AN INTERDISCIPLINARY REFEREED JOURNAL EDITED BY POSTGRADUATE STUDENTS

VOLUME 23

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The “Democratisation” of the United Nations: A Critique of the UN Reform Agenda

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Democracy has increasingly become a touchstone for the legitimacy of all forms of political association. The charge of being “undemocratic” is no longer levelled only at nation states; the European Union and, now, the United Nations, are frequently described as suffering from a “democratic deficit”. According to its Secretary-General, the United Nations is facing a decisive moment in its 60-year history, and urgently requires far-reaching institutional reform. This article examines this current reform agenda, especially as it is reflected in the report of the Secretary-General’s High-level Panel on Threats, Challenges and Change, the 2005 World Summit at UN Headquarters, and the recent creation of the Human Rights Council. It argues that current reform proposals are being driven by a misguided desire to democratised the UN and are flawed in several important respects. The first section examines calls for the democratisation of the Security Council. It argues that the High-level Panel provides no normative foundation to justify an expansion of the Security Council and that, far from increasing the body’s legitimacy and effectiveness, an expansion would be counterproductive. The second section suggests that the role of the UN should always be to reflect, rather than to subvert, contemporary geopolitical realities, and that it should not take on idealistic structure which is at odds with the pre-eminence of the United States. The third section argues that, rather than proposing amendments to the UN Charter, the reform agenda should focus on correcting the flawed system by which member states are elected to the UN’s various councils and committees. This more modest reform, which would not require Charter amendment, would improve the functioning of UN organs, including the Security Council and the Economic and Social Council—without engaging in the imprecise and dangerous rhetoric of democratisation.

The democratisation of the Security Council

It is not surprising that the Security Council is a key item in the current UN reform agenda. Membership of the Council is archaic; its five permanent members are the victors of a war which took place six decades ago. During the Cold War, the Council was paralysed by
superpower rivalry. Since then, it has been repeatedly criticised for failing to intervene to protect civilian populations, particularly in the former Yugoslavia, Rwanda and Sudan. Although there is no universal agreement about the way in which the Council should be reformed, most proposals involve an enlargement of the fifteen-member Council, usually with the addition of new permanent or semi-permanent members. The Secretary-General’s High-level Panel, unable to agree on a single model for Security Council reform, made two alternative proposals. In both models, total membership of the Council is increased to 24. Model A creates six new permanent seats, while Model B creates a new category of eight four-year renewable seats. The Panel concluded that a decision on the enlargement of the Council is “now a necessity” in order to make it more “democratic” and “accountable”.2

It is not clear, however, what it means to make an inter-governmental body like the Security Council more “democratic”. Does one take the sovereign equality of states as the starting point, and, as in the General Assembly, afford each member state a single vote? This seems to be the view of the non-aligned movement, which has suggested that the “extent, nature and modalities of the expansion of the Security Council should be determined on the basis of the principles of equitable geographical distribution and sovereign equality of states”.3 Or does one proceed from an assumption about the equality of individuals, and treat the world as a single global constituency? Neither of these approaches would be democratic. On the first approach, a citizen of Liechtenstein would have forty thousand times the influence of a citizen of China. On the second approach, the Chinese, in coalition with other populous states, such as India, could repress the citizens not only of Liechtenstein but of virtually every other country in the world. It is difficult to see how the principles of democratic government could ever be sensibly applied to international organisations. With a constituency of more than six billion people, it is impossible for the people to make important decisions either directly, in popular assemblies, or through responsive and accountable representatives. As Robert A Dahl, a leading democratic theorist, has noted, “the opportunities available to the ordinary citizen to participate effectively in the decisions of a world government would diminish to the vanishing point”.4

A frequently overlooked fact is that the Security Council was never intended to be democratic. The founders of the UN drew attention to three special features of the Security Council, which they believed would make it a more effective body than the failed Council of the League of Nations:
One, the new Council included all of the major powers… Two, the most powerful states were given special rights and responsibilities… Three, the new Council was to be of limited size, without what the Dutch delegate labelled the “exaggerated equality between great and small powers” that characterized the consensus rule in the League’s Council.5

In other words, the very attraction of the Security Council was that it was undemocratic. By keeping it to a “limited size” and affording the veto to the most powerful states, the founders intended to avoid the radical egalitarianism which had disabled the League of Nations. This decision was not without merit. A system which treats states of vastly different size and importance as equal will not be legitimate. And, as Michael Glennon notes, treating states as equals prevents treating individuals as equals; if Yugoslavia enjoyed a right to non-intervention equal to that of every other state, its citizens would have been denied human rights equal to those of individuals in other states.6

An alternative view is that the objective of Security Council reform should be to make the body more “representative”, rather than more “democratic”. It is not often made clear what the Council should better represent, and this position is compatible with the differential representation of states. Commonly, however, the claim that the Security Council should be more representative means affording greater representation to certain categories of historically unrepresented states. There is some merit in this view. Both of the models proposed by the High-level Panel would substantially increase the share of world population and GDP represented by the Council’s permanent or semi-permanent members—from about 30% to well over 55%, and about 50% to well over 65%, respectively.7 They would also better reflect the greater diversity in overall UN membership by including members from previously under-represented regions, such as the Americas, Asia, and Africa. Only six countries from Asia and Africa were originally members of the UN, but they now make up more than half of UN membership,8 and therefore have a strong claim for their numbers to be better reflected in the Security Council.

Again, however, the normative issue—what exactly it means to make the Council more “representative”—is a question rarely explored. It may seem self-evident that increasing the number of permanent or semi-permanent members from under-represented regions would better represent the interests of states in those regions. But if this is the case, it is difficult to
explain why states aspiring to permanent membership are invariably opposed by other states in the same region. If Argentina was satisfied that Brazil would adequately represent the interests of South American states, why would it vehemently oppose Brazil’s candidature for a permanent seat? The answer cannot be simply that Argentina would prefer the seat for itself; it has never been considered a serious candidate. The answer must be, at least in part, that it feels threatened by Brazil and concerned that it would use its seat on the Security Council to promote its own national interests at the expense of other regional states. Even if we assume that new permanent members like Brazil would make a *bona fide* attempt to represent the interests of states in their region, the sheer variety of states makes this a difficult task. States increasingly identify themselves with their “state-type”, rather than their region; witness the growing importance of groups such as the Alliance of Small Island States.

At best, the argument that the Security Council should be more representative makes a case for the redistribution of *existing* seats in the Security Council. It does not establish any need for an increase in the number of seats. Although it is true that UN membership has expanded, it is not clear why it should be necessary to address an imbalance between the total number of countries in the UN and the number that are represented on the Security Council. Nor is it clear that a larger Council will be more legitimate or effective. James Fearon has suggested that expansion would improve effectiveness by raising the costs of using the veto. It would, Fearon says, be harder for a veto power to stand against 24 states representing half the world’s population and two-thirds of its economic production. However, the record indicates that the permanent members do not rationally weigh up the costs and benefits of using the veto. Rather, they see it as a prerogative power which they are entitled to use to strike down any resolution—even if it relates to a procedural matter which does not directly concern any member’s national interest. Furthermore, as will be discussed in the second part of this article, raising the political cost of using the veto risks alienating permanent members, especially the United States. Contrary to Fearon’s argument, all the available evidence suggests that expansion is unlikely to improve the Council’s effectiveness. The Economic and Social Council has been enlarged twice, and there has been no significant improvement in its effectiveness. The Human Rights Commission was much larger than the Security Council, but was arguably the least well respected of the UN bodies and has now been replaced by a new, smaller Human Rights Council. The High-level Panel itself recognises that, in a larger body like the General Assembly, the agenda becomes inflexible, negotiations slower, and debates longer and more repetitive.
There is another reason why the Security Council in particular should be reluctant to expand. Unlike the General Assembly and the Economic and Social Council, whose functions are primarily legislative, the Security Council is invested with important executive powers. There is good reason to believe that the UN’s founders were right to consider eleven members to be the upper limit for a body tasked by the UN Charter “to ensure prompt and effective action”.14 A number of diplomats who have served on the Security Council have recently spoken privately against enlargement, warning that a Council with 24 members will not be more effective than one with 15.15 Their view is supported by the academic literature. C. Northcote Parkinson, for example, argued that the most effective size for an executive body is five, but that groups pressing for representation invariably expand the body in stages until 20. When its size exceeds 20, Parkinson says, the five members who really matter meet informally beforehand to decide what the formal meeting is to ‘rubber-stamp’.16 Although Parkinson’s study was of the history of the British cabinet and its predecessors, he could well have been describing the Security Council.

Recognising geopolitical realities

US President George W. Bush described Monday, 17 March 2003 as a “moment of truth” for Saddam Hussein. Many observers thought it was also a moment of truth for the United Nations. On that day, in a televised speech, Bush indicated that in 48 hours the US would invade Iraq. The failure of the Security Council to reach agreement on Iraq indicated to many the urgent need for reform. Kofi Annan, addressing the General Assembly later in 2003, said the organisation had come to a “fork in the road”, “a moment no less decisive than 1945 itself, when the United Nations was founded”.17 It is true that the willingness of the US to invade Iraq without specific authorisation from the Security Council was a blow to the system of security under the UN Charter, which arguably18 envisages the Security Council as having a monopoly over the collective use of force. But it does not indicate any failure in the institution of the Security Council itself. Many of the states with particularly strong interests in the matter (the US, UK and France) were represented. They simply failed to agree. If the Security Council had authorised the use of force, despite the clear differences in opinion among the five permanent members, it could hardly be said that the Council was functioning adequately; it would be criticised for rubber stamping American adventurism. The UN will not miraculously engender agreement among states by changing its institutions. It is difficult to see how the result would have been any different in a larger and more “representative” Council. As Mats Berdal has noted, the state of the Council (and the UN generally) “reflects
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deeper fault-lines within the international system and genuine conflicts of interest among member states”.19 Conflicts of interest are nothing new; nor are the decisions by the US policymakers to act outside the UN system. All states participate in multilateralism when it is in their interests to do so, and refuse to participate when it is not. It is true that some states take as their starting point a much stronger commitment to diplomacy and the international rule of law. The US is currently not one of them—US Ambassador to the UN, John Bolton, arrived at the World Summit demanding more than 700 changes to the outcome document.20 But even France, which according to many commentators represents a new “post-modern” European approach to politics,21 has frequently shown disdain for the UN and international institutions when they obstruct the achievement of French goals.22

The fact that strong states often reject multilateral diplomacy when they consider unilateral action to be in their best interests is no reason for disempowering them in United Nations institutions. It would be wrong, for example, to call for the elimination of the veto power in order to give powerful states less influence in the Security Council. The veto has the crucial role of securing the commitment of the Council’s permanent members by anchoring them in a collective security system and ensuring that no decisions are taken against their interests.23 Although it originally opposed the creation of a veto system, Australia has now acknowledged the value of the veto as a form of “last resort” to safeguard the national interests of the strongest players in the system of collective security, “if only to ensure that they have a stronger stake in acting within the system than outside of it”.24 The veto also ensures that the political will of the Council matches practical reality; the international lawyer Philip C Jessup described it as “the safety-valve that prevents the United Nations from undertaking commitments in the political field which it presently lacks the power to fulfil”.25

However, even the High-level Panel, which cautions itself that to ignore “underlying power realities” will be to doom its reform proposals to “failure or irrelevance”,26 describes the veto as having “an anachronistic character that is unsuitable for the institution in an increasingly democratic age”.27 And, despite more than two decades of unsuccessful lobbying, developing countries continue to call for the veto to be eliminated “in accordance with the principle of the sovereign equality of states”.28 This is more than mere wishful thinking; it is precisely the sort of rhetoric which, as Edward C Luck perceptively observed, might lead the US to wonder whether the current reform program is “little more than a ruse to obscure a quite
different agenda, one that seeks not to reflect power relationships but to reverse them”. The US will not have missed the confession by France’s then-foreign minister Hubert Védrine that France “cannot accept… a politically unipolar world”, and a recent treaty between Russia and China which confirms their commitment to “a multipolar world”. The UN must be very careful that its reform agenda is not perceived to be a threat to US hegemony. The US has made it clear that it will not allow international institutions to prevent it from taking action which it deems necessary for its national security. If the UN becomes an institution whose purpose is to limit the power of the US, the US will gradually stop participating in it.

It was disingenuous for the Secretary-General and other diplomats to overstate the significance of the disagreement on Iraq. In areas not directly relating to the interests of the US and the other permanent members, the Security Council has enjoyed substantial success. Despite tension among the P-5 there has been a rapid growth in peacekeeping operations since May 2003; in total, the UN now maintains sixteen missions. Even the war in Iraq—which was supposed to herald the death of the UN—has confirmed the importance of the organisation in post-conflict peace building. A fact-finding mission to Iraq found “across the political and social spectrum… near unanimous agreement that the United Nations should act as a facilitator” in the process of political transition. The work of the Security Council is likely to grow even further as the concept of collective security is broadened. The High-level Panel argues that the Council should be concerned with a wide range of non-traditional threats, such as poverty, gross human rights violations, international crime, terrorism, and the degradation of the environment. There is growing recognition in the Council itself that a wide variety of social and economic problems can be the catalysts for conflict. As early as 1992, for example, it decided that the humanitarian crisis in Somalia “constitutes a threat to international peace and security”, warranting enforcement under Chapter VII of the Charter. The World Summit outcome document contains perhaps the strongest language yet. World leaders indicated that they are “prepared to take collective action… through the Security Council, in accordance with the UN Charter, including Chapter VII” where national authorities are “manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity”. The reform agenda must focus on identifying these new threats, and multiplying the Security Council’s successes, rather than dwelling on the high-profile disagreement over Iraq and attempting to tamper with the underlying geopolitical truths.
Reform without democratisation

If the argument which has been presented thus far is correct, democratisation of the UN is not necessary or desirable. Nor is it likely to be practical. It is well known that amending the UN Charter is a difficult process, requiring a vote of two-thirds of the members of the General Assembly and ratification by two-thirds of UN member states, including all the permanent members of the Security Council. This section argues that more modest reform can be implemented without amending the UN Charter. It focuses on the secretive and highly unsatisfactory process by which the UN conducts elections for the Security Council, the Economic and Social Council, and the Human Rights Commission.

Currently, the election process is dominated by the system of regional groups. Since 1963, there have been five regional groups in the UN: the Group of African States (GAFS), the Group of Asian States (GASS), the Group of Latin American and Caribbean States (GRULAC), the Group of Eastern European States (EES), and the Group of Western European and Other States (WEOG). Before formal elections take place, the members of a group reach an agreement on which state within the group they will nominate and support. On the basis of reciprocity, the candidates endorsed by a group are subsequently elected. It is hardly unsurprising that this system led to the notorious election of states which abuse human rights with impunity—such as Algeria, Libya, Sudan, Syria, Zimbabwe, China and Cuba—to the Human Rights Commission. Because the states nominated by each regional group are elected as a matter of course, there is no public scrutiny by the General Assembly. The reasons for which a particular state is elected are never disclosed and, more importantly, the reasons for which a particular state ought not to be elected are never discussed.

The solution is clear. The election process requires more transparency and accountability. Regional groups, which keep a very low profile, ought to be required to justify their nominations to the General Assembly and follow the criteria outlined in the Charter. In the case of the Security Council, for example, Article 23(1) provides specific guidance on the criteria to which the General Assembly should have regard:

The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the
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maintenance of international peace and security and also to the other purposes of
the Organization, and also to equitable geographical distribution.

It is difficult to see how the application of these criteria could allow for the election of Angola, Guinea, or Cameroon, three states which sat on the Security Council during the divisive debate about the Iraq war. If states were ranked according to the first criterion—contribution to the UN—the top five candidates for non-permanent membership would be Japan, Germany, Italy, Brazil and Mexico. If the second criterion is applied to this list, to account for “equitable geographical distribution”, Italy might lose out, being replaced by South Africa. It is no accident that the resulting Council would look very similar to the one envisaged by those who argue for Charter reform. The best mechanism for selecting members of the Security Council does not need to be dreamed up in University departments or diplomatic lounges. It is already in the UN Charter.

If this mechanism is applied consistently, the General Assembly will regularise the practice of selecting the most suitable candidates, like Japan, Germany, and Brazil, and there will be no immediate need to amend the Charter. It might be objected that this interpretation of the Charter would create an almost entirely permanent Security Council. However, the Charter prohibits the immediate re-election of non-permanent members. In the long term, it may be necessary to remove this provision in order to allow states which have a very strong case for membership, like Japan, to be continually re-elected. However, in most cases there are two equally qualified candidates which could rotate; such as Germany with Italy, Nigeria with South Africa and Argentina or Mexico with Brazil. It is important to note that this electoral system does not involve “democratising” the UN; its starting point is not the sovereign equality of states, but the proposition that the most suitable candidates should be selected.

E lecting members to the Security Council has a number of other advantages over Charter reform. First, it is more flexible. If the Charter is amended to include the names of new permanent members, as the High-level Panel proposed in its Model A, it is very likely that in another sixty years’ time another amendment to the Charter will be required. The Panel itself calls for a revision in 2020. Second, a transparent election process would provide an incentive for states seeking Council membership to pay their UN dues and work to maintain international peace and security. There is growing recognition that seats in the UN’s various councils and committees should be filled by states which have a genuine commitment in the area concerned. Security Council candidates now campaign based on their contributions to
UN peacekeeping missions. Delegates at the World Summit accepted that the proposed Peacebuilding Commission should comprise states which contribute to and have experience with post-conflict peacebuilding and reconciliation, and that temporary members should be added when the Commission convenes country-specific meetings.41

Most significantly, elections for the new Human Rights Council,42 which will meet for the first time this year, are being conducted on a much more principled basis. Previously, the members of the Economic and Social Council selected the 53 members of the Human Rights Commission by rubber-stamping closed regional slates which had been proposed by the regional groups and that included only as many countries as there were seats.43 To be elected to the Human Rights Council, however, a state will require an affirmative vote from an absolute majority of all UN members. In addition, the General Assembly, by a two-thirds majority of voting members, may suspend membership of the Council of any state that commits gross and systematic violations of human rights, and all members of the Council must agree to be reviewed under the a new human rights review mechanism which the General Assembly calls “universal periodic review”.44

Former Secretary-General Boutros Boutros-Ghali alarmed a number of commentators when he suggested in 2003 that a new “United Nations of democracies” should be created.45 David Malone described Boutros-Ghali’s remark as “puzzling”, and dismissed it as unworthy of any serious consideration.46 It is true that suggesting the creation of an entirely new intergovernmental organisation is going too far. However, the UN should be more willing to make qualitative assessments of states in determining their suitability for various roles. Although realists might be sceptical about the likelihood of this happening in practice, other organisations have had some success. The EU has been effective in promoting reforms in countries seeking membership. Estonia and Turkey, for example, are beginning to implement political and economic changes in order to meet the Union’s entry requirements. And the Community of Democracies, an organisation of more than 100 countries who are signatory to the Warsaw Declaration, has been effective at self-regulation. It determines membership based exclusively on a state’s adherence to democratic principles and practices and, as recently as 2002, it downgraded the status of 13 countries which had compromised human rights.47 Although the UN will always remain state-centred, it should acknowledge that there is a relationship between the rights of states and the rights of their citizens. States which put
into practice what the Charter proclaims as the “faith in the dignity and worth of the human person” should have a much greater claim to participation in the UN.

**Conclusion**

Inis L Claude, in his classic history of international organisations, noted that at the San Francisco conference where the United Nations was founded, “the small states accepted the superiority of the mighty as a fact of life”. 48 This paper has argued that the United Nations should resist the rhetoric of democratisation and return to the attitude of its founders. The power of large states and the institutions in the Charter, especially the veto power and the process for electing members to councils and committees, are all essential elements in the institutional design of the UN. There is promising evidence that new procedures will result in an effective membership for the Human Rights Council. In the much more controversial case of the Security Council, however, Charter reform will be difficult or even impossible to achieve, and diplomats and academics should begin exploring ways of effecting change by relying on existing Charter provisions. The desire to democratise the UN is a distraction from achieving more practical reforms. A more “democratic” or “representative” Security Council is merely a means to the end of a more effective Council. Reform proposals should not be judged by the degree to which they contribute to those ill-defined concepts but rather according to whether they will result in more effective decision-making. Rhetoric is the staple of diplomacy, and it is often difficult to contest arguments founded on abstract notions such as “democracy” and “equality”. In the debate about reform of the UN, however, these apparently innocuous arguments should now be recognised as radical and unprincipled, and the Charter’s existing solutions should be accorded a more prominent role than they have so far been given.
Notes

I would like to thank Dr Roderick Pitty for his helpful comments on an earlier draft of this paper.


9 A redistribution of seats in the Security Council would, of course, be difficult to achieve because it is likely to be opposed by current veto holders.


11 See, eg, the acknowledgement by the High-level Panel that ECOSOC no longer exercises many of its intended functions: Report of the High-level Panel, ¶274.

12 See below text near nn 40-41.


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35 2005 World Summit Outcome, above n 12, ¶139. The High-level Panel indicated that in such situations the use of the veto should be prohibited; Report of the High-level Panel, ¶256.


42 Created by General Assembly Resolution 60/251.


44 General Assembly Resolution 60/251.

45 ‘War of Liberation for Human Rights—Do We Need New International Law?’ “Kontraste”, German First Television, ARD, 8 May 2003.

