ban nuclear tests and led to the signing of the Partial Test Ban Treaty in 1962. Recently, India has ratified the Chemical Weapons Conventions but it refused to sign the NPT and CTBT because of their discriminatory nature.

In the field of human rights, racial discrimination and colonialism, the contribution of India is immense. She was the first country to raise the question of discrimination against the people of Indian origin in South Africa in the UN General Assembly in 1946.¹¹⁰ Her aims was to bring about changes in South African policies through moral and psychological pressure from outside.

On the issue of colonialism, India came out heavily against the maintenance of colonial system anywhere. Nehru argued that colonialism had to disappear in order to achieve peace and friendship between Asia and Africa and Latin America, on the one hand, and Europe on the other. Besides Indonesia, other major colonial questions in which India had played an important role were Tunisia, Morocco, Algeria, Cyprus etc.

With the decline of colonialism by the 1960s, India played a leading role in bringing the newly independent states of Africa and Asia together and organized them into the Non-Aligned Movement (NAM). The NAM while articulating the political and economic aspirations of its member states at its various conferences, assumed the role of an organized pressure group in the UN. One of its significant achievements in the 1960s was the creation of the United Nations Conference on Trade and Development (UNCTAD). By the mid 1970s it succeeded in getting a resolution adopted in the UN General Assembly asking for the creation of a New International Economic Order (NIEO). It played an

important role in the reformation of G-15 which aims at bringing greater interaction among the developing states in the Third World.

India has always supported the peace-keeping activities of the United Nations and sincerely contributed both men and material for it. It has participated over 41 of the 59 UN peace-keeping operations in four continents including some of the most sensitive and protracted, starting with Korea in 1953-54.¹¹¹ Some recent peace-keeping operations in which India has played an active role: UN Iraq Kuwait Observation Mission (UNIKOM), UN Angola Verification Mission in El-Salvador (UNUSAL), UN Transitional Authority in Cambodia (UNTAC), UN Operation in Somalia II (UNOSOM II) and many others. In fact, it has the distinction of having lost the highest number of soldiers in the UN peace-keeping operations.

The above merely illustrate India's support to the Purposes and Principles of the UN Charter. Some states, particularly those which have a conflict of interests with India may have a different perception of New Delhi's role. But by any yardstick, India's contribution to the promotion of the objectives of the United Nations cannot be regarded as inferior or less valuable than that of any other member of the UN, including any permanent member of Security Council. The Secretary General of the UN in his recent visit to New Delhi on the eve of the 12th NAM Ministerial Conference, has praised India for its contribution to the United Nations and strongly supported India's bid for a permanent seat in the Security Council as New Delhi, according to him, India would serve as the voice of the developing countries in the decision-making forum of the UN.¹¹²

On September 25, 1992, India formally staked claim to a permanent seat in the Security Council when India's then Minister of State for External Affairs, Eduardo Felerio addressed the UN General Assembly. Felerio observed how, together with economic criteria, it was necessary to give weightage to certain other relevant issues too at the time of expanding the Security Council. In saying so, he reinforced the view held by the member of the other developing

countries that size and population of a country as well as standing in the region need to be given due weightage.¹¹³ Pranab Mukherjee, speaking in the 50th Session of the UN General Assembly, advocated that the new permanent member should be chosen not arbitrarily but objectively and it was his firm belief that on the basis of any such criteria, India would qualify to be a permanent member.¹¹⁴

Thereafter, Prime Minister, I.K. Gujral, in his address to the 52nd Session of the UN General Assembly, had made a strong plea for India's inclusions as a permanent member of the UN Security Council. According to him, "it is our conviction that on the basis of any global, non-discriminating and objective criteria, such as the size of the economy, population, support to the principles of the UN Charter, including its peace-keeping operations and future potential-India's case for the permanent membership of the Security Council is self evident".

However, nobody is going to offer India a permanent seat on a platter. A contest is inevitable for the membership of the Security Council. As per the latest report, Indonesia may contest against India for the Asian seat kept for a developing country.

Under such circumstances, India should immediately start campaigning vigorously for its candidature. The first constituency to approach should be the vast number of small and medium size countries which have no ambition of their own to become a permanent member either by name or on rotation.¹¹⁵ They are in the best position to understand and appreciate India's case. Secondly, India should make a special effort to lobby among the ASEAN and Organisation of Islamic Countries (OIC) countries. It should do so without any further loss of time so as to pre-empt their endorsing, as a group to a particular candidate.

Third, India's commercial strategy should be used fully as catalyst for agreement on New Delhi as a permanent member of the Security Council. This

will involved identifying major sources and institutions where commercial diplomacy can be indirectly affect procedure and interests of the United Nations.

Fourth, India should certainly improve its relationship with USA which has reached to its lowest web after New Delhi went nuclear in May, 1998. It is worthy to mention that the USA especially its Congress which initially even announced to pass a resolution to support India's candidature for the permanent membership of the Security Council, has hardened its stand after India conducted the nuclear tests. The USA is not only pressurizing India to sign the CTBT immediately and unconditionally but also refusing to support its permanent membership. It is encouraging to note that two countries have recently started negotiating with each other on defense and disarmament issues and this is the right occasion for India to persuade the USA about its candidature. Since nothing is impossible thought dialogue and diplomacy, India's leadership should try to their best to convince the USA about the genuineness of India's membership. Finally, India needs to be cautious about Pakistan's role as a "spoiler". By raising the Kashmir issue at various international foras such as the Organisation of Islamic Countries, Islamabad may try to mobilize the member countries to oppose India's bid for a permanent seat in the Security Council. To counter Pakistan, India should create a bargaining asymmetry in its favour as soon as possible, instead of adopting a wait and the see attitude as our diplomacy is prone to do.

India's essay in persuasion, as Prime Minister Manmohan Singh descried the diplomatic drive to secure a permanent seat in the UN Security Council, did not yield the desired results. The year 2005 had witnessed one of the largest diplomatic campaigns in the annals of independent India's foreign policy. The following describes and analyse the diplomatic initiatives and strategies of India and other members of the G-4, for securing permanent membership in the Security Council; the issue of veto power; its strategic considerations of the P-5 and their responses to India's diplomatic drive; the dilemmas that faced the African Union (AU) and others; and finally the present

directions and future prospects in securing permanent membership – with or without power.

The idea of UN reforms has been in the air at least since the year early 1990s; and countries understood it to mean different things depending on their perspectives and perceived interests. For India, at least since 1994, it has primarily meant permanent membership in the Security Council. The debate on the expansion of Security Council has started in earnest in 1997, when the then President of the UN General Assembly, Razali Ismail, proposed the induction of five new non-veto wielding members so as to reflect the changing global configuration of power. In the Millennium Declaration of 2000, member – states had resolved “to intensify their efforts” to achieve a comprehensive reform of the Security Council to underwrite the US invasion of Iraq in 2003 and the revelation of corruption in the UN oil-for-food programme in Iraq underlined the urgency of UN, including Security Council, reforms. In a landmark speech at the UN General Assembly in September 2003, Secretary General Kafi Annan had announced that UN had “reached a fork in the road” and need urgent reforms if it had to meet the security challenges and charges of the twenty first century. In December 2003, he set up the 15-members High Level Panel on threats, Challenges and Change, which in its report of December 2004 recommended more than one hundred changes into the functioning of UN institutions and norms.

As for the expansion of the Security Council, the report of the High Level Panel, titled *A More Secure World: Our Shared Responsibility*, proposed two models.¹¹⁶ Model A suggested induction of six new non-veto permanent members – two each from Asia and Africa and one each from Europe and the Americans. Besides, it proposed addition of three to the category of non-permanent members. Model B, which had also envisaged a 24-member Security Council, suggested altogether a new category of eight ‘semi-permanent’ members with four-year renewable-term; and addition of one to the category of non-permanent members.

In March 2005, Kofi Annan, Secretary General of the UN presented his own report, titled *In Larger Freedom: Towards Development, Security and Human Rights for All*, which incorporated both the models, with Security General not indicating preference for any of the two models.¹¹⁷ *In large Freedom* was a particularly favourite phrase of Annan during 2005 conveying his vision of the inter-connectedness of security, development and human rights in the twenty-first century. Annan's report made some two hundred suggestions to improve the functioning of the international system including an expand Security Council that would become a central organ for the maintenance of international security and economic development. Annan had pleaded for UN reforms before the millennium summit of September 2005; and this added an element of urgency to the efforts of India and others, making the expansion of Security Council a major diplomatic issue in international politics during 2005.

Now, Brazil, Germany, India and Japan (G-4) had been staking their individual claims for a permanent seat in the Security Council since the 1990s. In September 2004, the four had declared that "based on the firmly shared recognition that they are legitimate candidates for permanent membership in expanded Security Council support each other's candidature". The principle of regional representation, suggested in Model A, meant that the four aspirants would not undergo each other's claim.

As stated earlier, from the inception, India's focus was almost solely on the expansion of Security Council. It is the principal organ for maintaining international peace and security; and the anomalies and deformities of the international system and in their worst forms manifested in the composition and functioning of the Security Council. The perception was that other reforms were important but could wait; far more imperative for the emerging economy and resurgent power was the democratization of the Security Council.

Each of the G-4 countries perceived and presented itself as a 'legitimate' candidate for a permanent seat; and argued that the composition of

the Security Council must reflect the realities of 2005 and not the power configuration of 1945.

The then India's Foreign Minister, Natwar Singh defended the Indian approach of making common cause with Brazil, Germany and Japan; and referred to the opposition of China and US. He assured the Rajya Sabha that there is cause for "despair"; India, at least, had put the issue on international agenda. He explained that India had sacrificed the right to vote for the sake of progress.¹¹⁸ India was the weakest of the candidates when the campaign had begun but emerged the strongest as it progressed.

India is recalibrating its diplomatic strategy. It is seeking a new understanding with China. During his visit to Beijing in January 2006, Shyam Saran had indicated that India was prepared to consider changes in its position on the issue of G-4. Saran stated: "Our effort is to find a common ground between the stand taken by the African Union (AU) and the G-4 nations".¹¹⁹ Japan did not join other three in "re-tabling" the G-4 resolution on 5 January 2006. The move was necessitated as the AU brought forward its own draft resolution when the UN General Assembly began a new session. An MEA statement said that three countries "will continue" the cooperative framework of the G-4 with Japan. It is time for restart the discussion. All member states genuinely interested in reform are welcome to discuss the draft resolution. Discussion will be undertaken with an open mind with a view to further broadening the bases of support. The idea of an early vote has been put on the back-burner. The "aim of the re-tabling the G-4 draft resolution is not to call for a vote in the immediate future, but to further explore the potential of joining hands with all member states supporting structural reform of the Security Council."¹²⁰

Future directions are fraught with geo-strategic meanings. As plateauing economies and declining populations, the prospects of Germany and Japan would only recede in time. Japan has left its fate in the hands of the US; Germany has no place in the neocon's strategic vision of Europe, nor does

Russia wait it. To have an emerging economy in its 'backyard' in the Security Council depends on whether Brazil agrees to play the role of regional gendarme of US. Such a scenario would only alienate Latin America and Caribbean votes from Brazil. Only India can take satisfaction that as its geo-strategic capabilities grow, its claim would become stronger. AU continues to hold the balance. China wants the AU to have a say in the UN reform; and that may be of some note to India beyond securing African votes.

In September 2005, US State Department unveiled a new set of criteria, which looked, once again, tailor-made for India. The "potential members must be supremely well qualified based on factors such as commitment to democracy and human rights, economic size, population, military capacity, contribution to UN, and counter-terrorism and non-proliferation records."¹²¹ During her visit in November, Shirin reiterated that US favours only "a small expansion". She asked India to work with US for "balanced reforms" in a multiplicity of areas – peace-building, a human rights council non-proliferation, a terrorism convention, etc., but still would not name India.¹²² In July, President Bush had stated that "international institutions are going to have to adapt to reflect India's central and growing role" but US stance did not go beyond 'two or so'. It was a way of telling India to align its position with whatever the US strategic interests; failing which US support for India's candidature would not forth-come. In the following months, India had gone ahead aligning its position on a democracy fund, a human rights council, a convention of terrorism and had accepted in principle the formulation of 'Security Council reform being only a part' of the larger reform process but all to no avail. US has perceived role and status for India in the evolving strategic partnership; permanent membership, it is obvious, lies beyond that.

India's bid for permanent membership, with or without veto, is a matter of strategic consideration for the major powers as well as the small countries. The political conditions and strategic considerations necessary to induct India as a permanent member – with or without veto – still do not exist. There is unlikely

to be an agreement among the P5 and a two-third majority of the General Assembly would never favour a particular country. India's quest for a seat in the Security Council is going to take longer, may be till the 70th anniversary summit of UN; and it may still not turn out to be a permanent membership. By then, the UN itself might have undergone many debilitating transformations.

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