India's Two Years at the Horse-Shoe Table

Saurabh Mishra and Keerthi Sampath Kumar

Saurabh Mishra and Keerthi Sampath Kumar are Research Assistant at the Institute for Defence Studies & Analyses (IDSA), New Delhi.

March 08, 2013

Summary

India's performance at the UN Security Council in the last two years has been commendable and many observers credit the Indian representative, Hardeep Puri, and his team in New York for their diplomatic efforts in making a mark at the Council. India managed to achieve some of the goals it set for itself before entering the Council. It did bring value to the Council proceedings and enriched the deliberations on tackling important global issues like terrorism and piracy. Except for the inconsistency displayed on the Syrian crisis, India tried its best to maintain a balance and remain active in the processes of the Security Council. It did not align with any P5 member but rather chose to act as a bridge between them. Though its goal of securing a permanent seat in the Council during the 2011-12 term was ambitious, the efforts that it put in over the last two years were steered in that direction and have yielded favourable results. India did prove itself to be worthy of a permanent seat in the horse-shoe table but, as a former Indian diplomat noted, it is not its "worthiness" alone that will impact the Council's expansion.

India entered the Security Council as a non-permanent member after a gap of 18 years for the seventh time in 2011 with overwhelming support from the international community. 18 years is a long waiting period for a country whose demands for UN Security Council reforms have been prolonged, incessant and yet to see the light of day. When it did return to the Council in 2011, India was determined to leave no stone unturned in its efforts towards realising Council reforms. Although during its term India did not manage to evince a P5 consensus on UNSC reforms, nonetheless its term in the Council gave a distinct voice to the country and it did not necessarily tow the Western line. India did manage to make a mark on some issues: it strengthened the debate on R2P and aligned with the developing world by supporting Brazil's contribution to the norm; it shepherded the first consensual statement on Syria after a prolonged deadlock within the Council; it held regular and frequent meetings on counter-terrorism; it actively participated in deliberations on combating piracy and raised important issues pertaining to peacekeeping as a troop contributing country. India's stint in the Council is also noteworthy because it witnessed the simultaneous presence of the members of the BRICS, IBSA and G4, with the exception of Japan, which brought in the possibility of increased cooperation among these countries to maintain international peace and security.

India, before entering the Council in 2011, wanted to add "value" to the Council proceedings, prove itself to be a worthy contender for a permanent seat at the horse-shoe table and act as an objective bridge between member states. While the consent of the P5 is essential for the expansion in the permanent membership category of the Council, India did not compromise on its autonomy to take decisions on issues and, in the last two years, it neither completely aligned with the P3 nor with the Russia-China camp. However, this quest for "autonomy" over decision-making, as some detractors would argue, led India to take an inconsistent stand especially on the issue of Syria. Like in the past, during this term too, India refrained from casting a negative vote on resolutions and chose to abstain. Abstention offered India the chance to explain its stance, to appeal for modifications and the advantage of negotiation.

In retrospect, if one analyses the fall-out of India's latest two-year stint in the 15-member body, the highlights were: India gained better visibility in international forums; it had wider platforms at its disposal to project its stand on foreign policy issues and more scope to lend its perspective and contribute to debates within the Council on key issues of international peace and security; and, it raised key issues that concern it, including peacekeeping, counter-terrorism, anti-piracy efforts, UNSC reforms, and the like. The following is a review of some of the key issues that confronted India's two year-term at the horse-shoe table.

UN Security Council Reforms

On the matter of UNSC reforms, India, as part of various groupings, constantly stressed

on the fact that the Security Council, in order to be made more efficient and effective, has to reflect the contemporary geopolitical realities of the 21st century and cautioned that any delay in reforming the body will be at the international community's "own peril". Given the fact that two-thirds of the active items on the Council's agenda concerned Africa and three-fourths of the Council's time was spent on African issues, India, as part of its argument for the reform of the UNSC, emphasized on the need for better representation from the developing world with inclusion of countries from the African continent. As part of the G4 and the L.69 group, India made a pitch for the expansion in the permanent and non-permanent member categories and also called for improvement in working methods. Its demands included membership increase from the current 15 to 25 or 26 members, same responsibilities and obligations as the existing permanent members to new permanent members, veto power of the new permanent members to be exercised only after a review period of 15 years except in cases of emergency and expansion in the non-permanent member category. India is critical of an interim or intermediate solution and sees it as a non-starter. It is aiming for not only expansion in the membership of the Council but also structural reform of the UNSC so that the latter responds to the pressing need for credible improvements in the global governance architecture. India furthered its case for UNSC reforms during the P5 stalemate over Syria that saw a "polarised and deeply divided" Council, thus strengthening India's claims for reforming the Council.

In this light, it was fitting for India to conclude its term by organising a debate on enhancing the working methods of the Security Council during its presidency in November 2012, a month before its term ended. In the last two years, while India was on the Council, the G4 short resolution for Security Council reforms has managed to garner explicit support from more than 80 members and more than 50 members have expressed informal support. Reform of the Council will continue to be a priority for India despite it being out of the Council now. Though India is not expected to be back in the Security Council in the near future, it will continue to play an active role in the General Assembly Intergovernmental Negotiations on Security Council Reforms. In the meantime, it is also closely working with the African Union to achieve a breakthrough in reforms. This is essential for two reasons; not only does India support the inclusion of permanent members from the African continent but also because the AU will, to a very large extent, decide on India's entry to the Council as a permanent member.

Protection of Civilians (PoC) / Responsibility to Protect (R2P)

Various events in the last two years sparked off fresh debates in the Council on the issue of "protection of civilians". India's term at the Council coincided with uprisings in the Arab world and these events steered Council debates on the norm of Responsibility to Protect, which became one of the priority areas in Council proceedings. To a large extent, India took a consistent stand on the issue, be it on Libya or Cote d'Ivoire or Syria. Terms like "calibrated and gradual approach", "respect for a nation's territorial sovereignty and

integrity", "last resort to the use of force" were recurrent in India's statements on these issues in the 15-member body. Following the breach of competencies of UNSCR 1973 in the case of Libya, India on various occasions criticised Western interventions and called for the uniform application of the norm of R2P and intervention that was based on credible and reliable information.

India pointed out that the Council's responsibility does not end with a military or police response. It further added that when the principle is applied, it must respect the fundamental aspects of the UN Charter including the sovereignty and integrity of member states. In the Security Council's open debate on 'Protection of Civilians', India argued that the protection of civilians was a national responsibility and that the international community should facilitate talks between warring groups in a conflict situation instead of using "threats of sanctions and regime change". It also emphasized that any international decision to intervene in a country in conflict should be based on protecting civilians and not be distracted by political motives. India articulated that force should be used as a last resort when all diplomatic and political efforts fail. India's Permanent Representative to the UN, Hardeep S. Puri said that R2P cannot be used as a tool to legitimise big power intervention on the pretext of protecting populations from violations of human rights and humanitarian law.

Another bone of contention that India raised during one of the debates was the issue of some countries willing to expend considerable resources for regime change in the name of protection of civilians, but failing to provide minimal resources such as military helicopters to UN peacekeeping missions that are mandated to protect civilians. During the course of its two year-term, some of the recommendations suggested by India include: allegations of crimes committed against civilians have to be dealt with on a case-by-case basis, the response of the international community has to be proportional to the threat and the international community should assist national authorities in developing capabilities to protect civilians. It also stressed on the need for an integrated view that would include multiple stakeholders and not just the military. India, during its tenure, also brought to the fore the dangers and collateral damages involved in using force to resolve conflicts. It argued that bringing about solutions through force in the place of a political settlement will only tend to be short-lived.

The debates that followed the implementation of UNSCR 1973 enriched the existing understanding of the R2P norm and, today, there is a general consensus among the international community that the scope of military intervention has to be limited. India increased awareness of the problem of protection of civilians and highlighted the need to address the issue effectively in the future. India had explicitly endorsed the norm in the past and it seeks clarity with regard to certain aspects of the norm. It demanded further lucidity on PoC – who is to be protected and what constitutes a threat? It emphasised on the need to monitor the implementation of the Council's mandates and, in this regard, raised the question – "Who guards the guardians?" During its term, India also supported the Brazilian development of the norm "Responsibility while Protecting" (RwP) to monitor the manner in which the Council's mandate was being implemented on the ground.

Syria

During the initial stages of the civilian uprising in Syria, India stated that it was the state's sovereign responsibility to "respond to the aspirations of its people through administrative, political and other measures" and that "it is for states to decide on the best course of action to maintain internal law and order and to prevent violence".[1] The Council members had not made any statements on the Syrian crisis till the month of August when the Council during India's presidency issued a statement condemning the Syrian crackdown on its own people. At that moment, India assumed the role of a bridge between the divisionary gaps within the Council. Simultaneously, an IBSA delegation went to Syria to convince President Assad to respect the rights of his people and establish peace in the country through a Syrian-led democratic process. Over the next few months, India abstained on the October 04, 2011 draft resolution that mentioned "measures" under Article 41 of the UN Charter if Syria did not comply with it. Subsequently, India voted for the resolution that provided for an Arab League observer mission in Syria. Right from the start, India supported a political dialogue between the Syrian government and the opposition under the auspices of the League of Arab States. Till this point, India took a balanced and consistent approach as it did not support the call for an externally forced regime change and therefore abstained from a General Assembly resolution that called for the removal of Assad. India also explicitly supported Kofi Annan's Six Point Plan for peace in Syria, which emphasised upon a Syrian-led inclusive political process and avoided any mention of removal of Assad and, subsequently, offered its support to the Brahimi mission.

At the United Nations Human Rights Council (UNHRC), India voted in favour of the resolution against human rights violations in Syria. While the vote in the UNHRC was consistent with India's past stance, it appeared to contradict its position in the Security Council on the July 19, 2012 draft resolution. Until mid-2012, it consistently held to its position against any mention or possibility of forced regime change in Syria and supported condemnation of humanitarian excesses committed by parties to the Syrian crisis, regardless of the member country that drafted the resolution in the Council. But a shift in the Indian position can be observed through its vote on the vetoed July 19 Security Council draft resolution. This resolution included a clause that India had objected to earlier while 'abstaining' on the draft resolution of October 2011. The July 2012 draft resolution stated that the Council shall "impose immediately measures under Article 41 of the UN Charter" if the Syrian authorities did not comply with certain demands in paragraph 4 of the resolution. India's vote in this case appeared to be inconsistent with its stated belief that the international community should not "complicate the situation by threats of sanctions, regime

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[1]   Ambassador Hardeep Puri's Statement of Explanation in the 6627th meeting of the Security Council on October 4, 2011, (S/PV. 6627).

change, et cetera." The draft resolution was vetoed by Russia and China, while South Africa and Pakistan abstained. In this light, India's position also signalled a visible departure from the October 2011 vote when it had sided with Brazil and South Africa. Subsequently, India explained its vote for the resolution stating that it supported the extension of the term of the United Nations Supervision Mission in Syria (UNSMIS) and the implementation of the six-point plan and the Action Group on Syria's final communiqué. At such a juncture, India could have tried getting the July 2012 draft resolution divided into two different resolutions and voted for the one that called for the extension of the UNSMIS and implementation of the Action Group's communiqué and the six-point plan. Despite the attempts made by India to explain its stand, it was criticised for being "dishonest, unprincipled and opportunistic".[2]

Counter-Terrorism Efforts

With India's entry as a non-permanent member for its seventh stint at the Security Council, its permanent representative, Ambassador Hardeep Singh Puri, was elected as the chair of the Council's Counter-Terrorism Committee (CTC) for a period of two years. It was a rare opportunity for India, as, in addition to chairing the CTC, it was also elected as the chairman of two other important teams dealing with terrorism – the Working Group of the UN Security Council on individuals, groups or entities involved in or associated with terrorist activities and possible compensation for their victims, established by Resolution 1566 (2004) and the Security Council Committee on Somalia and Eritrea established by Resolutions 751 (1992) and 1907 (2009).

For a country that continues to be a victim of terrorist attacks, it was but natural for it to prioritise counter-terrorism efforts in its agenda during its 2011-2012 UNSC tenure. Delivering on the Indian promise to be active, the Committee under the Indian chairmanship adopted its 'programme of work' on an annual rather than biannual basis to streamline its functioning and held meetings more frequently than the normal practice. India has also been commended for raising the benchmarks to counter terrorism.[3] During the debates and discussions in the Council, India stressed on the need for a comprehensive approach towards counter-terrorism, which focuses on the elimination of terrorists' safe havens and sanctuaries.

Directly contingent on India's security is the post-2014 situation in Afghanistan and, in this regard, it expressed its concerns about the return of terrorist factions to power in

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[2]   Krishnan Srinivasan, "India at the UN Security Council: a retrospect", *The Kashmir Monitor*, January 24, 2013 at http://kashmirmonitor.org/01242013-ND-india-at-the-un-security-council-a-retrospect-40850.aspx.

[3]   ibid.

Afghanistan and stressed that the country has to be prevented from sliding back to becoming a safe haven for terrorists and extremists groups. Highlighting the global, nuclear, chemical and biological side of terrorism, India repeatedly expressed its "unwavering commitment" for preventing the proliferation of Weapons of Mass Destruction and their means of delivery. It recognised the risks related to sensitive materials and technologies falling into the hands of terrorists and non-state actors as a major challenge facing the international community.

The listing of the Haqqani network by the 1988 Sanctions Committee was a welcome step for India as the network is one of the terror lynchpins in its neighbourhood. Under India's chairmanship, the CTC also added the Tehrik-e-Taliban Pakistan to its international anti-terrorism list. These were significant developments for the country for which terrorism emanating from its neighbourhood is one among its major security threats. India also managed to ensure that the link between the al-Qaeda and the Taliban was maintained despite the sanctions regime being split.[4] Another issue that India raised during its stay at the Council was the misuse of cyber space by terrorists and their supporters for recruitment, training, planning and financing. It also managed to keep the focus on the strategies for preventing and suppressing terror financing through various discussions and workshops that included the control of cash couriers and abuse of the non-profit sector for terrorist financing. A major achievement during India's chairmanship was the outcome document adopted by the CTC at a special meeting in September 2011, which introduced the 'zero tolerance' paradigm into the international counter-terrorism lexicon.

During debates and discussions, India argued that terrorism cannot be countered by law enforcement means alone and that prevention through the means of development, social integration, education, tolerance and respect of human rights is also critical. It also supported the initiative of the Secretary-General to consider the creation of a UN Counter-Terrorism Coordinator and strengthening of the counter-terrorism normative framework through the adoption of a Comprehensive Convention on International Terrorism.

Another aspect related to counter-terrorism that India highlighted was the need for international legal frameworks to combat terrorism and deny terrorists safe havens anywhere in the world. India reiterated its position on the importance of strengthening the capacity of states to enable them to carry out rule of law related activities and to fulfil their obligations. As the chair of the CTC, India offered support to member states in implementing the UN instruments that tackle the threat in accordance with international law.

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[4]   Rajeev Sharma, "Did India fail or succeed in its 2-year UNSC stint?", *FirstPost.World*, January 18, 2013 at http://www.firstpost.com/world/did-india-fail-or-succeed-in-its-2-year-unsc-stint-593214.html.

Anti-Piracy Efforts

The beginning of India's tenure in the Security Council coincided with a marked increase in piracy off the coast of Somalia. Though there was a rise in incidents of piracy across the globe, the attacks by Somali pirates spiralled upwards. India's proximity to the pirates' area of operation on its western coast, its trading route, its naval prowess and the number of its seafarers captured every year makes it a natural and important stakeholder in the fight against piracy, especially off the coast of Somalia. India, being one among the founder members of the international Contact Group on Piracy off the Coast of Somalia (CGPCS), took part in all the forums and meetings related to piracy during its term at the UNSC.

India commended the role played by various UN agencies in anti-piracy operations and called for more cooperation between them, especially the UN Office for West Africa (UNOWA), the UN Regional Office for Central Africa (UNOCA), UN Office on Drugs and Crime (UNODC) and the International Maritime Organisation (IMO). During its term, three main areas were the focus of India's deliberations on anti-piracy efforts. It called for increased attention on:

(a)   enactment of national laws on priority to criminalise piracy as defined in the UN Convention on the Law of the Sea (UNCLOS); the prosecution and punishment of pirates under resolution 1918 (2010) and broadening the criminal legislation to include crimes of extortion, kidnapping, conspiracy, money laundering and financing of pirate activities.

(b)   supported the establishment of an extra-territorial Somali court outside Somalia with the condition that it is manned by Somali judges and prosecutors in accordance with Somali law. It also advocated building prison infrastructure in the region for addressing the issue of imprisonment of convicted persons and ensuring sustained and predictable financing available to the host states to handle the financial burden of prosecuting and imprisoning convicts over long durations.

(c)   advocated the consideration of the conduct of naval operations under the UN; active collaboration and sharing of information and intelligence between the private sector, states and relevant international organisations for reinforcement of tracking the ransom money; and the establishment of a framework governing the use of privately contracted armed security personnel on board vessels to ensure appropriate regulation and accountability.

India pushed for the sanitisation of the Somali coastline through identified corridors and buffer zones to enable regular revision of the declared High Risk Area for Piracy in a transparent manner. It also highlighted the urgent need to adopt a comprehensive counter-piracy strategy, called for timely intervention to deal with piracy in the Gulf of Guinea and supported the UN Secretary-General's proposal to facilitate a regional summit of Heads of

State to give the issue its due importance. While piracy is a global concern and measures are being taken to contain it, India's concern for the seafarers, their release and their families, set its approach to the issue apart from the rest of the countries. India pushed for due consideration of these factors while chalking out any framework or mechanism for anti-piracy operations or negotiations.

Peacekeeping

Having the choice to set the agenda during its presidency month at the Council, India chose to organise a debate on peacekeeping, a priority issue for the country. During the debate, India called for enhancing resources and strengthening the legal backing for UN peacekeeping operations across the globe. Among other concerns, it flagged the issue of the "severe mismatch" between resources and the "ambitious" mandate of peacekeeping operations. India also called for an "innovative approach" towards peacekeeping, which at times becomes "peace-building". It also suggested improving consultations between the troop contributing countries and the police contributing countries (TCC/PCC) and the Security Council, brought up the issue of joint deployment with regional security organisations and the adoption of a capability-driven approach to peacekeeping that is demand-driven and responsive to national priorities. The only new subject dealt with in an otherwise generic debate was the element of communication between the Council and the TCCs. For a country that is a major contributor to UN peacekeeping missions and has in the past demonstrated impressive credentials with regard to peacekeeping, India was criticized for having 'shied away' from addressing critical issues such as the quality of mission leadership and troops and multiple interpretations of a particular mandate.[5]

Israel/Palestine and Iran

On the issue of Israel and Palestine, there was a continuity of India's historical stand. India voted and co-sponsored a resolution that condemned Israel's illegal settlements in Palestinian territories. On other occasions too, it called for the end of settlement activity in the occupied Palestinian territories and termed it a breach of international humanitarian law. Both as the coordinator of the NAM Caucus and a part of IBSA, India condemned Israel's announcement of constructing 3000 settlement units in confiscated Palestinian land. In a historical UN General Assembly vote, India was among the 138 nations in the UN General Assembly to vote in favour of upgrading the status of the Palestinian Authority from 'entity' to 'non-member observer state'.

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5   W. Pal Sidhu, "Is India ready for prime time?", *Livemint.com*, September 04, 2011 at http://www.livemint.com/2011/09/04231714/Is-India-ready-for-prime-time.html?h=B

India's stand on Iran was also consistent throughout the two-year term. On various occasions it noted that Iran, like all other states, has the right to peaceful use of nuclear energy. India reiterated its support for a diplomatic solution and also called on the international community to address the Iranian issue through dialogue and negotiation and underlined the need for continued dialogue between the IAEA and Iran.

Conclusion

Ironically for India, one of its testing times at the UN in recent years came not during its stay in the Council but soon after it completed its term. While its relationship with co-member Pakistan was mostly amicable during the course of its term, the two countries engaged in a war of words over the UN mission in Kashmir in January 2013, days after India completed its tenure. Nevertheless, to sum up, India's performance at the UN Security Council in the last two years has been commendable and many observers credit the Indian representative, Hardeep Puri, and his team in New York for their diplomatic efforts in making a mark at the Council. India managed to achieve some of the goals it set for itself before entering the Council. It did bring value to the Council proceedings and enriched the deliberations on tackling important global issues like terrorism and piracy. Except for the inconsistency displayed on the Syrian crisis, India tried its best to maintain a balance and remain active in the processes of the Security Council. It did not align with any P5 member but rather chose to act as a bridge between them. Though its goal of securing a permanent seat in the Council during the 2011-12 term was ambitious, the efforts that it put in over the last two years were steered in that direction and have yielded favourable results. India did prove itself to be worthy of a permanent seat in the horse-shoe table but, as a former Indian diplomat noted, it is not its "worthiness" alone that will impact the Council's expansion.[6]

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[6]   T. P. Sreenivasan, "India's Security Council vote may well be all-time record", *Rediff.com*, October 14, 2010 at http://news.rediff.com/column/2010/oct/14/column-tp-sreenivasan-on-india-historic-united-nations-victory.htm.