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## *The UN Security Council; Time to Reform*

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### Introduction

Shashi Tharoor, a former career UN diplomat and currently member of the Indian Parliament, illustrated the importance among the international community regarding a debate on the reform of the Security Council of the United Nations (UNSC) quite adequately, “...*The problem of reforming the Security Council is rather akin to a situation in which a number of doctors gather around a patient and all agree on the diagnosis, but they cannot agree on the prescription. The diagnosis is clear: the Security Council reflects the geopolitical realities of 1945 and not of today. This situation can be anatomized mathematically, geographically, and politically, as well as in terms of equity...*”.

In 1945, after the world tried to recover from the horrendous World War II, that claimed the lives of over 50 million people, the international community convened and created the United Nations (UN), which altogether assembled the Security Council, currently composed of 15 members: 5 permanent members with the power to Veto – the United States of America, Russia, the United Kingdom, France and China – and 10 non-permanent members elected by the General Assembly every two years. The UNSC is the only body that has the authority to deliberate upon international security issues and to take effective measures for the maintenance of peace in the world. According to UN Charter V, it is the role of the Security Council to maintain international peace and stability, determining whether there is any threat to the worldwide equilibrium, and take the responsibility of identifying and improving the conditions necessary to assure peaceful agreements and resolutions in international context. At least, this is how it should be on paper – theoretically.

Initially, when the UN was created, 51 countries were part of the organization; today the total membership is 193. Despite significant transformations that the world has seen throughout the past years, the structure of the Security Council has been changed only once: In 1965, when the number of non-permanent members in the Security Council increased from six to ten. Regions such as Africa, South Asia and Latin America are still excluded from permanent participation at this decision-making body, which gives undue weight to the balance of power. What becomes clear is that the UNSC reflects the geopolitical realities of 1945 and not of today. The Council’s five permanent members still hold the privilege of a Veto power, by virtue of having won a war 73 years ago.

The controversies and asymmetries do not end here. In terms of UNSC working methods, there are still issues related to the inability of the Council in providing clear mandates and implementing more transparent resolutions. Visibly, the power is not equally distributed, since countries like Japan and Germany, which do not have a Veto, yet are the second and third largest financial donors to the UN treasury, have been denied a permanent seat, as it were they who lost the war. The current Council Membership also denies Veto power to other States that have contributed greatly to the promotion of democracy and evolution of world affairs in their respective regions; India and Brazil are outstanding examples.

Such cases come as a direct contradiction to the UN Charter itself, which claims, “...*The organization is based on the principle of the sovereign equality of all its members, in order to ensure to all of them the rights and benefits resulting from membership...*”. There is merit in the argument that the tendency of some countries to dominate over the Council is inconsistent with its aim of promoting democracy and equality. Problems such as these, demonstrate the outdated governance structure, which undermines the organization’s legitimacy, and further - its effectiveness. Reform is essential since what looks out of place today, will seem absurd tomorrow.

This paper will put forward recommendations for a reform, based on the failures of the UNSC to stabilize and harmonize the world order. It will highlight the importance of having a country from the South Asian region as a permanent Member State, which would have the necessary profound insight of the particularities and sensitivities that characterise the ongoing disputes, since that is vital in finding a solution to those inter-ethnic clashes. The article will further evaluate the odds of India becoming a permanent member, since it is the largest by size, GDP and advanced in terms of democratic rule in the region. It will analyse India’s objectives, its efforts within the UNSC to achieve those objectives, and the eventual outcomes (or lack thereof). This Paper will also discuss the G4 nations, comprising of Brazil, Germany, India, and Japan, which support each other’s bids for permanent seats on the UNSC.

### UNSC Deficiencies

The international system has changed drastically since the end of World War II, with the Cold War witnessing the decline of some powers and the emergence of others. Today, the United Nations has 193 member States, while the Security Council has only increased its number to 15 members. The current position of the Council also gives undue weight to the balance of power; Europe for example, accounts for only 5% of the world's population, but controls 33% of the Security Council seats. Since the very creation of the UN, the debate on a UNSC reform continues to be a hot topic, as several countries remain underrepresented, judging by the distribution of permanent seats. After the invasion of Iraq by US forces, propositions for a Security Council reform were pushed forward, appealing for a revision in three main aspects: Veto power, regional representation and working methods for its resolution implementation.

The general discontent of countries regarding the preferential policy towards permanent members, altogether with the process of decolonization of Asian and African countries, triggered movements, that favoured a reform of the Security Council; In September 2004, the Heads of the States of Brazil, Germany, India and Japan formed a group, namely G4, which aimed to coordinate their collective actions in order to present a resolution on the reform of the Council to the General Assembly. The group advocated for the expansion of the UNSC into permanent and non-permanent membership categories, with a larger participation of developing countries in order to better reflect the current geopolitical realities of the world. Based on the firm mutual recognition that they are legitimate candidates for permanent members in a reformed Security Council, the four countries mutually supported each other in the acquisition of a permanent seat.

Numerous examples of how the Security Council has repeatedly failed to resolve inter-ethnic conflicts, such as those in Srebrenica, Rwanda, Somalia or Syria in the exercise of protecting civilians, safeguarding human rights and delivering solutions, could be attributed to the unequal and

incoherent Veto Power, which is undeniably unsuitable for the current international context. For instance, a scenario where the current Veto countries draft a resolution concerning South Asia with no country from the region to deliberate upon it, proves how preposterous the present reality is. In the absence of a reform, the UN could ultimately discredit its own reputation and credibility.

The power of Veto is further seen as a tool used by these countries in exerting influence over world politics according to their own interests and strategies rather than common interests. That was the case during the Cold War when the United States and Soviet Union overused their Veto power over UN resolutions setting up a '*frozen*' Security Council, where the body was unable to perform its obligations due to bipolarity and disagreement between the USSR and the US.

This argument brings to surface the common phenomenon of States failing to implement UN resolutions, even when they have initially approved them. The UN peacekeeping operations have proved to be sometimes unable to provide clear and adequate operational guidance to troops, leading to the institutional loss of credibility. The UNSC Resolution 39 on Jammu & Kashmir, adopted on 20 January 1948, is a vivid example of the inefficient working methods of the UN. The Council offered to assist in the peaceful settlement of the Jammu & Kashmir conflict by establishing a three-member commission, which consisted of two members, chosen by each State, which would subsequently choose a third one. Later on, Resolution 47, adopted on 21 April 1948, safeguarded the same objective as Resolution 39, yet the Council decided to increase the size of the Commission to five members, in order to more efficiently assist India and Pakistan in restoring peace and security in the region. The UNSC, under Chapter VI of the UN Charter adopted the resolution and the mandate obligated Pakistan to withdraw all its troops from the territory of Jammu & Kashmir, after which India would progressively reduce its forces to the minimum level required to maintain law and order in the former Princely State of Jammu & Kashmir. The Pakistani Government ignored the mandate and has till date refused to retreat its forces, causing disagreements over the process of demilitarisation, bringing on the Commission's failure in December 1949.

#### [G4 Nations bid for permanent UNSC seats](#)

Unlike the G7 and G10, where the common denominator is the economy and long-term financial and political motives, the G4's primary aim is permanent member seats on the Security Council - comprising of Brazil, Germany, India, and Japan, the countries support each other's bids for permanent seats on the UNSC. Each of these four countries have been present among the elected non-permanent members of the council on multiple terms since the very establishment of the Council. Their economic and political influence has grown significantly in the last decades, reaching a scope comparable or even surpassing that of the permanent members. The G4 have also recently suggested that two African nations, in addition to themselves, should be included in an enlarged UNSC. However, the G4's bids are often opposed by their economic competitors or political rivals, and particularly countered by the Uniting for Consensus group, which was established in 1995 under the leadership of Italy along with Pakistan, Mexico and Egypt, in disapproval to the possible expansion of the UNSC permanent seats.

Nevertheless, countries such as the G4, as well as all the member States of the African Union, have still called for an expansion of the Council beyond its current permanent five and rotating 10

members, since they believe that the West is disproportionately represented and the only two non-western States, namely China and Russia are unable to represent them and share the concerns of other non-western States. The desires and needs of the Global South undeniably differ from those of the pre-eminent powers in the world today.

The G4 bloc believes that there is an imbalance of influence within the UNSC between the permanent and non-permanent members and expansion only in the non-permanent category is not going to solve the issue, as it will additionally widen the difference. A balanced enlargement in both categories is necessary in order to ensure an equilibrium that reflects the current geo-political realities and any reform that does not address the expansion of both categories will be incomplete and futile.

### Brazil

In the 68-year history of the UN, the Federative Republic of Brazil has spent 20 years on the Security Council, being elected ten times. Brazil is not only a founding member of the UN, but has also engaged in all of its specialized agencies and is among the top twenty contributors to UN peacekeeping operations, taking part in peacekeeping efforts in the Middle East, the former Belgian Congo, Cyprus, Mozambique, Angola, East Timor and Haiti. The country has participated in 33 peacekeeping operations and contributed with over 27,000 troops. Brazil also led the military component of the United Nations Stabilisation Mission in Haiti (MINUSTAH) since its establishment in 2004 and the Maritime Task Force (MTF) of the United Nations Interim Force in Lebanon (UNIFIL). In addition, according to the Scale of Assessments for the apportionment of the expenses of the UN, Brazil is the sixth largest contributor to the UN regular budget for the period of 2016-2018. The collective efforts of Brazil and Argentina to end their economic and military rivalry in the 1980s, which defused the nuclear component of the rivalry, something that India and Pakistan were not able to achieve, proves the country's ability to act as a South American regional hegemon, accountable for the successful and peaceful resolution of serious conflicts. Years of macroeconomic stability, sustainable economic growth, and a cluster of successful social policies have given rise, not only to a new and thriving Brazilian society, but also to Brazilian multinational companies, which coupled with Brazil's undeniable economic ascendancy, supports its claim for a permanent seat.

### Japan

Certainly, 70 years is a long time for carrying the burden of being the defeated power in World War II, especially when a country such as Japan is the third largest economy in the world and has been selected 11 times for the UNSC non-permanent membership, an unprecedented achievement. Providing approximately 20.6% of the UN budget, Japan is second only to the United States in its financial support of the organization. Leaving out the United States, Japan's financial contributions exceed the combined contributions of the four remaining permanent members of the Security Council. Japan is further committed to promoting international disarmament and non-proliferation while firmly maintaining its three Non-Nuclear Principles; not possessing, not producing and not permitting the introduction of nuclear weapons into its territory. Since 1994, Japan has submitted draft resolutions on nuclear disarmament at the UN General Assembly, which have been adopted with overwhelming support. Japan actively contributed to the success of the 2000 NPT Review Conference by presenting the eight-item proposal, and has been taking the initiative in facilitating the entry-into-force of the Comprehensive Nuclear-Test-Ban Treaty. Moreover, Japan plays a leading

role in disarmament of conventional arms, including small arms and landmines. It has provided substantial financial assistance for this purpose, and in 2000 established the Small Arms Fund within the UN.

In order to counter the diverse and complex threats in the globalized world, the country has upheld the concept of human security as one of the major pillars of its foreign policy. In this regard, Japan has been assisting communities in post-conflict situations, empowering refugees and contributing to conflict prevention through the UN Trust Fund for Human Security, which was established under its own initiative in 1999. In 2007, the country launched the Program for Human Resource Development in Asia for Peacebuilding, that was aimed at strengthening the civilian capacity of Japan and other Asian countries in the field of peacebuilding. What becomes evident is that the number of background variables that have conditioned Japan's bid for a permanent UNSC membership are extensive, since the country has proven it is able to make a viable contribution to the maintenance of international peace and security.

### Germany

Today, Germany is the third largest contributor to the UN budget, after the United States and Japan, with roughly \$ 190 million. The country is the cornerstone of the European continent, one of the strongest industrial nations in the world and an outstanding democratic power with a moral presence on the global stage, which also has a long history in the rotating 10 non-permanent members of the Council. It is the largest country in the EU concerning population and economic output and can serve at the UN as an intermediary between Eastern and Western Europe. Germany's UN policy is characterized by a commitment to a broad range of UN areas of operation, many of which are incorporated into the work done by Federal Ministries and the Chancellor's Office. Such themes include UN peacekeeping, the protection of human and civil rights, sustainable development and humanitarian aid, which are all held in very high regard in local German politics. Germany has also established itself as an important player in the areas of fighting poverty and protecting the environment, all of which are preconditions for a durable and peaceful world order. The country is further a party to every human rights convention and protocol, and helped pave the way for the development of the International Criminal Court (ICC). As a proponent of '*enlightened multilateralism*', emerging norms such as the Responsibility to Protect (R2P) are strongly supported by Germany. The country's role in the UN has noticeably developed from '*pariah*' status, to that of an established member of the international community. Much of this restoration has taken place through active work within global institutions and as a result, Germany's commitment to a stable and open international order has been well maintained. However, there are ways in which Germany can move past rhetoric and actually strengthen its multilateral actions further by strengthening its commitment to UN-led missions and pursuit of a permanent seat in the Security Council, after demonstrating how a German space in such an institution can have a positive influence on the world order.

### India

Despite having millennium long shared history, the people of South Asia are severely entrenched in animosity and adversarial relations towards each other. Because of this antagonism, the resources of the region have been digested, amplifying negative social ills such as poverty, illiteracy, poor

health, unemployment and many others. Furthermore, as Jeffrey D. Sachs, the Special Adviser to the United Nations Secretary-General on the Millennium Development Goals argues: *“Asia’s inadequate representation poses a serious threat to the UN’s legitimacy, which will only increase as the world’s most dynamic and populous region assumes an increasingly important global role”*.

Arguably, the only State in South Asia that has embraced the most recent patterns of modern State formation and western political values, is India. Democracy has evolved as its major political system and a pillar force for the country. Owing to its population, economy and several other attributes, India demands greater role in the global affairs and advocates for a reform in the UNSC. The country has the world's second biggest population, which makes it the world's largest liberal democracy, and its vast economy places it on a third position in the world in terms of purchasing power parity as of 2014. India is also one of the top three contributors of troops to UN peacekeeping missions with nearly 180,000 troops that have participated in more than 43 missions.

The country was among the original members of the UN that signed the Declaration by the United Nations at Washington, D.C. and as a founding member, the country strongly supports the principles of the UN and has made significant efforts in implementing the goals of the Charter, and the evolution of the UN's specialised programmes and agencies. For example, when the UN Security Council failed to decide on the collective action in the conflict-situations due to the Cold War, India along with other countries prevented the Security Council from being paralyzed and played a pioneering role in the conceptualisation and operation of the UN peacekeeping system. They developed the practice of sending UN observers and commissions to oversee the compliance of cease-fire resolutions, which was a means of asserting moral authority. From these practices gradually evolved the innovative concept of peacekeeping, where the soldiers are sent, not for fighting, but to maintain the equilibrium.

New Delhi’s first major brush with the UNSC occurred over Jammu & Kashmir in 1948, following an invasion by Pakistan on 22 October 1947. Indian Prime Minister Jawaharlal Nehru referred the matter to the UNSC, hoping for a favourable outcome. Yet, while the country was advocating for a peaceful, that is non-military, resolution to the Jammu & Kashmir conflict, the UNSC voted for an armed intervention. Nehru was greatly disappointed by the Western powers, which treated the matter more as a dispute between two States rather than the invasion of one’s territory by the other. As Chinmaya Gharekhan, India's Permanent Representative to the UN, concluded from this experience: *“the Security Council was a strictly political body and that decisions were taken by its members on the basis of their perspective of their national interest and not on the merits of any particular case”*.

Instead of troops, New Delhi contributed with an ambulance unit to the UN efforts, an elegant gesture given its position to the conflict and following the war, it played an active role in the repatriation of prisoners-of-war and refugees. In 1971, India intervened in the conflict of Bangladesh acting on humanitarian grounds and later on when joining the UNSC again on issues relating to the Soviet invasion of Afghanistan, the Iran-Iraq war, the conflict between Israel and Lebanon. Overall, the country seeks to achieve a level of greater cooperation with the international community in finding solutions for the world’s conflicts, while simultaneously turning the UNSC into a more reliable and exemplary body, through advocacy for a greater role for the non-permanent members within

the UNSC and a permanent membership for itself. This should address the current inequitable reality, where the *'pen holder'* of the UN draft resolutions nearly always is one of the permanent five State (P5), thus restricting critical agenda-setting powers in the council to a small group of States.

In the post-Cold War era, India joined the UNSC in a moment of a substantial geopolitical change when new military and economic scenarios were settled, along with the emergence of powerful nations, new intra-State conflicts sprouted in the UNSC agenda. The unprepared Council experienced a series of complex civil wars, requiring more than ever, an urgent reform. Due to India's ability to respond quickly to crisis, countries in Europe and the United States sought after its assistance during the conflict in Yemen, one of the poorest Arab's countries, where the local Government is responsible for cases of torture and inhumane treatment. The dreadful political instability of Yemen has already left 20 million people in need of humanitarian assistance leading to the largest food security issue in the world.

Although India has been a long-standing recipient of aid, its position has changed since recent years as it is also a significant promoter of assistance to other developing countries; altogether with the group of non-western donors, the country provides annually up to 12% of the world's humanitarian aid and development assistance. The Indian Ministry of External Affairs (MEA), under the patronage of the Development Partnership Administration (DPA), generated a program that would benefit a large number of countries in regards to disaster relief and economic development. The program deals with assistance projects in Southeast Asia, Central Asia, Western Asia and Latin America, where it has implemented projects in Afghanistan, Maldives, Myanmar, Nepal and Sri Lanka. In addition to MEA, the Indian Army and the Federal State Governments have also demonstrated their interest in providing help to other countries, especially when having geographical and ethnic links. That was the case in 2008, where the local Government of Tamil Nadu, a region in the south of India, contributed to the major International Committee of the Red Cross for Sri Lanka during the armed conflict in the Northern Province of the country. Following the defeat of the Liberation Tigers of Tamil Eelam in 2009, India offered \$50 million as donation to displaced people, covering their medicines and housing construction expenses. In regards to natural disasters, India has brought forward a contribution worth \$23 million to the reconstruction of Sri Lanka after the devastation caused by the Tsunami.

Since India's international aid relief is deeply enmeshed in its South Asian policy framework and among the countries that are the major benefactors stand out Afghanistan, Pakistan and Sri Lanka, the country has increased its influence as a responsible leader on issues related to peace, security and defence in South Asia, turning itself into a potential key player in the improvement of the effectiveness of the UNSC.

### Critique

Nevertheless, there are various stumbling blocks that need to be likewise examined before drawing conclusions. On several occasions, India has gone against the mandates of the UNSC, particularly in terms of its nuclear power program. In 1974, the country drew considerable controversy by conducting the first public nuclear test by a non-permanent member state. The international response was led by US efforts within the International Atomic Energy Agency (IAEA) to tighten proliferation controls, resulting in the formation of the Nuclear Suppliers Group. In 1996, the country again frustrated the international community by opposing the comprehensive test-ban treaty (CTBT),

as a result of which it lost the elections for a non-permanent position on the UNSC to Japan by a wide margin. In May 1998, India once more shook the global stage with a series of nuclear tests. This time, however, the international reaction was sharply negative but short-lived – instead of condemnation, India earned recognition from the great powers for its emerging status as a rising power. Humanitarian interventions and the doctrine of Right to Protect (R2P) are two other major points of disagreement between India and the Western powers. During its 2011-2012 mandate, India abstained from two crucial votes – on Libya in March 2011 and Syria in October 2011, which in the eyes of the Western permanent members was interpreted as avoiding taking action and standing against the spread of democracy. Yet, India’s move is not a surprise if one follows its UNSC policies, since it has always maintained a stance of a non-military intervention. Indian diplomats uniformly insist that military strength should not be considered as the sole component of the capability of the UN and they often exhort member-countries on the need to find an alternative way of dealing with crisis situations.

*“India is completely committed to peacekeeping provided peacekeeping is what we know it to be. The soldiers in the blue helmets, under the blue flag, are impartial. They are not supposed to be partisan. If somebody wants soldiers to go in and fight they should hire mercenaries, not take UN soldiers” - India’s Ambassador to the UN, Asoke Kumar Mukerji.*

### Expansion non-permanent membership

Suggestions for increasing the seats of non-permanent members have also been put forward by other countries than the G4, while claiming that this will bring about better coordination between member States and lead to greater transparency of the Council’s working methods. First, it will lead to more equitable distribution of regional voices and opinions, and secondly, it will further encourage non-permanent member States to act in accordance with the UN Charters and become more accountable in front of the UNSC. Such action plan will not only allow more countries to serve on the Council and act as representatives of contemporary geo-political realities, but will also reduce the alienation and marginalization, which certain nations face, and will ultimately contribute to their inclusion on the global political landscape and resolution of the cross-regional disputes they are experiencing. Such proposal seems realistic and sound, given the fact that not every country is eligible for a permanent seat, considering its weak economic influence, political instability, fragile criminal justice system or underdeveloped democratic governance; yet, a non-permanent membership will foster the positive development of those deficiencies.

### Conclusion

The current detailed and extensive analysis of the United Nations Security Council sheds light on the unfortunate flaws that cause this body to be the white elephant in the room. Various Governmental and non-Governmental actors across the international community still fail to comprehend the working methodologies of the Council, increasing the doubts surrounding the structure of the organization, and subsequently inhibiting any space for reform. However, none of these proposals could be taken into consideration unless the countries in power decide to cooperate in efforts of changing and correctly reflecting the current geopolitical scenario.

It is clear how the UNSC is increasingly becoming irrelevant to the realities of the 21<sup>st</sup> century world, in which many other countries play an important role (as well). On various occasions, the use of Veto

power seems to have become distant from its initial reasons and has been responsible for the silence of the Security Council on some major international conflicts including the genocides in Rwanda and Darfur, the 2003 Iraq War and the 2008 conflict in Georgia. New membership, from areas of the world not currently permanently represented on the Council, might compel the Council to take swifter, deeper actions in neglected areas, prevent further human suffering and enhance overall understanding of regional sensitivities.

When particularly focusing on South Asia, New Delhi's considerable performance in international events and world politics before and after the Cold War, in addition to its huge economic and political influence based on its population growth, territorial size, GDP, civilization heritage and cultural diversity, leaves no doubt that the country would make a decisive change in the Security Council if it is included as a permanent member. Furthermore, its compliance with the UN resolutions on the Jammu & Kashmir issue, contribution to UN Peace Keeping Missions, financial contributions in its region and to the UN and regional leadership, prove its merits of obtaining a permanent seat in the council. Its accomplishments in the UNSC, which are consistently related to its voice of moderation demonstrate its ability of becoming an accountable and reliable arbitrator of current affairs in the South Asian region. In the Post-Cold War era of ongoing drastic changes, New Delhi has experienced a strategic, political and economic transformation, playing a more substantive role in securing democratization and encouraging opportunities for the emerging countries as well as standing for an alternative global order, supporting the aspirations of the '*underprivileged nations*'.

Yet, any reform of the Security Council would require the agreement of at least two-thirds of UN member States in a vote in the General Assembly, and must be ratified by two thirds of Member States. All of the permanent members of the UNSC, which hold Veto powers, must also agree and not veto the proposal. One of the major challenges is the fact that the G4's regional rivals are utterly against their bid of becoming permanent members and are acting towards hindering any such possibility. The permanent members have also reluctantly expressed their defensive position on the subject.

What becomes clear from this extensive analysis is that geo-political power is a broad term and thereby, very difficult to define. It is habitually linked to sovereignty, strength, domination and military or economic superiority. However, power does not exist in a vacuum - it derives its stature once it is recognised by others. The reason why certain nations are able to exert such a substantial influence over the rest of the world, lies in the fact that they have managed to gain acknowledgment as being omnipotent by others. The UN and its Council is nothing more than an organization led by powers perceived as great. When the five permanent members were granted the 'power of Veto', the States that signed the Charter of the UN in 1945, not only gave those countries the capacity and authority to make decisions about the most salient issues related to international peace and security, but also granted them the legitimacy and trust, necessary to resolve the most urgent crisis in the world. In which they have not, always, succeeded.

The UN has carried the hopes of millions since its foundation in 1945 and one such hope was the fair treatment of the world's nations, both large and small. In the new order, sectional prejudice is supposed to have no place in policy-making, and all representatives to have their due accord. Thereby, the only possibility towards amelioration of the current Security Council comes with the

emergence of other nations, which are equally seen as outstanding and righteous as those that already hold the permanent member seats.

For this reason, it is important that the G4 countries continue playing their role of well-structured and democratic actors; the countries have shown their growing capacity, not only as military arbitrators and economic donors, but also as responsible international decision makers. If they continue following such path, their influence will be increased to the point of obtaining global leadership positions and put a pressure on debates for reforms.

Ultimately, this could and should lead to the creation of a more balanced and fairer Security Council, better equipped in fulfilling its duties and promises.



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