

15THE UNITED NATIONS SECURITY COUNCIL REFORM: A CASE FOR PERMANENT MEMBERSHIP FOR NIGERIA*

Abstract

There is a unanimity among state parties to the United Nations that the United Nations Security Council is in dire need of reform, as well as a growing consensus that Africa deserves at least one permanent seat in a reformed Security Council with all the prerogatives and privileges of the existing permanent members of the Security Council. The question of which African country will occupy such permanent seat has started generating mixed-feeling among the bigwig countries in Africa particularly Egypt, Nigeria and South Africa. This paper examined the growing call for the Security Council reform and Nigeria's potentials for permanent membership in a reformed Security Council as against other African countries especially Egypt and South Africa. The research methodology adopted by the researcher is purely doctrinal, whereas analytical, descriptive and prescriptive approaches were employed. The paper found that the Security Council is not only due for a comprehensive reform, but also that the issue of the Security Council reform has remained one of the major challenges confronting the United Nations in its determination to save succeeding generations from the scourge of war. The paper also found that no other African country could legitimately lay greater claim to permanent membership of the Security Council more than Nigeria because of pride of place it occupies in Africa. This paper therefore called for an urgent reform of the Security Council to attune it to the current geopolitical reality of the world. This paper in particular called for the amendment of Article 23 of the United Nations Charter in such a way that Nigeria should be made one of the permanent members of the Security Council with all the prerogatives and privileges of the existing permanent members of the Security Council including the veto power.

Keywords: Africa, Nigeria, Permanent Membership, Security Council, United Nations

1. Introduction

The United Nations was established at the end of World War II to replace the League of Nations which failed woefully to prevent the outbreak of that catastrophic War. It was established to save the succeeding generations from the scourge of international war, which had twice brought untold sorrow to mankind. Thus, the United Nations Charter makes the maintenance of international peace and security the overriding purpose of the United Nations. This all-important task of maintaining international peace and security was primarily assigned to the United Nations Security Council (UNSC), one of the six principal organs of the United Nations. The UNSC is an exclusive organ which is structured to act as the executive arm of the United Nations.¹ As the executive arm of the United Nations, it is its responsibility to execute and enforce the will of international community. No wonder the UNSC is the only organ of the United Nations ordinarily empowered by the United Nations Charter to make binding decisions apart from the International Court of Justice.² Thus, according to Richard Gardiner, 'the UNSC is the executive body within the UN which has the authority to order or authorize enforcement.'³ However, the UNSC is not an executive body in the strict sense since it does not have a single figurehead that directs its affairs. On the contrary, the Council possesses some attributes of a legislative body like the United Nations General Assembly (UNGA), for example its decisions are predicated upon the votes of its members.⁴ But unlike the UNGA that meets only in regular and special sessions, the UNSC functions continuously; hence its members are permanently represented in the United Nations at all times.⁵ The UNSC consists of five permanent members and ten non-permanent members. The five permanent members are China, France, Russia, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, whereas the non-permanent members are elected by the General Assembly for a term of two years each. The permanent members of the UNSC are not only permanently represented in the UNSC, but also enjoy the privilege of veto power through which they significantly direct and influence the global politics. Yet, unlike other major continents of the world, no African country is a permanent member of the UNSC, and this has put Africa at a disadvantaged position in the comity of nations. African is not unaware of this age-old injustice against her; and so has been in the forefront in the ongoing discourse on the need to expand the membership of the UNSC. Thus, on 18 July 2005 a draft resolution A/59/L.67, which was sponsored by Nigeria and 44 other African countries, was tabled before the UNGA. This draft resolution which demanded that Africa should be allotted a

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¹ M N Shaw, *International Law* (Cambridge Press, 5th ed., 2003), p. 1004.

² United Nations Charter 1954, Art. 24.

³ R K Gardiner, *International Law* (London: Pearson Education Limited, 2003), *Ibid.*, p.12.

⁴ According to Kochler, 'The Security Council exercises de facto supreme legislative and executive powers.' See H Kochler, 'The United Nations and International Democracy: The Quest for UN Reform', I.P.O. Research Paper presented first at the final meeting of the research network on 'The Political Theory of Transnational Democracy' at the University of Cambridge (UK), 29 March 1996, <<http://www.i-p-o.org/unid.htm>>, accessed on 16/04/2022.

⁵ Above at note 2, Art. 28, para. 1.

permanent seat in the expanded UNSC was so legitimate that most members of the UNGA supported it outright.⁶ If, in keeping with this draft resolution a permanent seat is allocated to Africa in the expanded UNSC, Nigeria would certainly be its destination because of the pride of place she occupies in the continent. Nigeria is not just the biggest economy in Africa, but also the largest democracy in the continent, as well as the biggest contributor to peacekeeping and peace-enforcement operations in Africa. Moreover, as the most populous country in Africa, no country can claim to be more reflective or representative of Africa or black race than Nigeria. However, as the race for the grab of the yet-to-be-approved African permanent seat in the expanded UNSC gets underway, Nigeria must improve its military capacity and diplomatic strength, as well as up the ante in its war against corruption as the world may not reward a country that is neck-deep in corruption and other social vices with a permanent seat in the UNSC.

2. Membership of the Security Council

There are two categories of membership of the UNSC, namely, the permanent membership and the nonpermanent membership. The bifurcation of the UNSC membership into permanent members and nonpermanent members reflects the compelling need to balance the power equation among the major actors in the World War II at the end of the war, so as to avoid future outbreak of world war.⁷ Thus, according to Richard Gardiner, 'the composition of the UNSC reflects the origin of the UN as an organization intended to prevent recurrence of world wars of the kind that occurred in the twentieth century. The idea was to create a body composed of the most powerful states, as permanent members of the Council, and a representative selection of other members of the UN elected to participate in the council's work.'⁸ Article 23, paragraph 1 of the United Nations Charter makes the Republic of China, France, the Union of Soviet Socialist Republics (now Russia), the United Kingdom of Great Britain and Northern Ireland, and the United States of America the permanent members of the UNSC, while the UNGA elects ten other members of the UNSC as non-permanent members. The permanent members of the UNSC enjoy the privilege of veto power. However, the question whether France and China deserved permanent seats in the UNSC at the foundation of the United Nations has continued to generate controversies among scholars. Not only was France invaded and captured by the Axis forces in the course of the World War II, it also remained under their control until its liberation in 1944 by the Allied forces. It is important to note that France was initially averse to the idea of permanent membership of the UNSC and its concomitant veto power until this privilege position was extended to her.⁹ On the other hand, China did not possess sufficient economic and military strength and capacity in 1945 to be entitled to a permanent seat and veto power in the UNSC. According to Gupta, 'China was accorded this status at the instance of by Roosevelt, the then President of the United States, who wanted to show that veto was not the exclusive prerogative of the white man's club.'¹⁰

Under the second limb of Article 23, paragraph 1 of the United Nations Charter, the UNGA is empowered to elect ten other members of the UNSC as non-permanent members. The paramount considerations for the election of the non-permanent members of the UNSC are two-fold. The first consideration is the contribution of the members to the maintenance of international peace and security and to the other purposes of the Organization. The requirement that contribution to the maintenance of international peace and security would be the uppermost consideration in the election of the non-permanent members of the UNSC is quite reasonable. This is because any state that plays no part in the maintenance of international peace and security will have no business being in the UNSC whose primary responsibility is the maintenance of international peace and security. The second consideration is the need for equitable geographical distribution. This consideration is of particular importance to most member states from the third world countries which ordinarily could not be elected into the UNSC on the strength of the first consideration because they lack the wherewithal to significantly contribute to the maintenance of international peace and security. The need for equitable representation in the UNSC has been firmly established; hence, according to paragraph 3 of Resolution 1991¹¹, the UNGA decided that 'the ten non-permanent members of the UNSC shall be elected according to the following pattern:

- (a) Five from African and Asian States;
- (b) One from Eastern European States;

⁶ See the introductory speech of President Ernest Koroma at the High-level meetings of the C10 held in Oyo, Congo on May 16, 2014, <<http://allafrica.com/stories/201405200876.html>>, accessed on 16/04/2022.

⁷ See League of Nations Covenant, 1920, Art. 4, para. 1.

⁸R K Gardiner, above at note 3, p.232.

⁹ Three factors appeared to be responsible for the inclusion of France as a permanent member of the Security Council, namely its colonial influence, the Role of the Free French Forces during the World War II and the fact that France was a permanent member of the defunct League of Nations.

¹⁰ K R Gupta, 'Reform of the United Nations Particularly of the Security Council', in K R Gupta (ed), *Reform of the United Nations, Volume 1* (New Delhi: Atlantic Publishers & Dist, 2006), p. 1.

¹¹ Question of Equitable Representation on the Security Council and the Economic and Social Council, A/RES/1991 A (XVIII), Dec. 17, 1963.

- (c) Two from Latin American States;
- (d) Two from Western European and other States.

Beyond the above Charter imposed considerations for the election of the non-permanent members of the UNSC, political considerations also play very crucial roles. Thus, a lot of underground works are done by the aspirants to the non-permanent seats of the UNSC prior to the actual election. These underground works include campaigning and lobbying the UNGA and the UNSC, especially its permanent members, for consideration and support. For example, while addressing the world leaders and other delegates at the opening of the 68th Session of the UNGA, Dr. President Goodluck Jonathan, the then President of Nigeria declared that Nigeria's commendable performance on previous occasions when it held a non-permanent seat at the UNSC should assure the global community that the country deserves to be elected to the Council again for the 2014/2015 session.¹² The non-permanent members of the UNSC are elected for a term of two years; and a retiring member is not entitled to immediate re-election. In practice, the UNGA each year, in the course of its regular session, elects five non-permanent members of the UNSC.¹³ Each member of the UNSC has one representative in the UNSC. Nigeria had served as a non-permanent member of the UNSC five times. This is quite commendable not only because Nigeria was the first African country to achieve the feat, but also because over 70 United Nations member states have never been members of the UNSC. It further confirms the leadership role which Nigeria plays in Africa and West African Sub-Region in the area of maintenance of international peace and security.

3. Rights and Privileges of the Permanent Members of the Security Council

There two basic rights and privileges of the permanent member of the UNSC. The first one is inferred from the word 'permanent', which simply means that a state occupying a permanent membership of the UNSC will not only be part of every sitting of the UNSC, but will also have a voting right in every meeting of the UNSC. The second rights and privileges of the permanent member, and by far the most important advantage of permanent membership of the UNSC, is veto power of the permanent members of the UNSC. The phrase 'veto power' is not used anywhere in the United Nations Charter, but only relates to the voting arrangements in the UNSC which requires the unanimity and concurrency of the permanent members of the UNSC before the Council could adopt certain resolutions. These voting arrangements resulted from a compromise between the United States, the former Union of Soviet Socialist Republics (now represented by Russia) and the United Kingdom, at the conference of Yalta of 1945,¹⁴ and they are contained in Article 27 of the United Nations Charter. According to the said Article 27:

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the 'concurring votes of the permanent members;' provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.¹⁵

The requirement of the 'concurring votes' of the permanent members of the Council in all non-procedural or substantive matters is what has given rise to the veto power of the permanent members of the UNSC. Therefore, the veto power of the UNSC is the power of the permanent members of the UNSC to nullify any draft resolution on non-procedural matters just by casting a negative vote. The veto power of the permanent members of the UNSC unarguably is the most controversial aspect of the United Nations. In fact, its controversies predated the United Nations Charter itself as issues relating to veto generated heated argument and debated at the Dumbarton Conference of 1944 among the participating states.¹⁶ Indeed, various aspects of the veto power of the permanent members of the UNSC generated considerable controversies during the early years of the United Nations, especially the issue of the distinction between procedural matters and non-procedural matters.¹⁷ This controversy was partly created by the United Nations Charter itself because the Charter neither draws any clear-cut line between procedural

¹² M Abubakar *et al* 'Nigeria deserves UN Security Council seat, Jonathan tells world leaders', *The Guardian*, 25 September 2013, <<http://www.nguardiannews.com/national-news/133760-nigeria-deserves-un-security-council-seat-jonathan-tells-world-leaders->>>, accessed on 15/12/2021.

¹³ Rules of Procedure of the General Assembly, 1948, R. 142.

¹⁴ B Simma and S Brunner, 'Article 27' in B Simma and B Ranzelzhofer (eds), *The Charter of the United Nation: A Commentary* (2nd edn, Oxford: Oxford University Press, 2002), p. 435.

¹⁵ Emphasis supplied

¹⁶ J Wouters and T Ruys, *Security Council reform: A New Veto for a New Century?* (Egmont Paper 9) (London: Academia Press, 2005), p. 5.

¹⁷ C E Okeke, 'The Role of Veto Power in the Admission New Members to the United Nations', *IJOCLLEP* 3 (1) 2021, PP. 1-9 at 3.

matters and non-procedural matters nor provides any guide as per how to distinguish between them. Thus, according to Shaw, ‘The question of how one distinguishes between procedural matters from non-procedural matters has been a highly controversial one’.¹⁸ Therefore, Article 27 of the Charter appears to be self-defeating because the purpose of separating procedural matter from non-procedural ones is defeated.¹⁹

4. A Case for the United Nations Security Council Reform

The quest for the reform of the UNSC is as old as the United Nations itself;²⁰ and there is unanimity among member states and scholars that the UNSC is in dire need of critical reform.²¹ Hence, according to Talbot²², ‘Reform of the UNSC was without question the greatest imperative for the future of the United Nations.’²³ It has also been observed that the UNSC reform is an unquestionable legal need of the moment.²⁴ This need is largely predicated on the fact that its composition and working method are out of tune with the zeitgeist of the twenty-first century. Thus, one of the major arguments for the UNSC reform is that the distribution of its permanent membership does not reflect the global power balance and geopolitical realities of yesteryear. At the foundation of the United Nations in 1945, the current permanent members of the UNSC emerged as the world’s Great Powers following their victory in the World War II. Besides their military strength, their overwhelming economic influence also characterized them as Great Powers. There is no doubt that these factors were very instrumental in their emergence as permanent members of the UNSC. However, the strength and power of some of these permanent members were largely tied to their colonial influence and territorial sizes. It is important to recall that the former was one of the major considerations for the extension of the veto power and permanent seat to France since it was conquered and occupied by the Axis powers during the World War II. However, colonialism as a political concept has not only ended. The reason no African country is a permanent member of the UNSC is because Africa was not in the picture during the negotiation and formation of the United Nations. This is because in 1945 when the United Nations was established virtually all the African countries were under the shackles of colonialism. Today, the equation is no longer the same as all the African countries have attained independence, and as such, Africa has become a major stakeholder in the global political power play. Hence, since the establishment of the Working Group on the Security Council reform in 1993, Africa has fully participated in the ongoing debate over the Security Council reform. In September 1994, the Organization for African Unity (OAU) tentatively adopted African common position on the issue of the Security Council reform, which declared that Africa was entitled to two permanent seats on the expanded Security Council.²⁵ This African common position, which was presented to the Working Group on April 25, 1996²⁶ was restated in the Harare Declaration of the OAU in June 1997 sequel to the release of the Razali Plan.²⁷

In response to the report of the High-level Panel on Threats, Challenges and Change,²⁸ which called for the expansion of the membership of the Security Council, the Executive Council of the African Union in its 7th Extraordinary Session held between 7 and 8 March 2005 in Addis Ababa adopted a modified African common position on the Security Council reform, otherwise known as ‘The Ezulwini Consensus.’²⁹ Under the Ezulwini Consensus, African Union demanded full representation in all the decision-making organs of the United Nations, particularly in the Security Council, that is, not less than five non-permanent seats and two permanent seats, with all the prerogatives and privileges of the current permanent members including the right of veto. The Assembly of the African Union, which is the supreme organ of the African Union, in its 5th Ordinary Session held between 4 and 5 July 2005 in Sirte, Libya, in what later became known as ‘Sirte Declaration’ reaffirmed its commitment to the Ezulwini Consensus.³⁰ The Sirte Declaration also directed that a draft resolution which reflects the African common position as espoused in the Ezulwini Consensus should be distributed in the Security Council. In keeping

¹⁸M N Shaw, above at note 1, p. 1084.

¹⁹ Consequently, matters that would ordinarily pass for procedural matter are now being subjected to the veto power.

²⁰E Kugel, ‘Reforming the Security Council – A New Approach’, *Friedrich-Ebert-Stiftung*, September 2009, p.2, available at <http://library.fes.de/pdf-files/iez/global/06696.pdf>, accessed on 16/04/2022.

²¹S Hassler, *Reforming the UN Security Council Membership: The illusion of representativeness* (London: Routledge, 2012), p. 95.

²²Ambassador George Talbot was the then Permanent Representative of Guyana to the United Nations.

²³UN Press Release, GA/11450, Nov.7, 2013.

²⁴G N Okeke, ‘The United Nations Security Council reform: An unquestionable Legal Need of the Moment’, *Journal of Law and Diplomacy*, Vol. 9, Number 1, 2012, 62.

²⁵OAU Doc. NY/OAU/POL184/94 Rev . 2, September 29, 1994, paras. 31, 33 and 34.

²⁶A/AC.247/1996/CRP.6, 25 April 1996.

²⁷Harare Declaration of the Assembly of Heads of State and Government of the OAU on the Reform of the UN Security Council, AHG/Decl.3 (XXXIII), June 1997.

²⁸A/59/565, Dec. 2,2004.

²⁹Ext/Ex.Cl/2 (Vii), The Common African Position on the Proposed Reform of the United Nations, The Ezulwini Consensus, Part C (e).

³⁰Sirte Declaration on the Reform of the United Nations, Assembly/AU/Decl.2 (V), July 2005.

with this directive, draft resolution A/59/L.67,³¹ sponsored by 45 African states including Nigeria, was tabled before the General Assembly on July 18, 2005. This draft resolution called for the enlargement of the membership of the Security Council from 15 to 26 by the addition of 6 new permanent and 5 new non-permanent seats to be distributed as follows:

- (i) 2 permanent seats and 2 non-permanent seats for African States;
- (ii) 2 permanent seats and 1 non-permanent seat for Asian States;
- (iii) 1 non-permanent seat for Eastern European States;
- (iv) 1 permanent seat and 1 non-permanent seat for Latin American and Caribbean States; and
- (v) 1 permanent seat for Western European and other States.

Draft resolution A/59/L.67 also stated that the new permanent members shall be accorded the same prerogatives and privileges as those of the current permanent members, including the right of veto. While introducing draft resolution A/59/L.67 on behalf of the African States, Aminu Bashir Wali of Nigeria noted that Africa's request was predicated on the fact that the Council had to adapt to current realities by reflecting the principles of equity and balance so that its decisions would enjoy greater legitimacy.³²

5. Nigeria's Potentials for Permanent Membership of the Security Council

Nigeria's quest for a permanent seat in the UNSC is well known to every conscious follower of the United Nations events and politics. It must, however, be pointed out from the outset that this quest is not solely founded on the overwhelming political, military and economic influence Nigeria wields in the world, but mainly predicated on the growing notion that Africa deserves at least two permanent seats in the UNSC. Of course, even if Africa is entitled to only a single permanent seat in the expanded UNSC, Nigeria would certainly lay a legitimate claim to it more than other African states because of the pride of place she occupies in the continent of Africa. President Barack Obama of the United States amply captured this when he observed that 'Wherever Nigeria goes, Africa goes. Africa's destiny is tied to Nigeria's.'³³ In this section, effort would be made to examine the potentials and credentials of Nigeria for a permanent seat in the UNSC over other African bigwigs like Egypt and South Africa.³⁴

One of the major credentials of Nigeria for Africa's permanent seat in the expanded UNSC is its population. Nigeria is not just the most populous nation in the continent of Africa, but also the most populous black nation on earth; and this ordinarily makes Nigeria the natural leader of Africa. It is little wonder that Nigeria is often referred to as the 'Giant of Africa' or 'Big Brother' of Africa. Currently the overall population of Nigeria is about 216,746,934, whereas those of Egypt and South Africa are about 106,156,692 and 60,756,135 respectively.³⁵ So Nigeria's population is by far more than the population of Egypt and South Africa put together. Beyond this, the entire population of Nigeria is made up of black people unlike Egypt and South Africa whose populations are made up of black, white and coloured people. In case of Egypt, the blacks are said to be in the minority; and as regards South Africa, the blacks are said to be about 80 percent of its total population.³⁶ In view of the foregoing, neither Egypt nor South Africa, nor indeed any other African state can claim to be more representative of Africa or black race than Nigeria. Nigeria has always recognized the pride of place it occupies in the continent of Africa. Hence, since its independence in 1960, Nigeria has always made Africa the centerpiece of its foreign policy.³⁷ The notion that Africa is the centerpiece of Nigerian foreign policy was first conceived in 1960 by the then Prime Minister of Nigeria, Alhaji (Sir) Abubakar Tafawa Balewa, who declared unequivocally as follows: we belong to Africa and

³¹ The sponsors of the draft resolution are Algeria, Angola, Botswana, Burkina Faso, Cameroon, Cape Verde, Chad, Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Tunisia, Uganda, United Republic of Tanzania, Zambia and Zimbabwe.

³² UN Press Release, GA/10370, July 18, 2005.

³³ F Khanoba and L Isha-Josef, 'Africa's destiny tied to Nigeria, Obama tells Buhari', *National Pilot*, July 21, 2015, <<http://nigerianpilot.com/africas-destiny-tied-to-nigeria-obama-tells-buhari/>>, accessed on 16/04/2022.

³⁴ See the 2015 list of most populous African countries prepared by the World Population Review,

³⁵ See generally SC, Udeh and EC Okoroafor, 'Nigeria's Bid for Inclusion in the Permanent Seat of the Security Council of the United Nations: An Assessment', *International Journal of Development and Management Review (Injodemar) Vol. 11 June, 2016*, pp. 126-149.

³⁶ See the 2015 list of countries in Africa according to population prepared by the World Population Review, <<http://worldpopulationreview.com/country-rankings/countries-in-africa>>, accessed on 16/04/2022.

³⁷ T Motsoeneng, 'Black South Africans come up short in share ownership', Reuters, Dec 6, 2012,

<<http://uk.reuters.com/article/2012/12/06/uk-safrica-inequalities-idUKBRE8B511N20121206>>, accessed on 16/04/2022.

³⁸ B S Akintola, 'Nigeria and the world: A review of Nigeria's foreign Policy (1960-2007)', 2007 *Nigeria Army Quarterly Journal*, 439(4).

Africa must claim first attention in our external relations.³⁸ This declaration was not a mere talk but a powerful policy statement which has been providing guidance to successive Governments in Nigeria vis-à-vis foreign relations. In fact, this notion was formally incorporated in the foreign policy objective of the defunct Constitution of the Federal Republic of Nigeria, 1979.³⁹ Right from its independence Nigeria has practically demonstrated that Africa is the centerpiece of its foreign policy. Hence, African history is awash with heroic deeds of Nigeria in this respect. Beyond playing leading role in the decolonization of Africa,⁴⁰ Nigeria was very instrumental to the collapse of apartheid regime in South Africa and other white supremacist regimes in the Southern African sub-region, especially in Zimbabwe and Namibia. For example, Nigeria nationalized the local operation of the Barclays Bank, a British owned bank, after the bank ignored a stern directive from Nigerian Government not to buy bond from South African racist regime.⁴¹ Similarly, Nigeria nationalized the British Petroleum Company (BP) in 1979 for supplying petroleum products to the South African racist regime.⁴² It shall also be recalled that Nigeria severed its diplomatic relations with Israel in 1973 following the Yom Kippur War between Israel and Egypt over the former's occupation of the Sinai Peninsula, which traditionally belongs to the latter. Nigeria only restored diplomatic relations with Israel in 1992, three years after Israel completely withdrew from the Peninsula.⁴³

Another factor that gives Nigeria an edge over other African countries in the battle for African permanent seat in the expanded UNSC is its huge contributions to peacekeeping and peace-enforcement operations in Africa, the bulk of which was carried out under the aegis of the United Nations, African Union (AU), and the Economic Community of West African State (ECOWAS). At the level of the United Nations, Nigeria participated in the UN Mission in the Congo (1960 - 64), Chad (1979-82), Namibia 1989-1990, Angola (1991-1992), Somalia (1992-1994), Rwanda (1993), Angola (1992-1995) and Darfur (2004-2007). Under the auspices of the AU, Nigeria sent troops to Chad (1982-1983), Darfur (2004 – 2007) and Mali (2013- 2014).⁴⁴ It was, however, under ECOWAS that Nigeria has recorded its greatest achievements in peacekeeping and peace-enforcement operations in Africa because of its position as the economic and military powerhouse of ECOWAS. Hence, Nigeria played a leading role in the ECOWAS Monitoring Group (ECOMOG) peacekeeping operations in Liberia (1990-1998), Sierra Leone (1996-2000), Guinea-Bissau (1998-2000) and Cote d'Ivoire (2002-2004). Nigeria's contribution to the ECOMOG's operations in Liberia and Sierra Leone was quite overwhelming. Thus, while Nigeria provided 12,000 troops out of the 16,000 ECOMOG troops in Liberia, 12,000 troops out of the 13,000 ECOMOG's troops in Sierra Leone were supplied by Nigeria.⁴⁵

It was also reported that Nigeria spent almost 12 billion US dollars in sponsoring ECOMOG operations in Liberia and Sierra Leone alone.⁴⁶ Nigeria's contributions to the UN peacekeeping and peace-enforcement operations went beyond Africa; hence, Nigeria also contributed both troops and staff officers to the UN missions in Lebanon (1978 – 81) and Bosnia Herzegovina (1992 – 1995). Nigeria has also sent military observers during the India-Pakistan conflict (1965-1966), Iran-Iraq conflict (1988-1991) and Iraq-Kuwait conflict (1991) as well as to New Guinea (1962-1963), Cambodia (1992-1993) and Israel (1995).⁴⁷ Since its independence, Nigeria has committed over

³⁸As quoted in B Bukarambe, 'Nigeria's Foreign Policy in Africa, 1960- 1999', in R A Akindele and B E Ate (eds), *Selected Readings on Nigeria's Foreign Policy and International Relations* (Lagos: Victoria Island, Nigerian Institute of International Affairs, 2000), p. 100.

³⁹ The Constitution of the Federal Republic of Nigeria, 1979, s. 19. Similar provision is made in section 19 of the Constitution of the Federal Republic of Nigeria, 1999, as amended.

⁴⁰A Adeniji, 'Power and Representation at the United Nations: A Critique of Nigeria's Bid for Permanent Seat in the Security Council India Quarterly', *A Journal of International Affairs*, 2005, vol. 61, issue 2, 116-137, <<http://niianet.org/documents/articles%20pdf/publications/power%20and%20representation%20at%20the%20united%20nations.pdf>>, accessed on 30/05/2021.

⁴¹ See D Ojo, 'From Britain's Cash Cow to Africa's Big Brother', *ThisDay Live* (Nigeria), March 2, 2014, <http://www.thisdaylive.com/articles/from-britain-s-cash-cow-to-africa-s-big-brother/172781/>, accessed on 30/05/2021.

⁴² A Genova, 'Nigeria Nationalization of the British petroleum', *International Journal of African Historical Studies*, 2010, Vol. 43, Issue 1, 15.

⁴³J Brinkley, 'Signing of Agreement with Israel Turns over Last of Sinai to Egypt', *International New York Times*, Feb. 27, 1989, <<http://www.nytimes.com/1989/02/27/world/signing-of-agreement-with-israel-turns-over-last-of-sinai-to-egypt.html>>, accessed on 30/05/2021. See *Boundary Dispute Concerning the Taba Area*, 27 ILM 1421 (1988).

⁴⁴See generally N A El-Rufai, 'Failing State, Fading Peacekeepers', *News Diary*, March 16, 2012, <<https://newsdiaryonline.com/failing-state-fading-peacekeepers-by-nasir-ahmad-el-rufai/>>, accessed on 16/04/2022.

⁴⁵ A Adebajo, 'Nigeria' in A J Bellamy and P D Williams (eds), *Providing Peacekeepers: The Politics, Challenges, and Future of United Nations Peacekeeping Contributions* (London: Oxford University Press, 2013), pp.254 -260.

⁴⁶B N Audu, 'Cote d'Ivoire, Nigeria and the ECOMOG experience', *Vanguard* (Nigeria), Jan. 15, 2011, <<http://community.vanguardngr.com/profiles/blogs/cote-divoire-nigeria-and-the->>, accessed on 30/05/2021.

⁴⁷ S HAMMAN et al, 'The Role of Nigeria in Peacekeeping Operations from 1960 to 2013', *International Affairs and Global Strategy*, Vol. 21, 2014, pp. 42 – 45 at 43, <https://www.google.com.ng/?gfe_rd=cr&ei=pSdYVfG6DMOq8wfb4YDIDA&gws_rd=ssl#q=Nigerian+participation+in+he+UN+missions+in+Lebanon>, accessed on 16/04/2022.

250,000 men and women to support UN peacekeeping operations worldwide.⁴⁸ The achievements of Nigeria's peacekeepers in Africa and elsewhere make the United Nations entrust Nigeria with special role in global peacekeeping. Hence, since 1999, Nigeria's successive ambassadors to the United Nations have chaired the United Nations Special Committee on Peacekeeping Operations.⁴⁹ Currently, Mr. Tijjani Muhammad-Bande is the Chair of the Committee. Another reward for Nigeria over its huge contributions to the maintenance of international peace and security is its election in 2014 into the non-permanent seat in the UNSC as the first country to be elected into the UNSC five times even though Egypt was among the first set of the non-permanent members of the UNSC.⁵⁰ If Nigeria had occupied the non-permanent seat in the UNSC in 2004 more than any other African countries, then there is no doubt that Nigeria would equally deserve Africa's permanent seat in the expanded UNSC more than other African countries. At the regional level, Nigeria has remained the only permanent member of the Peace and Security Council of the African Union since its inauguration in 2004.⁵¹ The Peace and Security Council, it shall be recalled, is the equivalent of the UNSC in the African Union regime being the body saddled with the responsibility for the maintenance of peace and security in Africa.⁵²

The third credential of Nigeria for a permanent seat in the UNSC is its position as the largest democracy in Africa and the fourth world largest democracy.⁵³ Although Nigeria is not Africa's longest continuous multi-party democracy, which honour belongs to Botswana, its democratic experience in the past twenty-one years is so unique that Nigeria has become a model for other democracies in Africa. The fact that Nigerian democracy has come of age was clearly demonstrated when the then President of Nigeria, Dr. Goodluck Jonathan, conceded defeat to General Muhammadu Buhari during the 2015 presidential election even before the official announcement of the election result. Indeed this development marked a new dawn in African history because in the annals of Africa, no incumbent or sitting President has ever conceded defeat. While applauding Nigeria for this courageous and unique display, the former British Prime Minister, Tony Blair, stated as follows: In the last few weeks, Nigeria has earned respect throughout the whole world. There is enormous support for Nigeria now in the international Community.⁵⁴ Also, while reacting to the outcome of the said 2015 presidential election, Linda Thomas-Greenfield, the US Assistant Secretary of State for African Affairs noted that the election 'reaffirmed Nigeria as a leader for democracy in Africa and around the world.'⁵⁵ Undoubtedly, this development has brightened Nigeria's chance of clinching Africa's permanent seat in the expanded UNSC.

6. Obstacle to Nigeria's Quest for Permanent membership of Security Council

There are certain strategic areas where Nigeria is lagging behind its major rivals in its quest for Africa's permanent seat in the expanded UNSC. First, Nigeria is trailing behind Egypt and South Africa in the area of military power and strength. Considering its enormous potentials, Nigeria ought to be the military powerhouse of Africa, but according to the 2015 Global FirePower index, Nigeria's military firepower and strength is ranked 4th in Africa, behind Egypt, Algeria, and South Africa, who respectively occupy 1st, 2nd and 3rd positions.⁵⁶ It is quite antithetical that Nigeria's active military personnel are 130,000 out of its 173,611,131 population, whereas Egypt with 82,196,587 populations has active military personnel of 468,500. Even South Africa has more active military personnel than Nigeria.⁵⁷ What is more worrisome is the fact that Nigeria's annual military budget is far below that of Egypt and South Africa. For example, while the current annual military budget of Nigeria stands at 2,330,000,000 billion US dollars that of Egypt and South Africa stand at 4,400,000,000 billion US dollars and

⁴⁸ G U Ojo and I Aghedo, 'Image Re-branding in a Fragile State: The Case of Nigeria', *The Korean Journal of Policy Studies*, Vol. 28, No. 2 (2013), 90.

⁴⁹ N A El-Rufai, *above at note 44*.

⁵⁰ See the list of countries that have been elected into the Security Council as non-permanent members, <<http://www.un.org/en/sc/members/elected.asp>>, accessed on 16/04/2022.

⁵¹ P Fabricius, 'Some more Equal than Others in AU Council', *The Herald*, February 1, 2016, <<http://www.herald.co.zw/some-more-equal-than-others-in-au-council/>>, accessed on 16/04/2022.

⁵² Protocol on Amendments to the Constitutive Act of the African Union, 2003, Art. 9.

⁵³ I A Jamo, 'Democracy and Development in Nigeria: Is There A Link?', *Arabian Journal of Business and Management Review*, Vol. 3, No. 3, Oct. 2013, 86.

⁵⁴ L Nwabughio, 'There is tremendous support for you internationally, Blair tells Buhari', *Vanguard (Nigeria)*, May 14, 2015, <<http://www.vanguardngr.com/2015/05/there-is-tremendous-support-for-you-internationally-blair-tells-buhari/>>, accessed on 16/04/2022.

⁵⁵ S Mohamed, 'Nigeria, African's Democratic Leader – US', *Nigeria Daily News*, April 20, 2015, <<http://www.nigeriadailynews.com/news/129153-nigeria,-africa%E2%80%99s-democratic-leader-%E2%80%93-us.html>>, accessed on 16/04/2022.

⁵⁶ See the list of African countries according to their Military Power as contained in the database of Global FirePower, <<http://www.globalfirepower.com/countries-listing-africa.asp>>, accessed on 16/04/2022.

⁵⁷ See the list of African countries according to their active military personnel as contained in the database of Global FirePower, <<http://www.globalfirepower.com/active-military-manpower.asp>>, accessed on 16/04/2022.

4,610,000,000 billion US dollars respectively.⁵⁸ Nigeria should reflect the size of its economy in its annual military budget so as to better equip its military especially now that it is plagued with the Boko Haram insurgency. However, notwithstanding its current deplorable military power and strength, Nigeria has remained the only African country that has the potential and capacity to become Africa's global superpower.⁵⁹ Hence, new research by the Institute for Security Studies (ISS) indicates that out of Africa's five most powerful countries (Egypt, Algeria, South Africa, Nigeria, and Ethiopia) Nigeria is the one with, by far, the greatest capabilities to play a global role.⁶⁰ Beyond their superior military credentials, Egypt and South Africa are also said to have better diplomatic power than Nigeria. In fact, according to Dr Jakkie Cilliers, the Executive Director of Institute for Security Study, Egypt has the biggest diplomatic power in Africa.⁶¹ The handlers of Nigerian external affairs have not been very impressive in the conduct of Nigeria diplomatic relations especially in recent times. The diplomatic row between Nigeria and Morocco few years ago over a purported telephone conversation between President Goodluck Jonathan of Nigeria and Moroccan King, Muhammad VI, is the latest case in point.⁶² The weakness of Nigerian diplomatic power and strength is not a matter that should be taken very lightly because when the chips are down the question of who represents Africa in the extended UNSC will, to a very large extent, depend on the interplay of politics and diplomacy. Furthermore, Nigeria's aspiration for a permanent seat in the expanded UNSC is being hampered by the endemic corruption in the nation's public sector, which has badly battered the image and integrity of Nigeria before the members of international community. According to the 2021 Transparency International's Corruption Perceptions Index (CPI), Nigeria ranked 154th out of 180th countries surveyed.⁶³ Corruption is one of the major reasons why Nigeria has not been able to realize its full potentials notwithstanding its abundant human and natural resources. According to one of Nigeria's anti-corruption agencies, the Economic and Financial Crimes Commission (EFCC), about 20 trillion US dollars was fraudulently stolen from the national treasury by Nigerian leaders between 1960 and 2005.⁶⁴ A judicious and prudent use of this staggering amount would have transformed Nigeria from a developing nation into a developed nation, and so brightens Nigerian chance of clinching the Africa's permanent seat in the expanded UNSC. Finally, Nigeria that used to be the biggest economy in Africa with the highest GDP has been overtaken by Egypt whose current GDPs are 1,346,225 US billion dollars as against Nigeria whose GDPs are 1,116, 255 US billion dollars.⁶⁵ At the global level, Egypt's economy ranks 22nd while Nigeria's economy ranks 26th. However, notwithstanding the fact that Egypt's economy has overtaken Nigeria's economy; Nigeria's economy still has greater potentials for growth than Egypt's economy. Hence, according to PricewaterhouseCoopers, a multilateral professional services network, if Nigeria, Indonesia and Mexico are able to build institutions to global standards, diversify their economies and sustain growth-friendly policies, their economies could push those of United Kingdom and France out of the top 10 by 2050.⁶⁶ This fact was collaborated by Louw-Vaudran, who noted that 'if Nigeria plays its cards right, it could become Africa's only global superpower.'⁶⁷ Accordingly, Nigeria must diversify its economy and sustain growth-friendly policies so as to substantially expand its economy if its strive for permanent membership of the UNSC is anything to go by. This is because permanent membership of the UNSC involves huge financial responsibilities which only states with requisite financial weight and capacity can truly meet.

7. Conclusion

The UNSC is not only the most powerful organ of the United Nations, but also the most powerful institution in the world being the only body that could legally authorize enforcement action in any part of the globe. Yet, unlike other major continents of the world, no African country is a permanent member of the UNSC. The reason for this

⁵⁸See the list of African countries according to their annually budget for defence as contained in the database of Global FirePower, <<http://www.globalfirepower.com/defense-spending-budget.asp>>, accessed on 16/04/2022.

⁵⁹ L Louw-Vaudran, 'Nigeria will be Africa's first global superpower', *Mail & Guardian* (South Africa), April 2, 2015, <<http://mg.co.za/article/2015-04-02-nigeria-will-be-africas-first-global-superpower>>, accessed on 16/04/2022.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶²N Ibekwe, 'Morocco recalls Ambassador from Nigeria over phone row with President Jonathan', *Premium Times* (Nigeria), Mar. 11, 2015, <<http://www.premiumtimesng.com/news/headlines/178300-morocco-recalls-ambassador-from-nigeria-over-phone-row-with-president-jonathan.html>>, accessed on 16/04/2022.

⁶³C Nnabuife, 'Transparency International Ranks Nigeria 154 Out Of 180 Countries', *Nigeria Tribune*, Jan. 26, 2021, <<https://tribuneonline.com/transparency-international-ranks-nigeria-154-out-of-180-countries/>>, accessed on 16/04/2022.

⁶⁴ A Ajayi and O Ifegbayi, '\$20trn stolen from Nigeria's treasury by leaders – EFCC', *Vanguard* (Nigeria), Mar. 25, 2015, <<http://www.vanguardngr.com/2015/03/20trn-stolen-from-from-nigerias-treasury-by-leaders-efcc/>>, accessed on 16/04/2022.

⁶⁵ See the 2021 index of countries according to their GDPs as contained in IMF Report, <<https://www.imf.org/en/Publications/WEO/weo-database/2021/April/weo-report>>, accessed on 16/04/2022.

⁶⁶ K Aderinokun, 'PwC: Nigeria to Rank among Top 10 Economies by 2050', *This Day Live* (Nigeria), Mar. 8, 2015, <<http://www.thisdaylive.com/articles/pwc-nigeria-to-rank-among-top-10-economies-by-2050/203571/>>, accessed on 16/04/2022.

⁶⁷ L Louw-Vaudran, above at note 59.

is not farfetched: Africa was not in the picture during the negotiation and formation of the United Nations, because virtually all the African Countries were under the shackles of colonialism in 1945 when the United Nation Organisation was established. Indeed, the rights and privileges of the permanent membership of the UNSC cannot be overemphasized since the permanent members of the UNSC possesses veto power with which the significantly influences the global politics and the United Nations policies. Africa as a continent is not ignorant of the disadvantages it suffers as a result of this age-old injustice; and so has been in the forefront in the ongoing discourse on the reform of the UNSC, especially as it relates to redistribution of its permanent membership. Thus, on 18 July 2005 a draft resolution A/59/L.67, which was sponsored by Nigeria and 44 other African countries, was tabled before the UNGA. By this drafter resolution, Africa formerly demanded for a permanent seat in the expanded UNSC, and this demand was so popular that most members of the UNGA supported it outright.⁶⁸ This paper submits that Nigeria stands the best chance of clinching any permanent seat that would be allocated to Africa in a reformed UNSC because of pride of place it occupies in the continent, ranging from its large population to its massive contribution to peacekeeping and peace-enforcement operations in Africa and elsewhere.

⁶⁸ See the introductory speech of President Ernest Koroma at the High-level meetings of the C10 held in Oyo, Congo on May 16, 2014, <<http://allafrica.com/stories/201405200876.html>>, accessed on 16/04/2022.