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How Goliath Slew David at the United Nations: A South Asian Perspective

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Abstract

Recently five smaller member-states of the United Nations – Singapore, Switzerland, Costa Rica, Jordan, and Liechtenstein – describing themselves as ‘Small Five’ or ‘S5’ sought to have a resolution adopted in the General Assembly. This was a modest effort at restraining the behaviour-pattern of the larger and more powerful Permanent Five or P5 of the Security Council – the United States, the United Kingdom, Russia, China, and France – mainly with regard to their unrestricted exercise of veto powers. It failed. This was caused by a calibrated opposition from the major states and others opposed to Security Council reforms, particularly with regard to its expansion.

India and Pakistan among South Asian nations played out their traditional rivalry, with India supporting the ‘S5’ initiative and Pakistan opposing it. There were lessons to learn from the story for the South Asian ‘others’ as well. The paper argues that sustained and persevered efforts would be necessary to bring about changes in a system naturally resistant to them, and a setback is not, and must not be seen as, a defeat.

Introduction

Small may at times may be beautiful, but is rarely powerful in global realpolitik. This axiom was proven one more time on the floor of the United Nations General Assembly in May

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2012. In a reverse of the Biblical slaying of the mighty Goliath by tiny David with a little bit of appropriate stratagem (or rather tool) and a helping hand, or leg up, from Jehovah, here we saw a demolition of the smaller fellow (s) by the larger ones. This was easily executed with devastating decisiveness. Fortune and the gods of diplomacy favoured, not the brave, but the strong. An initiative to change the working methods, albeit marginally, of the all-powerful United Nations Security Council, often viewed as opaque, unaccountable and non-inclusive, came a cropper, mainly due to intense opposition by the five veto-wielding permanent Council members. Or by the P5, which is their UN cognomen.

The initiative figured in discussions between the author and Prince Zeyd Raad al Hussain, Ambassador of Jordan to the UN, and a key sponsor of the effort, during the latter's visit to the Institute of South Asian Studies (ISAS) in Singapore. In the events that were unfolding in New York at the time of these discussions, there were lessons to be drawn for the countries of South Asia as well.

'S5' versus P5

The smaller five states – Costa Rica, Jordan, Liechtenstein, Singapore, and Switzerland – had acquired the name of 'S5' hoping that such a description would attract a modicum of sympathy when pitted against the Permanent Five (P5) – the United States, the United Kingdom, Russia, China, and France. Each of these carried, through the veto power, the authority to negate any vote-count in the Security Council, the organ of the UN that calls most shots. The S5 were never seen as harbouring any ambitions themselves, given their size and capabilities. Therefore, they took it upon themselves to spread only goodness and light, and help somewhat 'improve' in their view, ever so moderately, the global multilateral system. This they sought to do through a low-key resolution in the General assembly. But even that modest goal was seen as too ambitious by those who regarded themselves as ruling the roost, and shot down, with no quarters given.

The Security Council, one of the principal UN organs, and indeed the key one, is charged with the maintenance of international peace and security. It has 15 members, the P5 and 10 non-permanent members each elected for a two-year term. Under Chapter 6 of the UN Charter it can make recommendations that are non-binding with regard to peaceful settlement of disputes. Article 7 empowers the Council to use force to obtain compliance in situations involving "threats to peace, breaches of peace or acts of aggression". The 2005 World Summit adopted the principle of 'Responsibility to Protect (aka R2P) that further entitled it to intervene in certain special circumstances. In reality, however, the only limit to its powers is when one or more of P5 refuse to play ball. Each of them pursues perceived national self-interest and uses the veto freely to that end. The structure and working methods of the Council reflect post-World War II power equations that are obviously outdated. So, emerging States like India, Germany, Japan, and Brazil (also from Africa, perhaps, South Africa want

to join as permanent members, each opposed by its neighbours. As the historian Paul Kennedy tells it: “Everyone knows that the present structure is flawed, but a consensus on how to fix it remains out of reach”.

Attempts to reform this archaic body has been on the cards for long. These encompass five key issues: categories of membership, question of veto, regional representation, size of membership including the permanent members, and working methods. For sometime India, Germany, Japan, and Brazil, or the Group of Four (G4) as they are called, have flagged their aspirations to permanent membership, with or without veto powers. They have been vehemently opposed by their immediate neighbours: Pakistan, Italy, China, and Argentina. The latter meet with sympathizers in what has been called the ‘Coffee Club’ (aka ‘Uniting for Consensus’ group), where despite its name, champagne and similar libations has often flowed freely to convert the uncommitted. They argue that such reform is an ‘important question’, thus requiring, according to the UN Charter, a two-thirds majority in the General Assembly, not easy for the G4 to collect.

The Failed Initiative

The ‘S5’ initiative became mixed up with this debate. To an extent it was unavoidable. At a regular meeting on Security Council reforms held at the UN on 2 May 2012, some delegates made comments on the initiative that indicated the confusion. In order to remove it, one of the ‘S5’ envoys, Ambassador Paul Seger of Switzerland, circulated a memo on 4 May 2012. It underscored two main points: One, the fact that the ‘S5’ draft resolution did not ‘prejudge, undermine or replace a future decision on the enlargement of the Security Council’; and two, that it only dealt with how the Council should work ‘within its current composition’. The draft was innocuously described as ‘enhancing the accountability, transparency, and effectiveness of the Security Council’. It was thought to be as non-controversial and universally acceptable as motherhood.

But in the culture of suspicion that perennially pervades the UN, even motherhood can also be potentially controversial. The draft resolution had an annexe with a number of recommendations. The last three, numbering 19, 20 and 21 concerned the veto. It asked that the P5 explain the reasons for casting veto, refrain from doing so in cases involving ‘genocide, war-crimes and crimes against humanity’, and establish the practice that at certain times their negative vote would not tantamount to a veto. These were red rags to the bull. The P5 were unused to being told what to do. The US was always protecting Israel against allegations of ‘war-crimes’ with its veto power, and Russia and China had just exercised it in the case of Syria. The ‘S5’ had opened up too many fronts to fight. Added to it were the apprehensions of the UfC or ‘uniting for consensus’ members to whom any changes in the functioning of the Security Council might directly or indirectly smoothen or facilitate its dreaded expansion.

The voting on the draft in the General Assembly was set for 16 May 2012. The P5 lobbied hard against it not just in New York, but in the capitals as well. They made demarches and despatched notes. As the date for the vote approached, the UN principal legal officer Patricia O'Brien, weighed in with a view that favoured the recalcitrants. The Chef de cabinet of the President of the General Assembly, Ambassador Nasr al Nasr had asked her advice. An astute diplomat, Nasr represented Qatar, which though a small state that played a disproportionately larger role in the international scene was not usually a champion of changes. O'Brien's advice was that while a two-thirds majority was necessary to decide on an 'important question' such as an amendment to the Charter, in 1998 the General Assembly had passed a resolution asking for a two-thirds majority on Security Council issues and 'related matters'. This, she opined, was a 'related matter' requiring such a majority. Even before her opinion could be formally announced, the Chinese delegation reportedly appended it to a note asking member states to vote for a 'no-action' motion against the 'S5' resolution. This put paid to any support the 'S5' could have expected from even such South Asian nations as Bangladesh, Nepal, Sri Lanka or Bhutan, the Chinese dragon having breathed fire that rendered the proposed draft into a pile of ashes.

Sensing an embarrassing result if put to vote, the 'S5' withdrew their initiative. Except for Singapore and Jordan, the other three members of the 'S5' – Switzerland, Costa Rica and Lichtenstein – were disinclined to take the resolution to the vote. But this defeat does not mean that the 'S5' were wrong to venture forward to seek changes, however small, in an archaic global order. If global bodies are to be reformed, as they must be to keep up with changing times, those who seek it must have the tenacity of a Robert Bruce. And some must lead, with ideas and initiatives, with courage and conviction.

The Relevance to South Asia

There is a lesson in this for the countries of South Asia as well, not just India and Pakistan, who currently sit in the Security Council and in any case are viewed as important (and nuclear-weapon) States, but others such as Bangladesh, Sri Lanka, Nepal, Bhutan, Afghanistan and Maldives as well. The India-Pakistan rivalry was played out in this instance too. Interestingly, both Pakistan and India based their positions on similar philosophical premise that comprehensive reforms of the Council and improving working methods are inter-related and cannot be divided. Suspecting that it was indeed a veiled attempt at greater reforms, Pakistan (also as a UfC member) opposed it.

India supported the proposals, arguing that both reforms must go hand in hand. However, India did object to the classification of the five initiators as small states, on two counts. One, at the UN, all States, large and small, are on sovereign equal footing (this was a populist position and India was wise to adhere to it), two, each of the five was influential and thereby

powerful, some like Singapore, for instance, as also perhaps Switzerland and Liechtenstein, were wealthier than most). The other South Asian states were notably, and understandably, quiet. Sri Lanka would be hesitant to empower any international body in a way that made intervention in any form easier. It would be happier to have on its side a friendly P5-member like China to have the wherewithal to cast veto in its favour without having to explain its action in any way.

There was another reason for the relevance of this story for some other South Asians. There are countries in the region with pet causes they champion, like environment in the case of Bangladesh and Maldives. They should feel inspired by the courage displayed by ‘S5’ even if it did not find fruition. Indeed Bangladesh was able in 2008 to be instrumental in taking the environmental issue as a thematic subject for discussion in the Security Council, much against the sentiments of many fellow-developing countries who were chary as a matter of principle of any accretion of powers to the already powerful (too powerful, according to some!) Security Council.

Conclusion

Despite the fact of this particular initiative coming to naught, the ‘S5’ should not disappear from the scene, Not only should it continue to exist but further buttress itself by holding regular consultations with diverse groups. It should continue to be a forum, as a Singaporean representative stated at a meeting in Mexico last year, for thinking ‘out of the box’. African participation would be useful, both on substantive and optical counts. South Asian states, other than India and Pakistan – the South Asian ‘others’ – could become an effective support base, for reasons cited in the previous paragraph. So this setback must not be seen as a defeat.

The Singaporean leader Lee Kuan Yew had once said: “In an imperfect world we have to search for the best accommodation possible. And no accommodation is permanent”. Change will come, even to the UN, though not without effort, and not that soon. When the UN was first set up, and P5 given veto powers in the Security Council on substantive issues, a non-P5 member had reportedly asked the then Soviet Ambassador: ‘How would we know whether a matter is substantive or procedural?’ Pat came the Soviet response: “We will tell you!” Last week the Swiss, Paul Seger, in a similar vein, had reportedly asked Ambassador Vitaly Churkin of Russia if he could sit in on the Council’s informal deliberations as a resource person? The quick, sharp, and pointed response was ‘No’. So, the time for change had not yet come. For now at least it was a matter of *Roma locuta, causa finita*: Rome had spoken, the case was finished!

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