

Article

The Political Framework of “Reformed Multilateralism”

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Abstract

The United Nations Charter specifies the primary objectives of the multilateral system as prevention of war, securing fundamental human rights, and promoting social progress and better standards of life. Yet, the UN has been unable to implement these objectives in a holistic manner. As a result, calls for “reformed multilateralism” with a “human-centric” focus have become widespread. The changed political realities of the world need to be integrated into the UN Charter to make multilateralism “fit-for-purpose” in the 21st century. India is among the leading proponents of “reformed multilateralism” and wants the system to reflect today’s realities and needs. The UN, however, is hampered by deep divisions. On one side the entrenched “permanent members” of the UN Security Council refuse to agree to any change in the status quo. On the other are the majority of UN member-states, mainly developing countries that have invested in multilateralism to ensure the implementation of a “human-centric” Agenda 2030 on Sustainable Development. The advocates of “reformed multilateralism” need an action plan by 2025, when the UN marks its 80th anniversary, to achieve their objective.

The United Nations (UN) Charter specifies the primary objectives of the multilateral system as saving “succeeding generations from the scourge of war”, reaffirming “faith in fundamental human rights”, and promoting “social progress and better standards of life in larger freedom.”¹ In the face of mounting evidence that the UN has not been

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able to implement these objectives in a holistic manner, calls for “reformed multilateralism” with a “human-centric” focus have become widespread. Behind these calls lie the changed political realities of international relations that need to be integrated into the UN Charter to make multilateralism “fit-for-purpose” for the 21st century.

India’s interest in supporting “reformed multilateralism” is both systemic and rooted in its national interests. Prime Minister Narendra Modi stated during the 75th anniversary commemoration of the UN in 2020 that “multilateralism needs to represent the reality of the contemporary world. Only reformed multilateralism with a reformed United Nations at its centre can meet the aspirations of humanity.”²

The Development Dimension of Multilateralism

Independent India has played a significant role in introducing a “development” perspective into the UN system. Speaking at the UN General Assembly (UNGA) on September 19, 1947, soon after its independence from British colonial rule, India had stated: “the great Powers, instead of coming closer together, are drifting farther apart. There is tension, suspense and anxiety, and an uneasy awareness that things are perhaps moving towards some new and annihilating disaster for mankind...”. Rejecting attempts to make India part of the ideological confrontation of the Cold War, India affirmed that “ideology is less important than practice. We cannot eat an ideology; we cannot brandish an ideology, and feel that we are clothed and housed. Food, clothing, shelter, education, medical services—these are the things we need.”³

The origins of multilateralism lie in the Atlantic Charter of July 1941 between the United States (US) and United Kingdom (UK), which supported decolonisation and self-determination, prosperity through global economic cooperation and free trade, and equity through social welfare by upholding fundamental human rights and freedoms. India was part of a group of 26 allied nations invited by US President Franklin Delano Roosevelt to endorse the Atlantic Charter in January 1942 and issue the “Declaration by United Nations.”⁴ The signatories of the Declaration became the founder-members of the UN.

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Multilateral Finance and Trade

India participated in the UN Financial and Monetary Conference at Bretton Woods in July 1944, which resulted in the creation of the International Monetary Fund (IMF) and the World Bank, geared to support a “system of economic order and international cooperation that would help countries recover from the devastation of the war and foster long-term global growth.”⁵

India’s objective at Bretton Woods was for a multilateral settlement of wartime balances through the IMF. India’s Sterling balance held by the UK in 1945 amounted to £1.32 billion. This was “almost 45% of the Marshall Plan for Europe”, and represented Britain’s share of the joint wartime expenditure incurred by Britain and India during the Second World War. India had counted on the return of its Sterling balances to finance its reconstruction and development after the war. This issue was deflected by the US and UK.⁶ Subsequently, as developing countries became prominent in the multilateral system, India campaigned to reform the IMF’s quota-based governance system of 1945. This culminated in an agreement in 2010, which has not yet been implemented⁷, contributing to calls for a “new Bretton Woods moment”⁸ as part of “reformed multilateralism.”

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From 1942, two parallel multilateral negotiations took place on using free trade for socio-economic development. India participated in the UN-sponsored negotiations to create an International Trade Organisation through the “Havana Charter.” The US Congress rejected this outcome. From November 1946, India participated in the negotiations in Geneva outside the UN framework to liberalise tariffs. Independent India became one of the 23 original “contracting parties” of the informal General Agreement on Tariffs and Trade (GATT) that emerged from these negotiations on October 30, 1947. The core principles of the GATT are Most-Favoured-Nation (MFN or non-discrimination) and National Treatment (equal treatment of foreign and national goods/services in the domestic market).

In 1979, India and other developing country members of the GATT negotiated the Enabling Clause, which allowed derogations from the core principles of international trade to support developing countries. These provisions were carried over into the World Trade Organization (WTO), which replaced the GATT as an inter-governmental organisation on January 1, 1995. India is a founder-member of the WTO, which takes its decisions by consensus.⁹

Since 2019,¹⁰ the WTO’s effective functioning has been disrupted by the US, which has targeted the WTO’s Dispute Settlement Mechanism (DSM). This has led WTO members like China and the EU to create alternative structures to arbitrate on trade disputes. A re-negotiation of the WTO’s “single undertaking” framework as a result of US-focused WTO reforms can potentially dilute the Enabling Clause. Developing countries must locate WTO-reform issues in the larger political framework of “reformed multilateralism” to protect the integrity of the Enabling Clause and increase their participation in international trade to sustain development.

The UN Charter

In the final negotiations on the UN Charter, India supported the decision-making provisions in the UNGA based on the democratic principle of one-country one-vote, contained in Article 18.¹¹ India played a significant role between 1946-1948 to give substance to UN Charter provisions upholding fundamental rights and freedoms. These included the need to outlaw discrimination based on color (the anti-apartheid movement)¹², co-sponsoring the UNGA resolution mandating the negotiation of the Genocide Convention¹³, and drafting gender equality provisions into the Universal Declaration of Human Rights.¹⁴

The commitments of the UN Charter to decolonisation and development came to the fore when the UNGA adopted its “Decolonisation Resolution” on 14 December 1960.¹⁵ The Resolution was made possible by the entry of 17 African newly independent former colonial countries into the UNGA that year. In all 89 member-states out of the 99-member UNGA voted in favour of the Resolution, while nine abstained, including the UK and US, and Dahomey did not vote. The abstentions revealed the political ambivalence of Western powers towards cooperating in the UN with newly independent former colonial countries.¹⁶

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A significant outcome of the Decolonisation Resolution adopted in December 1963 was the first UNGA resolution to amend the UN Charter. This decision gave greater representation to developing country member-states in both the political and socio-economic decision-making bodies of the UNGA, i.e., the UN Security Council (UNSC) and the Economic and Social Council (ECOSOC). Amendments to Articles 23 and 27 of the UN Charter increased the number of elected non-permanent seats in the UNSC from 6 to 10. There were 97 votes in favour in the 113-member UNGA, including the Republic of China/Taiwan, 11 against, including France and Soviet Union, and 4 abstentions, including the UK and US. The same UNGA Resolution amended Article 61 of the UN Charter to increase the number of elected seats in the ECOSOC from 18 to 27. This received 96 votes in favour, 11 opposed, including France and the Soviet Union, and 5 abstentions, including the Republic of China/Taiwan, the UK and US.¹⁷

Two conclusions emerged from these votes. First, despite the opposition of some of the permanent members of the UNSC in the UNGA vote, all the P5 members ratified the resolution, as required by Article 108 of the UN Charter. Second, developed countries were wary of moves to increase the participation of developing countries in the ECOSOC, the UN's main platform for socio-economic development.¹⁸

In December 1971, the ECOSOC was expanded to 54 members by amending Article 61 through a resolution, which was adopted by 105 votes in favour, 2 against (France and UK) and 15 abstentions in the 132-member UNGA.¹⁹ Once again, despite non-supportive votes by some P5 members, the Charter amendment was ratified by all the P5 members and came into effect in 1973. The amendments to the UN Charter empowered equitable decision-making on socio-economic issues by developing countries. Decisions in the ECOSOC were taken by consensus, or in the absence of consensus, by recorded vote, as set down in Article 18 of the UN Charter. No elected member, big or small, had a veto.

Political support for developing country issues in the UNGA was generated through the platform of the Non-Aligned Movement (NAM), established in September 1961 at Belgrade by 25 developing countries, including India. The NAM, coordinated by its members represented in the UNGA in New York, currently includes 120 UN member-states.²⁰ Demands for a New International Economic Order to overcome the distortions of colonial rule were formulated by the platform of the Group of 77 (G-77) developing countries, created in the UN in June 1964, and encapsulated in the G-77's Charter of

Algiers of 1967.²¹ India was elected the first Chair of the G-77 for 1969-1970. Currently, the G-77 comprises 134 member-states in the 193-member UNGA.²²

In December 1986, the 159-member UNGA overwhelmingly adopted a resolution containing the Declaration on the Right to Development (DRTD), making it an “inalienable human right”. The recorded vote of 146 in favour, one against (US), and eight abstentions, including Germany, Japan, Sweden, and the UK, reflected the political reality of a “North-South” divide on the UN’s socio-economic agenda for development.²³

Sustainable Development

Developing country demands for accelerated development raised some concerns regarding the impact of development on the environment, which were voiced at the 1972 Stockholm UN Conference on the Human Environment. It was India that drew the political red-line for developing countries by asking: “are not poverty and need the greatest polluter?”²⁴ Developing countries engaged in constructive negotiations to converge the two priorities of environmental protection and accelerated development. The outcome was “sustainable development”, which became a core focus of the UNGA from the UN’s Rio 1992 “Earth Summit” onwards.

The most visible focus of the UN’s environmental protection agenda is the implementation of the UN Framework Convention on Climate Change (UNFCCC), with its annual meetings of the Conference of Parties (CoP).²⁵ Developing countries negotiated the principle of “Common but Differentiated Responsibilities” (CBDR) into Article 3 of UNFCCC. This acknowledged the historical responsibility, and corresponding obligations, of developed countries for global environmental challenges. Following the 2015 Paris CoP, the UNFCCC also became a springboard for developing countries led by India asserting their vision of “climate action.”²⁶ The 114-country International Solar Alliance, the first modern multilateral inter-governmental organisation headquartered in India, is a pioneering developing country-driven initiative for using renewable energy for development while protecting the environment.²⁷

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Between 2013 and 2015, the UNGA was mandated to discuss and negotiate an agenda for sustainable development. The outcome was unanimously adopted by the UNGA in September 2015 as Agenda 2030 with its 17 Sustainable Development Goals (SDGs).²⁸ The acknowledgement of the centrality of developing countries in the multilateral system was reflected in SDG 16.8, which unanimously committed to “broaden and strengthen the participation of developing countries in the institutions of global governance.”²⁹

Unlike previous “top-down” prescriptive efforts, developing countries ensured that Agenda 2030 was based on ground realities, formulated in consultation with multiple stakeholders, and dependent on national action for its implementation. A High-Level Forum was established to annually review the progress of Agenda 2030 based on voluntary reports submitted by UNGA member-states. This reflected a democratic, inclusive approach to sustainable development, connecting the work of the UN to the ground realities in its member-states.

The significance of Agenda 2030 was highlighted by India’s Prime Minister Narendra Modi as central to India’s transformation into one of the major powers of the 21st century. He said:

“Today much of India’s development agenda is mirrored in the Sustainable Development Goals.... international partnership must be at the centre of our efforts, whether it is development or combating climate change...we must also reform the United Nations, including its Security Council, so that it carries greater credibility and legitimacy and will be more representative and effective in achieving our goals.”³⁰

The context for UNSC reform was the unanimous declaration in the Preamble to Agenda 2030 that there “can be no sustainable development without peace and no peace without sustainable development.”³¹ This brought to the forefront interlinkage between the UN’s agenda in the ECOSOC and the UNSC.

World leaders meeting for the UN’s 60th anniversary Summit in 2005 had already highlighted the ineffectiveness of the UNSC. They had unanimously mandated “early reform” of the UNSC to make it “more broadly representative, efficient and transparent and thus to further enhance its effectiveness and the legitimacy and implementation of its decisions.”³² However, despite this clear mandate, the UNSC continues to be unreformed (and ineffective) even 18 years later.

The Veto Privilege

UNSC reform continues to be blocked directly and indirectly by the P5 members, who are loath to dilute or share their “veto privilege” (reflected in Article 27.3 of the Charter) and “permanent” membership (reflected in Article 23.1 of the Charter) in the UNSC. However, in the context of the UN Charter, the veto privilege is an anomaly, as it directly contradicts the principle of sovereign equality in decision-making in the UNGA (set out in Article 18 of the Charter).

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Calls for “reformed multilateralism” have increasingly focused on the negotiating history of the veto provisions in the UN Charter to highlight this anomaly. These provisions were proposed by President Roosevelt of the US in February 1945 as part of secret negotiations with the UK and Soviet Union at Yalta. Referred to as the “voting procedures” in the future UN, they gave the non-elected P5 a “veto on decisions before the Security Council.”³³ In its invitation letter for the San Francisco Conference, the United States, on behalf of the P5, made the participation of delegations conditional on their not re-opening this agreement.³⁴

India, which had contributed significantly in military and financial terms to the Allied victory in the Second World War, was among the delegations that objected to this approach. However, faced with the ground reality of ensuring that the victorious Allied powers worked together in the new UNSC to maintain international peace and security, a compromise was negotiated. In return for accepting the veto provision proposed by the P5, a commitment was given that this “safeguard measure” would be reviewed 10 years after the UN was established, i.e., in 1955. This was included as Article 109 of the UN Charter.

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On January 18, 1946, at the First Session of the UNGA, India placed this negotiating history on record. Sir A. Ramaswamy Mudaliar, the leader of the Indian delegation,

who had negotiated and signed the UN Charter on behalf of India, said:

“We look willingly to the Great Powers to discharge their responsibilities, not to exercise their rights; let us hope that during the next ten years, on the one hand, our apprehensions and fears we may not have, will not be realized either, so that, at the end of the ten years’ period when we re-examine the Charter, there will be unanimity again, and that this United Nations Charter will not require all the safeguards which **big nations sometimes claim and small nations so unwillingly give**” (emphasis added).³⁵

Two significant developments altered the political context of the veto. On 12th April 1945, President Roosevelt died of a cerebral haemorrhage at White Springs, Georgia. His successor, Harry Truman, who was a compromise choice for Vice President in July 1944, had not been included in President Roosevelt’s wartime diplomacy, including at Yalta. This became a handicap for the US when the UNSC began functioning in 1946, and the Soviet Union began casting its first vetoes.³⁶ Secondly, on 5th March 1946, British Prime Minister Winston Churchill publicly declared the beginning of the Cold War with his “Iron Curtain” speech at Fulton, Missouri.³⁷ The veto, instead of being a transitional “safeguard” measure of last recourse, became the barometer of increasing confrontation between the P5. Between 1946 and 2020, the P5 between them had cast 293 vetoes.³⁸

In November 1979, a group of 10 developing countries, including India, inscribed on the UNGA’s agenda the “Question of equitable representation on and increase in the membership of the Security Council.”³⁹ The initiative sought to increase the number of UNSC elected seats to accommodate a larger number of “non-aligned and developing countries”, and in the process catalyse the promised review of the veto provision which India had referred to in the UNGA in 1946.⁴⁰ The UNGA acted on this initiative only after the end of the Cold War. In 1992, it established an Open-Ended Working Group (OEWG), which discussed UNSC reform inconclusively between 1994-2005. As noted earlier, the unanimous mandate of world leaders at the UN Summit in 2005 for “early reform” of the UNSC remains unimplemented.

The rapid deterioration of relations between the P5 in recent years has injected a new dimension for UNSC reform. While the core objective of UNSC reform today for developing countries is to make it supportive of the UN’s Agenda 2030 for Sustainable

Development, it is evident that P5 members are ambivalent about UNSC reform. An ineffective UNSC has given P5 members the flexibility to bypass the UN and resort to the use of unilateral, bilateral, or regional measures in response to perceived threats to international peace and security placed on the agenda of the UNSC. Three examples illustrate this trend.

Covid-19: The UNSC’s inability to adopt an urgent resolution supporting an all-of-UN response to the unprecedented global Covid-19 pandemic in January 2020 is one such example, contrasting with the swift UNSC resolution adopted to mitigate the HIV/AIDS virus in 2000. Polemics between the US and China in the UNSC blocked “any possibilities of inter-institutional cooperation”⁴¹, leading to the stockpiling of and profiteering on anti-Covid vaccines by developed countries at the expense of populations in developing countries.⁴² Developing countries with the national capacity and political will to manufacture and supply anti-Covid vaccines were blocked by protectionist measures in selected developed countries, forcing them to seek compromise solutions outside the UN through the WTO’s Vaccine Waiver Initiative.⁴³ According to the World Bank, the Covid-19 pandemic pushed as many as 150 million additional people into poverty, mainly in developing countries, by the end of 2021.⁴⁴

Afghanistan: In mid-August 2021, the UNSC was confronted with the abrupt decision by the US-led North Atlantic Treaty Organization (NATO) alliance deployed in Afghanistan under UNSC resolutions⁴⁵ to withdraw from that country, despite the unanimous UNSC resolution 2513 adopted in March 2020 interlinking NATO withdrawal with an “inclusive, negotiated political settlement.”⁴⁶ This *fait accompli* resulted in the overnight decapitation of the 20-year international development assistance programmes for Afghanistan, one of the world’s most impoverished and war-ravaged developing countries. The impact was felt most on “South-South development cooperation” projects, including in education and healthcare, worth \$3 billion between India and Afghanistan. The UNSC’s ineffectiveness erased the fundamental human rights of education and employment for Afghanistan’s 20 million women and jeopardised the security of its national minorities. By 2022, 97% of Afghanistan’s 40-million population had been pushed into poverty, and its GDP had declined by 34%.⁴⁷ So far, the UNGA has not fixed responsibility for this catastrophe.

Ukraine: On 17th February 2022, the P5 members belonging to the NATO remained indifferent while being briefed by the UN on the non-implementation of UNSC resolution

2202 on Ukraine, adopted unanimously in February 2015. This resolution had specifically upheld the territorial integrity and sovereignty of Ukraine while endorsing a political settlement of the Ukraine crisis negotiated through the Minsk Agreements. Although the UN affirmed that the Minsk Agreements “remain the only framework endorsed by the Council, in resolution 2202 (2015), for a negotiated, peaceful settlement of the conflict in eastern Ukraine”,⁴⁸ the ineffectiveness of the UNSC in enforcing resolution 2202 contributed to the conflict and destruction in Ukraine, as well as the wider implications of the Ukraine conflict.

The P5 members belonging to the NATO remained indifferent while being briefed by the UN on the non-implementation of UNSC resolution 2202 on Ukraine.

A year later, about 9 million Ukrainian refugees, out of Ukraine’s population of 43 million, have fled abroad, including 2.8 million Ukrainian refugees to Russia.⁴⁹ The response by NATO, including imposing unilateral sanctions on Russia bypassing the UNSC, has “likely contributed to disruptions in global supply chains, higher global commodity prices, and a slowdown in global economic growth.”⁵⁰

Implementing “Reformed Multilateralism”

These examples of a dysfunctional UNSC raise the stakes for implementing “reformed multilateralism” to prevent further erosion of the political pillar of the multilateral system. Developing countries have galvanised themselves to express their concern at this turn of events. 125 countries, including 47 from Africa, 31 from Asia, 29 from Latin America and the Caribbean, 11 from Oceania, and 7 from Europe, responded to India’s initiative and participated in a virtual “Voice of the Global South” Summit on 12-13 January 2023, affirming the need for peace and “human-centric development.”⁵¹

Some 33 developing countries elected to the 47-member UN Human Rights Council (UNHRC) by the UNGA coordinated the adoption of a resolution sponsored by the NAM on 3 April 2023 that rejected the use of unilateral sanctions and “extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of least developed and developing countries.”⁵² The 13 elected members of the UNHRC opposing this resolution all belonged to, or were aligned with, NATO.⁵³

Inflection Point

The multilateral system today is at an inflection point. On one side are the dominant NATO military powers, seeking to revive the Cold War dynamic of calibrated armed confrontation, as evidenced by two public statements by the US in recent months.⁵⁴ On the other side are the majority of UNGA member-states, mainly developing countries, that have invested in multilateralism to ensure the implementation of Agenda 2030 on Sustainable Development.

Faced with this situation, the advocates of “reformed multilateralism” need to activate an action plan by 2025, when the UN marks its 80th anniversary, to achieve their objective. Specifically, they have to ensure that the UN’s Summit of the Future scheduled for 23-24 September 2024, for which a preparatory Ministerial Meeting of the UNGA will be held in September 2023 in New York,⁵⁵ decides to convene a General Conference of the UN⁵⁶ to review the provisions of the UN Charter. This objective is already contained in Article 109 of the Charter and should be implemented without conditions to enable participants to adopt decisions that can effectively “reform” multilateralism.

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