

India and the United Nations

Past and Future

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The subject of today's discussion is peacekeeping but you have asked me to speak on a much broader plane about the past and future of the United Nations. Last year marked a hundred years of multilateralism. The founding of the League of Nations in January 1920 to maintain peace and foster international cooperation represented the first real institutionalization of multilateralism. Though the League itself became moribund in less than two decades when the world drifted into World War II, the UN that succeeded it has survived for 75 years and remains today the only promise of a rule-based global order.

The 'India' that was part of the Paris Peace Conference and which signed the Covenant of the League of Nations was a 'composite' state that included 'British India' as well as 562 princely states. US President Woodrow Wilson considered India's membership 'anomalous' and the US Congress saw it as a plan by Britain to garner additional votes with 'rubber stamp' members. Within the national movement, India's presence as an original member of the League was seen as a 'camouflage' to help 'the victorious powers' rob the vanquished powers of their colonial possessions. India's membership of the League was, as Lala Lajpat Rai described it a 'fraud' for the 'perpetuation of imperialism'.¹

When the San Francisco Conference was convened prior to the founding of the UN, nationalist opinion within India was similarly

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critical. Mahatma Gandhi had specified two essential conditions for peace from India's standpoint: that India should be free from foreign control and that the peace should be a just one. He felt that the 'camouflage of Indian representation through Indians nominated by British imperialism will be worse than no representation.... Either India at San Francisco is represented by an Indian representative, or represented not at all.' At a press conference two days after the Conference opened, Smt. Vijayalakshmi Pandit described the so-called Indian representatives as not having the 'slightest representative capacity'.

After the transfer of power, however, both national leaders and the bureaucratic establishment began to work more in tandem. From the beginning, predictably, India was determined to stand at the forefront of the struggle against colonialism and apartheid. As an outspoken critic of racial discrimination and apartheid in South Africa, India became the first country in 1946 to raise the issue in the UN.

As an institution, the UN has come a long way since its founding in 1945. I have often quoted the late Kofi Annan who described the United Nations as rooted in powerful ideas that reflected some of mankind's deepest concerns and aspirations. He listed four such ideas of exceptional inspirational power:

- **Independence**—the idea that the peoples of all countries had the right to be politically independent and sovereign and make whatever national and international agreements their citizens might choose;
- **Peace**—the idea that sovereign states could create an international organization and procedures that would replace military aggression and war by negotiation and collective security;
- **Development**—the idea that all countries, long independent or newly so, could purposefully pursue policies of economic and social advance, which over time would improve the welfare and living standards of their people; and
- **Human rights**—the idea that every individual in every country throughout the world shared an equal claim not only to such individual civil and political rights as life, liberty, and the pursuit of happiness but also to a core of economic and social freedoms.²

India's first Prime Minister Jawaharlal Nehru's major concern was how that institution could be made to serve, on the one hand, the goal of preserving peace in a world ideologically polarised by a dangerous Cold

War and facing a 'balance of terror', and an escalating nuclear arms race; and, on the other, coming together to dismantle the edifice of 'empire' and progressively helping to emancipate the territories and peoples suffering the yolk of colonialism. The success or failure of the UN and, indeed of India's foreign policy, he felt, would be tested on this anvil. The adoption of the Decolonisation Declaration by the UN in 1960 was historic and led to the progressive emancipation of erstwhile colonies of Asia, Africa and Latin America, of the Caribbean and the Pacific. Today, the process of decolonization is largely complete and the idea of national independence for most peoples of the world has been largely realized. The UN has 193 members as compared to 51 when it was founded.

It was also Nehru who proposed the idea of a complete ban on tests of nuclear weapons in 1954, which led to the Partial Test Ban Treaty (PTBT). The mid-fifties saw India's active engagement with the great powers within the UN and outside with China to defuse the tensions of the Korean war as well as to secure the release of US military men. The role of Krishna Menon in this respect was so highly appreciated on both sides of the ideological divide that even Secretary-General Dag Hammarskjöld was reportedly envious of the credit Indian diplomacy had achieved.³ Indian efforts were also crucial in the setting up of the Neutral Nations Repatriation Commission there. As early as 1947–48, India took an active part in drafting the Universal Declaration of Human Rights. Mrs Hansa Mehta, a Gandhian led the Indian delegation, and her most memorable contribution in the drafting of the Declaration was her highlighting of gender equality by changing the language of the UDHR from 'all men are created equal' to 'all human beings'.

A major issue of international discord taken up by the UN in its early years was the issue of Jammu and Kashmir. The issue reached the UN on 1 January 1948 as India urged the UNSC to discuss the conflict that had erupted three months earlier when Pakistan sent frontier tribesmen, irregulars and camouflaged soldiers into Kashmir prompting the Maharaja of the princely Indian State to accede to India. The Indian complaint to the UN became the foundation on which the 'Jammu and Kashmir Question' was tabled in the UNSC but, largely through the agency of the UK, this title of the complaint was changed on 22 January 1948 to 'The India–Pakistan Question'. From that time until 1971, the Kashmir issue featured prominently in the UNSC. India realised that while it had taken the Kashmir issue to the UN for 'prompt and effective action', great power machinations ensured that the issue lingered on and festered.

Despite this, India's role at the UN during the first decades of its activities was as prominent as that of the great powers with Mrs Vijayalakshmi Pandit serving as the first woman President of the UN General Assembly as early as 1953. Outside the UN, its role at the Bandung Conference as well as in the founding of the Nonaligned Movement were seminal. However, the progressive deterioration of bilateral relations with China and the border conflict in 1962 led to a downslide in India's image particularly in the developing world. Meanwhile, China's nuclear weapons test in 1963, led to a determined bid by the nuclear weapon states to prevent any further addition to ranks of nuclear weapons states, an object they sought to achieve through the negotiation of the highly discriminatory Nuclear Non-Proliferation Treaty in 1966. Also growing ideological differences between the Soviet Union and China culminated in a sharp border conflict between the two countries in 1969.

In its core responsibility of maintaining international peace and security the Charter of the UN gave the Security Council 'primary responsibility'. The Charter required all member states to 'accept and carry out' the decisions of the Security Council. The Council was thus the 'geopolitical cockpit' of the UN system. Within the Council, the dominant role of the P-5 was and still remains a hard reality. Indeed it is part of the 'basic structure' of the UN Charter as conceived in 1945. We are well aware of two reported attempts, during the fifties, one by the US to get India to occupy China's permanent seat on the Security Council and later by the Soviet Union too. These were brushed aside by Nehru, not because India did not aspire to such a permanent seat but because he did not wish to obtain it by displacing China.⁴ The historic ramifications of this were big, considering that though the dynamics of power around the world has continuously evolved over the decades, the hegemony of the P5 was not challenged. Today, however, we find this structure has come for serious questioning and the time may well have come for a change in 'basic structure' of the world body, a change that may not be avoidable for long.

Even though the Charter does not specifically mention it, the UN has played a major role in peacekeeping. The character of UN peacekeeping has changed over the years, especially since the end of the Cold War. India has always played a major role in UN peacekeeping not only as its largest troop contributing country (TCC) but also by providing leadership to PKOs around the world through the years with more than fifteen senior force commanders. These included distinguished figures like Generals

KS Thimayya, IJ Rikhye, Prem Chand, S Nambiar, JS Lidder, Suresh Menon and Shailesh Tinaikar. India also contributed considerably to the evolution of the philosophy and practice of peacekeeping over the decades through its work in the Secretariat as well as in the UNGA Special Committee on Peacekeeping Operations.

The essentiality of peace, not just between nations but even within them is central to the UN's work today. Unlike in the Cold War period of the past, UN peacekeepers today deal rarely with inter-state conflicts but are increasingly enmeshed in internal conflicts within states, in state stabilisation and control of complex civil war situations stemming from ethnic and other divisions and disruptions. With the breakup of the Soviet Union by the end of the eighties and the historic emancipatory process that followed, new issues of governance, fragility, state stabilization and regional rebalancing also arose which gave rise to complex emergencies and even conflict. The mass killings in Srebrenica as well as the genocide in Rwanda and in other theatres, more than 25 years ago where peacekeeping forces appeared to stand by mutely when major crimes against humanity were being committed, raised major questions of how neutral the UN could ever remain in responding to crises where ordinary civilian lives were gravely at risk. These events changed the very nature of UN peacekeeping. In time, the Security Council has begun to place human protection at the operational centre of its security agenda despite protests from member states claiming that this fell within their exclusive sovereign responsibility and not that of the UN.

In a world sharply divided between the rich and poor, development was viewed for long in purely economic or GDP terms. However, towards the end of the last century, it began to assume a much broader, multifaceted perspective. It was in this context that the concept of Human Development pioneered by Professors Amartya Sen and Mahbub-ul Haq found increasing currency. Building largely on this concept, the UN Development Programme or UNDP developed a composite Human Development Index (HDI) that sought to measure and compare the standards of living across countries, rich and poor, using indicators of poverty eradication, life expectancy, education and income. It was also against this background that the idea of the Millennium Development Goals or MDGs came to be conceived during the Millennium Summit in 2000. The MDGs set targets and indicators for poverty reduction and other goals over a 15-year timeline. The pivotal, cross-cutting goals included empowering women, reducing violence, increasing political

voice, ensuring equal access to public services, and increasing security of their property rights.

As early as in 1972, Indira Gandhi had said that poverty should be considered 'the greatest polluter' of all, stressing that our regard for ecology should not work against their interests but, on the contrary, enrich the lives of the poor around the world. In 2012, the Rio Conference set up an Open Ended Working Group which eventually identified and agreed on 17 Goals and 169 targets as the Sustainable Development Goals for a common future for mankind. These SDGs were influenced by three key summits in 2015: The World Conference on Disaster Relief Reduction (Sendai); the International Conference on Financing for Development (Addis Ababa) and the UN Climate Change Conference (Paris). The SDGs were adopted in New York in September 2015. Unlike the MDGs which exclusively focused on the developing countries, the SDGs are universal and apply to all countries industrialised and developing. They are comprehensive, tackling issues of development and climate change together and addressing both global public goods problems as well as national concerns. It has strong focus on means of implementation, particularly the mobilization of financial resources, capacity building and technology as well as on strengthening data collection and institutions.

Today, sustainable development is the mantra of multilateral discourse. But it is also recognised that this must mean development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. While countries must be allowed to meet their basic needs of employment, food, energy, water and sanitation, it encourages us to change the ways in which we develop and use technologies. The main objectives of sustainable development must include social progress and equality, environmental protection, conservation of natural resources and stable economic growth. The right to a healthy, clean and safe environment is a basic right for all peoples. India has designed its own framework for implementing the Sustainable Development Goals. The task of coordinating them is entrusted to the NITI Aayog which is responsible for formulating a vision agenda, which is in line with the SDGs' 15-year timeline.

I come now to the pillar of human rights which are, equally, fundamental to the intellectual foundation of the United Nations. The UN's work in human rights is carried out by a number of bodies with a distinction between Charter-based and treaty-based human rights

bodies.⁵ The Charter-based bodies derive their establishment from provisions contained in the UN Charter. They hold broad human rights mandates, address an unlimited audience, and take decisions based on majority voting.

Looking at the experience of the International Criminal Court it is interesting to note that though neither the US, Russia or China, (nor for that matter India) were signatories to the Rome Statute, which was adopted in July 1998 and entered into force in 2002, around 116 member-states, covering nearly all of Europe and roughly half of Africa signed on to the Statute. Although not formally inside the UN system, the ICC does have close links with both the Security Council and UN agencies and the Security Council, as indeed the P5, have often used reference to the ICC as a powerful lever to pressurise states to improve their compliance over the recommendations and decisions of the Security Council.

The end of the Cold War spawned several ethnic or intercommunal conflicts in Europe (in the former Yugoslavia) and then beyond extending to the Arab world and Africa. These complex emergencies gave rise to humanitarian crises resulting from civil war, ethnic cleansing, and genocide. While such crises were also present during the period of the Cold War, long before the concept of 'humanitarian intervention' was consciously articulated, in at least two important instances, Asian states acted in the face of humanitarian atrocities perpetrated by governments. India's military action in 1971 in the face of the atrocities of the Pakistani army in Dhaka was prompted essentially by its determination to halt the genocidal actions and policies perpetrated by the Pakistani army. Similarly, the action taken by Vietnam against the murderous Pol Pot regime and the Khmer Rouge in Cambodia in 1979 could well be seen as designed to put a stop to the killing fields in that country.

But, in each of these cases, the international community, far from hailing these actions, portrayed them as intervention. Both actions were strongly criticised in the General Assembly and the Security Council.

It was only in the post-Cold War period, after the same horrors were renewed in Srebrenica and Rwanda that the public conscience of the big powers and that of the world at large was awakened afresh. Increasingly, the international community began to call on the UN to halt these grave and persistent violations of human rights by setting up international tribunals, establish 'safe zones', and provide humanitarian protection within peacekeeping mandates. A new normative principle had

emerged—that of ‘the Responsibility to Protect’ (R2P). About a decade later, however, in the case of Libya in 2011, the R2P principle was used as a justification for brazen interference by outside powers in that country. Even though UNSC Resolution 1973 (2011) had specifically mentioned responsibility to protect, the action taken by NATO was blatantly one-sided and directed at regime change rather than to change the policies of a ‘rogue’ government. It is because of such ‘double standards’ that there continues to be controversy about the principle of R2P and its implementation.

Amidst the political conflicts and social convulsions during the last decade occasioned by the Arab Spring, the external interventions in Syria and Iraq as well as the violence perpetrated against the minority Rohingya population in Myanmar, major humanitarian crises have also irrupted around the world. In the last decade we have seen images of large-scale movements of refugees and migrants that shocked the conscience of the world: of people fleeing across continents; women, men and children drowning in their attempts to escape violence and poverty; fences going up on borders and many falling prey to criminal groups. More than 90 million people across the world, displaced by war and violent conflict or natural disasters have received aid from the UN, the highest figure since the end of the Second World War. Even as these desperate people tried to cross the Sahara Desert, the Andaman Sea, the Mediterranean, and other places at enormous risk to get to safer places, they faced xenophobic and racist responses from host countries which were not only increasing, but were considered socially and politically more acceptable and condoned within so-called liberal societies.

Though the plight of refugees was not new to the UN, and were particularly experienced by India in the aftermath of partition in 1947 as well as during the Bangladesh crisis in 1971, the major lesson the world learnt from these most recent experiences was that individual countries cannot solve these issues on their own and that strengthened international cooperation and action was needed. As more and more refugees and migrants continued to perish in transit, transnational criminal smuggling rings and human trafficking networks continued to exploit the vulnerable and even those that found some haven often languished in camps or on the margins of cities, bereft of rights or dignity, without access to basic needs, livelihoods or income opportunities. In September 2016, a High-Level Meeting of the UN General Assembly was held in New York to address these issues and eventually resulted in

the negotiation of two Global Compacts, one on safe, orderly and regular migration and another on the setting up of a Comprehensive Refugee Response Framework. Both these Compacts were adopted in December 2018.

The UN Office of the Coordinator of Humanitarian Assistance or OCHA has, in recent years, become the focal point in coordinating and assisting such vulnerable populations affected by both natural and manmade disasters across the world. OCHA is now the go-to organisation in the UN system responsible for providing emergency assistance and support to millions of people around the globe displaced by conflicts like those of Syria, Yemen and South Sudan, Libya, Somalia, Afghanistan and Bangladesh or those by public health, disease, malnutrition, disabilities or other misfortunes in Ethiopia, Haiti, Central African Republic, Chad, Cameroon or the DRC. As the Head of UN OCHA said in December last year, the Central Emergency Relief Fund or CERF has planned an unprecedented amount of US\$ 1 billion for such relief this year. In 2020 some 640 million was spent covering over 235 million people across the world. He mentioned four specific areas: Those affected by conflicts like in Syria, Sudan, DRC and Yemen; on Covid response; for anticipatory action in crisis areas like Ethiopia, Bangladesh and Somalia and fourth to achieve results in chronically unfunded areas of social development like support for women and girls, people living with disabilities, education and social protection.

Let me now consider two further issues of priority multilateral concern. These are, respectively: action against international terrorism; and action to combat climate change. Over the years, the UNGA has been ambivalent on taking strong action against terrorist groups mainly due to differences among member states on the definition of terrorism. As early as in 1999, the Security Council adopted Resolution 1267 designating Osama Bin Laden and his associates as terrorists and established a sanctions regime to cover individuals and entities associated with Osama Bin Laden and the Taliban. In the aftermath of 9/11 the Council also adopted Resolution 1373 called on all states to adjust their laws and ratify existing international conventions on terrorism and share intelligence to assist in combating international terrorism. In 2005, the United Nations Counter Terrorism Implementation Task Force was set up and endorsed the next year by the General Assembly through a Global Counter-Terrorism Strategy, and Plan of Action composed of 4 pillars: (a) Addressing conditions that cause the spread of terrorism;

(b) Measures to prevent and combat terrorism; (c) Measures to build states' capacity in this regard; and (d) Measures to ensure respect for human rights for all and the rule of law even while fighting against terrorism. This year will mark the 20th anniversary of the adoption of Resolution 1373 and 15th anniversary of the Global Counterterrorism Strategy. Over the years, the UNSC alone has adopted more than forty resolutions and the Counter terrorism Trust Fund spent over \$250 million on counterterrorism programmes around the world. In 2017, there was also a major restructuring of the counter-terrorism architecture with the setting up of the UN Office of Counter-Terrorism (UNOCT), in New York under a newly created Under-Secretary-General (USG) position, and a UN Global Counter-Terrorism Coordination Compact signed the following year by 36 UN entities, INTERPOL, and the World Customs Organization aimed at improving coordination, enhancing transparency and building better mechanisms for monitoring and evaluation. Despite the biennial reviews of the Global Counter-Terrorism Strategy and resolutions adopted by the UN General Assembly and the Security Council, and despite the recent successes against the ISIS, etc., the threat posed by these groups, as well as from individuals inspired by them, such as through the FATF, continued to remain very high and with global ramifications. India's annual resolution on preventing terrorists from acquiring weapons of mass destruction is co-sponsored by over 75 countries was adopted by consensus each year in the UN General Assembly. This year, given that India is also on the UNSC and will chair three important committees of the Council – the Taliban Sanctions Committee, Counter-Terrorism Committee (CTC) and the Libyan Sanctions Committee, it will be able to play a key role in keeping a steady focus on this issue. India must continue to be a leading voice at the UN in the fight against the global scourge of terrorism.

Notwithstanding the ravages of the Covid pandemic across the world, there is today some optimism about progress in combating the challenge of climate change. But, much of the global attention seems currently directed at announcements by major countries about achieving carbon neutrality by 2050. Today, China is the largest emitter of carbon dioxide gas in the world, with 10.06 billion metric tons (2018) its primary source being coal burning; the U.S. is the second-largest, approximately 5.41 billion metric tons (2018) and India the third with about 2.65 billion metric tons (2018). Given existing trends, the Indian economy cannot afford to decrease immediately its reliance on coal as the main source of

energy for electricity generation and powering its heavy industry. India's CO₂ footprint is thus bound to go up in the future. This is not unusual given our relative latecomer status in the development trajectory. For India, however, the adoption of a net-zero mid-century pledge may, in the eyes of many experts, 'complicate or even derail our carefully built momentum toward low-carbon-focused development actions.'

To return momentarily to peacekeeping I might make two points here: one is that peacekeeping today is regarded along a much broader spectrum of 'peace operations'. Even the former Department of PKO has been renamed 'Department of Peace Operations'. Over the various doctrinal and operational changes and evolutions, we have today an A4P Agenda that covers a wide spectrum of peacekeeping-peacebuilding issues from advancing political solutions and enhancing the participation of women in peace and security to strengthening protection of civilians, safety of peacekeepers, ensuring their performance and accountability, conduct and integrity as well as strengthening the impact of peacekeeping interventions by improving partnerships with regional bodies. What are the implications of this for the effectiveness of peacekeepers on the ground? Meanwhile, speaking in the Security Council in July 2019, France's delegate said that, to prevent fragile countries from relapsing into conflict, innovative financing for peacebuilding projects was necessary, such as from the private sector. Echoing this view, the Polish delegation called for consideration to be given to leveraging more private resources in the form of blended finance. Is it a wonder then that we hear the Malian government take this one further step last month when it suggested the involvement of a 1000 paramilitaries from the Russian private Wagner Group of Russia to contribute to the peacekeeping effort in Mali? How far does these developments detract from the pristine principles of peacekeeping?

Another issue is China's growing footprint in UN peacekeeping activities. Today China is the second biggest contributor to the UN PKO budget and the ninth largest troop contributor, the biggest among the P-5. Nine of the 13 countries in which Chinese peacekeepers operate have significant Chinese investments some connected with the signature BRI. Considering the Chinese investments in South Sudan, Chinese blue helmets were deployed in proximity to strategic oil deposits and the pipeline in South Sudan and its other deployments have also been directed at preventing spillover to neighbouring areas with BRI investments. As a UN expert himself contends: While China can 'ultimately only play a

greater role in U.N. missions with the consent of the U.S. and the other veto powers of the Security Council,' its peacekeeping engagements should not be viewed 'too idealistically' as proof of its 'deep-seated commitment to multilateralism'. 'China's cautious contribution looks like a pragmatic attempt to advance its interests through the UN system.'⁶

Before I conclude, let me say that today the nature of international society has changed. The UN has moved beyond from being just a forum of states. We speak of 'we the peoples'; civil society, business and philanthropic organisations are playing an increasingly important role in accomplishing the goals and objectives set by the UN especially in the economic, social and environmental fields.

Finally, if the multilateral system embodied in the institutions of the UN is to retain its legitimacy, effectiveness and credibility in our changing world, a reform of its 'basic structure' is badly needed to prevent it even after its seven decades long existence and utility to go the way of the League of Nations. While we can scarcely disregard the reality of an incipient bipolarisation of the world's power structure considering the positions of the US and China (the UN often obsesses over it), what we need to consider is for the UN to respond to the imperative of a broader multi-polarity involving medium ranking powers, more regularly and providing them more institutional space. A restructuring of the UN Security Council is thus absolutely essential.

NOTES

1. See <http://www.publicinternationallaw.in/sites/default/files/articles/FormationsIndia.pdf>
2. Kofi Annan, 'Foreword', in Louis Emmerji, Richard Jolly and Thomas Weiss (eds), *Ahead of the Curve? UN Ideas and Global Challenges*, Bloomington Indiana University Press, 2001.
3. See Jairam Ramesh, *A Chequered Brilliance: The Many Lives of V K Krishna Menon*, Penguin Viking, 2019, p. 446.
4. See <https://www.wilsoncenter.org/publication/not-the-cost-china-india-and-the-united-nations-security-council-1950>
5. **Charter-based bodies:** Human Rights Council; Universal Periodic Review; Special Procedures of the Human Rights Council; Human Rights Council Complaints Procedure.
Treaty-based bodies: There are ten human rights treaty bodies that monitor implementation of core international human rights treaties: Committee on the Elimination of Racial Discrimination (CERD); Committee on

Economic, Social and Cultural Rights (CESCR); Human Rights Committee (CCPR); Committee on the Elimination of Discrimination Against Women (CEDAW); Committee Against Torture (CAT); Committee on the Rights of the Child (CRC); Committee on Migrant Workers (CMW); Subcommittee on Prevention of Torture (SPT); Committee on the Rights of People with Disabilities (CRPD); and Committee on Enforced Disappearances (CED).

6. Richard Gowan, 'China's Pragmatic Approach to UN Peacekeeping', *Brookings*, 14 September 2020, available at <https://www.brookings.edu/articles/chinas-pragmatic-approach-to-un-peacekeeping/>

