

# Design

Exploring the rules of discourse in the Security Council

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# Abstract

Depending on cooperation in our global environment, international institutions facilitate a mean for mutual gains and cooperation. But the legitimacy crisis in global governance has made the features of institutional design essential to study. Drawing on a theory of variables employed by a rational design project the aim of this thesis is to explore why states create new institutions instead of improving already existing ones and to what the notion of design refers. The essay engages Michel Foucault in the attempt to investigate the underlying structures that form the basic context for institutional design. A second attempt is to explore how the rational features of institutional design function with discursive practices. The thesis departs in a case study of the re-design proposals of the UN Security Council. The material is mainly based on the proposals for re-design for the expansion of the Council and comments from within the UN as well as comments from an academic framework. Analysing the material in form of a discourse analysis, the essay concludes that design is in itself discursive and that states create new organisations due to a system of exclusion.

*Key words:* design, Security Council, cooperation, discourse, exclusion

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# 1 Introduction

For the Iraqis, who have paid the price of a generation of violence, it did not help that the Security Council turned against one of its permanent members, when the President of the United States of America brought his case against Iraq to the General Assembly on September 12, 2002. Institutions facilitate structures for cooperation, but the most important of them all fails to meet the needs of billions of people. The members of the United Nations have signed a Charter designated to “save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind” (UN Charter: 3). The Iraqis were obviously not regarded a member of the unity of strength to maintain international peace and security. If cooperation concerning human lives is within reach, how come it is not always grasped? (compare Koremenos et al 2001b). Dag Hammarskjöld (1957) stated that “the main difficulties in the way of making progress toward peace do not origin in defects in the structure of the United Nations” (Hammarskjöld 1957: 21). Held and Koenig-Archibugi (2004) claim in their turn that even though a legitimacy crisis of an international institution like the UN Security Council reflects that the predicament of accountability in a universal institution cannot be avoided, it is not “answered simply by pointing at the control exercised by national governments over them” (Held & Koenig-Archibugi 2004: 125-126).

## 1.1 The Aim of the Thesis

The main inquiry of this thesis is to explore the re-design of the Security Council with the aim of exploring the notion of institutional design. With a multitude of possibilities and threats to state interests, most governments depend on the opportunities to cooperation. But a multitude of those billion people affected by the interests of states, are excluded from the decision-making process that ultimately governs their lives. Engaging Foucault in variables set up by rational design, this essay attempts to investigate the underlying structures that make the basis for the choice of institutional design and to explore whether it is possible to employ these features of institutional design with discursive practices. With focus on the re-design of our only Council devoted to prevent war and maintain and restore peace, this essay explores the following research questions:

- what does the notion of the ‘design’ of an institution imply?
- why do states create new institutions instead of working within already existing, more important, ones?

### 1.1.1 Theoretical Approach

To elaborate on the research questions of the thesis, the theoretical framework is initially drawn from a rational design project, decomposing design features into measurable dimensions. The proposed research programme was first published in *International Organization* (2001) Vol. 55, No. 4, attempting to explain variations in institutional design to understand the world. This essay draws upon three of five design features of this rational design project; (1) membership, (2) control and (3) flexibility. Investigating the choice of design and re-design of a global institution such as the Security Council, the rational design implies tools for determining and observe who is excluded or included, who exerts control on decision-making and what kind of flexibility that might be designed in the structures. However, since this may be less interesting than the underlying structures that provides a basis for certain choices of design in the first place, the essay portrays yet another theoretical dimension. Exploring international institutions, the absence of the 'international' in the works of Michel Foucault can have critical consequences in the context of global politics (Jabri 2007). Within the field of international relations (IR) Foucault has mainly been employed to challenge realist international theory. Another attempt has been to support a contemporary global liberal order. Nonetheless, with the notion of 'discourse' and 'discursive practices' Foucault has thus been engaged in analysing the practices of international politics (Selby 2007). As a constant critical thinker, Foucault is in many ways contradictory, due to his many different writings during a long period of time. Despite variations in the definition of the term 'discourse', this essay departs in the interpretation of Sara Mills (2004). The term 'discourse' is not equivalent of 'language', but should rather be seen as a system that structures reality. As such, a 'discourse' regulates certain statements that in turn are regulated by a certain set of rules. These 'rules' determines the distribution and circulation of predictable statements and utterances. In its systems, rules, procedures and statements the discourse comprises a realm of 'discursive practices' (Mills 2004: 55). These, Foucault writes, imply specific prescriptions that indicate its exclusions and choices (Foucault 1970/1971: 199). In view of understanding the underlying structures that provide the basis for certain choices of 'design', this essay imagines the composition of the Security Council as a certain discourse and the acts of the Council's permanent five its discursive practice.

### 1.1.2 Method and Material

To investigate and explore the features of the choice of design in the international environment, this study is built around a case, the procedure of the re-design of the UN Security Council. This case constitutes a source to make the theoretical framework visualise different aspects of the structures that form the basis for the rules of design in our only global organisation (Eckstein 1975: 100 in Merriam 1994: 70). The method to analyse the case departs in an analysis that inquires the

pattern of the political discourse of the responses to the release of the re-design proposals (Winther-Jørgensen and Philips 1999: 7). Methodologically, the essay does not analyse a language *per se*, rather a coherent context evolving around organisation, order and design; their utterances and the following act upon it. Henceforth, the essay can be expressed to constitute a discourse analysis of the features of design and the release and response to the reform of the composition of the Security Council (see Mills 2004 and Foucault 1970/1971).

Concerned largely with the concepts of power, knowledge and discourse, the material by Michel Foucault is vast and naturally encompass much more than this essay can afford to include. As this study is not an analysis of Foucault in itself, I have selected those passages of his work that I believe are beneficial for the research questions and the stated purpose of this thesis.

Likewise, the literature on the reform of the Security Council is immense. The material from the Center for UN Reform Education was conducted by interviews of international UN delegates to describe the ongoing procedure of the reform. The organisation provides independent information and analysis on proposals to strengthen the United Nations. The broad academic literature on the Security Council and its presumable reform, provide an extensive body of material. I have therefore reviewed more material than the references show, sifting through the statements to select the most neutral descriptions as possible. The material on the formation of L-20 is mainly based on the proposal made by the former Prime Minister of Canada, Paul Martin and the response given to it by academic scholars in *Global Governance* (2007), Vol. 13, No. 3.

The limitations of this essay concern the above mentioned. It is hence neither a study of the UN body as a whole nor the Security Council as a whole. It is a study of the release of the design proposals to the Security Council reform and its following response.

## 2 Order in the Anarchy

Aristotle was convinced that society finds its unity in the political life and organisation of the state. The practical philosophy of modernity continued to assume that individuals belong to a society like members to a collectivity or parts to a whole – even if the whole is only supposed to constitute itself through the connections of its parts (Habermas 1996: 1).

Domestic systems are centralised hierarchical in the political structures of governmental institutions (Waltz 1986: 81). *International* political life, on the contrary, is commonly viewed as much more anarchical, lacking an overarching government (Nye, 2005: 4, March & Olsen 1998: 2).

The absence of a centralised authority either forces states to competitive power politics or develops a rationale to overcome this logic (Wendt 1992: 391). The philosophical precursors to these two perspectives are found in Thomas Hobbes (1588-1679) and John Locke (1632-1704). Wendt argues that while theories in the past evolved around opposing theories of human nature, the polemic of today is rather a matter of whether state action is influenced by ‘structure’, as in anarchy and power distribution, or ‘process’ which encompasses interaction, learning and institutions (Wendt 1992: 391). Nevertheless, Waltz notes that ordering the system by its structural definition, the anarchical system makes an organisational concept of ‘structure’ a contradiction to ‘anarchy’. He raises the question to how international politics can be structured in any order at all (Waltz 1986: 82).

An anarchic international system is commonly portrayed in terms of power and self-interest (Moe 2005: 225). In this anarchy actors are out for themselves, making it a “war of all against all” (Wendt 1999: 266). For instance, the rearmament in the security of A necessarily abbreviates that of B, who can never trust that A’s increases are defensive. This makes security nothing but a “zero-sum affair” (ibid: 266). A particular type of political actor in the international system is the concept of the territorial sovereign state. The institution of sovereignty has its origin in the Treaty of Westphalia in 1648; the foundation of the political play in the contemporary international system (see Wendt 1999: 285, March & Olsen 1998: 944, Hobson & Sharman 2005: 64).

However, Molly Cochran (1999) notes, this dominant understanding of international relations (IR) as a “world of sovereign states which demarcate inside from outside, order from anarchy, and identify from difference” (Cochran 1999: 121), is contested. She argues that poststructuralist scholars attempt to challenge the notion of sovereignty and the sovereign state as an ahistorical, transcendent concept. Sovereignty is rather a mere mechanism of domination, which limits an “open space for plural and diverse practice in world politics” (ibid: 122). Nonetheless Wendt argues, the lack of a centralised authority, this Hobbesian, *realist* view, encourages “actors to rely on power and self-interest” (Wendt 2001:

1019). A *Lockean* view on the other hand, the *liberal* view Nye argues, characterises an international system that operates alongside the states. Trade crosses borders without governmental control and people have contacts with each other across the globe. International institutions thus “create a context in which the realist view of pure anarchy is insufficient” (Nye 2005: 5). Because the realist view has set the research agenda, the study of international institutions has been reduced to whether they matter or not (Martin & Simmons 1998: 742-743). But institutions do matter as they facilitate a logic to “overcome collective action problems to cooperate for mutual gains” (Moe 2005: 216). Martin and Simmons note that institutions in themselves can shape the behaviour of important actors in world politics. This makes the selection of multinational institutions a “strategic choice” (Martin & Simmons 1998: 729). Keohane recognises that because contemporary world politics in many respects is a matter of life and death, the opportunity to pursue and distribute good life and structure is vital, making our worldwide institutions indispensable (Keohane 2005: 325, 1988: 379).

## 2.1 Cooperative Means

The aftermaths of World War II changed the structure of global economy. What followed was a decrease in governmental control of economic activities that until then had been *de jure* within the territorial domain of governments (Morse 1972: 23). The rise of new economies posed major challenges to the realist view and it was Robert Keohane (1984) who first argued that despite the international society’s anarchical characteristic nature, international institutions are cooperative means where each sovereign state can defeat collective action problems, realising gains from trade. Keohane argued that powerful states create institutions to promote their own interests and that other states join these institutions because of possible profits (Keohane 1984). Today, Lesage (2007) notes, most states are aware of that their interests and values to a large extent are dependent on other states. In a globalised system, states recognise the importance of cooperation. Aiming for ‘global public goods’, the ‘global cooperation’ is thus shaped to benefit the cooperating states themselves (Lesage 2007: 344, see also Nye 2002, Kaul 2003). Keohane emphasised that the structures that bring about cooperation – by providing information, rules, and principles – make it easier for members to grasp common interests and reap shared goals (Keohane 1984).

However, the term ‘institution’ is a fuzzy concept with no agreement on the actual components of its foundation (Moe 2005: 226). Yet, the “meaning” is taken for granted and is yet one of the most frequently used terms (Offe 2006: 9). Terry Moe argues that some scholars define institutions as “rules of the game”, or “patterned behaviour” and others as “myths” and “ideational structures” (Moe 2005: 226). These rules and “world cultural norms” that produce organisational and behavioural affinities across the globe, are referred to as “institutions” (Finnemore 1996: 326). Quoting Hughes (1936), Keohane notes that it sometimes seems that “the only idea common to all usages of the term institution is that of some sort of establishment or relative permanence of a distinctly social sort”

(Keohane 1988: 382, Hughes 1936: 180). But Hughes also noted that “such an inclusive usage would make institutions merely the social aspect of the behaviour which they describe” (Hughes 1936: 180).

Defining institutions, Keohane (1988) argues, entails “drawing a distinction between specific institutions and the underlying practices within which they are embedded” (Keohane 1988: 382). Referring to an institution as a “*general pattern or categorization of activity or to a particular human-constructed arrangement, formally or informally organized*” (Keohane 1988: 383), institutions can be defined in terms of their rules. Douglass North (1987) defines institutions as “*rules, enforcement characteristics of rules, and norms of behaviour that structure repeated human interaction*” (North 1987: 6 in Keohane 1988: 383). On institutions and institutionalisation of behaviour, Keohane has interpreted March and Olson (1984) as that institution can be seen as “*frozen decisions*” or “*history encoded into rules*” (March and Olson 1984: 741, Keohane 1988: 384). Suffice to say, Keohane concludes that “institutions differentiate among actors according to the roles that they are expected to perform, and institutions can be identified by asking whether patterns of behaviour are indeed differentiated by role” (Keohane 1988: 384). He continues to argue that as cooperative processes, international institutions have a *potential* to distribute “global public goods” (Keohane 1988: 393). Without international cooperation, Keohane believes that the “prospects for our species would be very poor indeed” (ibid: 393).

‘Institutions’ are often an outcome of activities gone wrong. To explain how they came about, Goodin writes it is elemental to allude to the intentions that lead to their creation and the interactions among these intentions (Goodin 1996: 27-28). How does one then design the “rules, enforcement characteristics of rules, and norms of behaviour that structure repeated human interaction” (North 1987: 6 in Keohane 1988: 383) into solving what they were intended and created to solve?

### 3 Designing Cooperation

The verb ‘design’ raises a question to what a ‘concept’ of design refers to (Dryzek 1990: 41). What differentiates ‘design’ from a traditional term of “choice” which Wendt comments has served rationalist IR scholarship on institutions in the past (Wendt 2001: 1033). Bobrow and Dryzek (1987) argue that ‘design’ can be seen as “the creation of an actionable form to promote valued outcomes in a particular context” (Bobrow&Dryzek 1987: 201). Such values could be peace, equality and prosperity (ibid: 1987: 210). Designed in very different ways, most international institutions were, and are, created to solve problems of international cooperation (Koremenos, Lipson and Snidal 2001b: 1051).

Related to a process of ‘optimal design’, the design of policies, mechanisms, systems or institutions is empirically and normatively interlinked (Goodin 1996: 34). This calls up a normative question to what *kind* of institutions we should design (Wendt 2001), and an empirical to *how* it is done (Koremenos, Lipson and Snidal 2001). Goodin argues that the notion of that the ideal should be realised implies that theories of design are in themselves normative, constituting a rationale to some ideal state of the world, i.e. an optimal, ‘true’, arrangement. Although design is what departs from that ideal, Goodin assumes that there is no reason to suppose that optimal designs will be pursued in the real world (Goodin 1996: 34). Nevertheless, the prescriptions of optimal designs “make them well suited to survive in their larger environment” (ibid: 35). In view of ‘optimal design’, Goodin concludes that institutions that have “been around for a while are most likely to be ones that are more nearly optimally designed to fit their environment,” as they would be “functionally well adapted” (ibid: 35-36).

On the contrary, McFaul notes, institutions are endogenous and as such cannot appear as independent variables. He goes on to argue that not every institution from the past affects “the emergence of institutions in the present” (McFaul 1999: 32). Wendt on his part, recognises that institutional designs today “play a causal feedback role in constructing the actors who make designs tomorrow” (Wendt 2001: 1033). Hence, Wendt writes, institutions influence designers’ identities and interests and although the structures of an original design may reflect a self-interest, time makes individual actors see themselves as a collective identity within the institution (ibid: 1033).

A rational approach to the choice of institutional design assumes that actors choose institutions because it will benefit them. Within this perspective Pierson (2004) notes that it is the institutional *outcomes* that provide the explanation to why certain institutions take the design they do. At the same time, despite rational design choices, institutional outcomes may be *unintended* due to change in the “social environments and/or in the character of these actors themselves” (Pierson

2004: 108). This would “markedly worsen the fit between actors and institutional arrangements after they are chosen” (Pierson 2004: 108).

### 3.1 A Rational Design

To understand the world and the differences in the design of institutions, and how power change in the global environment take form, a rational design project was set out in the 2001 volume 55 of *International Organization*. The project assumed, based on a rational choice analysis, that “states use international institutions to further their own goals, and they design institutions accordingly” (Koremenos, Lipson and Snidal 2001a: 762) and defined rational design as “states and other international actors, acting for self-interested reasons, design institutions purposefully to advance their joint interests” (Koremenos et al: 781).

The project agreed that “normative discourse is an important aspect of institutional life”, and that “norms are contested within” and that institutions are endogenous, “self-conscious creations of states” (also recognising interest groups and corporations in the international environment) (Koremenos et al 2001a: 762). The main goal of the project was to offer a “systematic account of the wide range of design features that characterise international institutions” (ibid: 762), and to explore an allusion of a foundationalist presumption that “states construct and shape institutions to advance their goals” (ibid: 762). Koremenos, Lipson and Snidal noted that design differences are not random but the result of “rational, purposive interactions among states and other international actors to solve specific problems” (ibid: 762). As such, Wendt argues, the rational action of a ‘designed’ institution is to pursue an utmost value of one’s institutional ‘choice’. The rational design project assumed that rational calculation and expected consequences of the design choice would correlate (Wendt 2001: 1024). This realist view, is based on the assumption that rationality is a natural rather than a constructed concept (Katzenstein 1996: 26).

#### 3.1.1 Decomposing design

If a global cooperation is aimed at the “provision of a number of ‘global public goods’” (Lesage 2007: 344), and on “procedural justice in determining distributive shares” (Rawls 1996: 281), equal access to political influence and effective social freedom would indeed be “appropriate norms to meet in the international context” (Bohman 1999: 505). Defining institutions as *explicit arrangements, negotiated among international actors, that prescribe, proscribe, and/or authorize behavior* (Koremenos et al 2001a: 762), rational choice can address important empirical questions. The design of institutions differ to a great extent and to be able to empirically test the connections between specific cooperation problems and their institutional solutions into a research program that

could work, the authors “decomposed the idea of “design” into five measurable dimensions” (Koremenos et al 2001b: 1052):

MEMBERSHIP:	Who is included and excluded?
SCOPE:	Which issues are covered?
CENTRALISATION:	How centralised are the main tasks?
CONTROL:	Who exerts control within the institution?
FLEXIBILITY:	How are changing circumstances accommodated?

These independent variables are however not the only significant dimensions of institutional design, but Koremenos, Lipson and Snidal noted that besides being substantively important, they have several advantages, as they can be measured and because they apply to very formal international institutions as well as less bureaucratic (Koremenos et al 2001a: 763). Duffield (2003) later recognised that there were limits of both the rational design project and its conclusions (Duffield 2003: 411). Although, as commonly known, the definitions on “institution” vary, Duffield meant that the definition used by the project was a narrow conception of institutions (ibid: 412). Nevertheless, Duffield notes, the conceptualisation and selection of the independent variables “raises some questions” (ibid: 2003: 415). To this critique, Koremenos and Snidal (2003) replied that the development of a “theoretically tight and empirically testable project” (ibid: 431) would not correlate with a call for additional independent variables and the authors stressed the importance of making “careful and difficult choices regarding how to limit the scope of the analysis, including what theoretical arguments to consider and what variables to include and exclude” (Koremenos and Snidal 2003: 431). In view of the stated purpose and limits of this study, the essay will henceforth draw its focus to the variables (1) membership, (2) control and (3) flexibility.

### 3.1.2 The Variables

The variable (1) *membership* refers to who is *included* or *excluded* from the decision-making process or from the institution as a whole. It also refers to whether membership is exclusive and restrictive or inclusive by design (Koremenos et al 2001a: 770). The authors expected to find membership playing a significant role as an enforcing mechanism for exclusion. Relying on the logic of public good, the case studies of the volume<sup>1</sup> however, found that excluding members and restrictive membership “will not help solve the enforcement problem in situations of asymmetric externalities” (Koremenos et al 2001b: 1056).

When membership is established, the dimension of (2) *control* focuses on how collective decisions will be made. Determined by a span of elements, control includes rules for electing key officials and how institutions are financed. For example, voting arrangements can be an important aspect of control. Through

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<sup>1</sup> To read the case studies, see *International Organization*, (2001) Vol. 55, No. 4.

voting and decision-making rules some states may possess substantially more influence than others, even if membership is universal. An obvious aspect is whether all members have equal votes and/or whether a minority is granted veto power (Koremenos et al 2001a: 772). The empirical findings on control were meagre, and the project could not “claim too much for them” (Koremenos et al 2001b: 1060). However, what they did find was that states do not give up individual control and that control rules need to “balance the competing needs of different members” (ibid: 1060).

If states do not give up individual control, how does (3) *flexibility* to accommodate new circumstances allow changes to institutional rules and procedures? The rational design project distinguished between two kinds of institutional flexibility, adaptive and transformative. Koremenos, Lipson and Snidal argue that adaptive flexibility, in form of ‘escape clauses’, facilitate to acknowledge unexpected conditions while maintaining already existing institutional formations. This limited flexibility is designed to principally manage ‘outlying cases’, as a mean to get rid of the current problem. To be able to transform to changed circumstances, some institutions have built-in arrangements (Koremenos et al 2001a: 773). They go on to argue that it is a deeper kind of flexibility that may “involve clauses that permit renegotiation that require new negotiations and ratification for the institution to survive<sup>2</sup>” (ibid: 773). The authors show that the empirical elaborations<sup>3</sup> illustrated how flexibility can be designed to permit adjustment within existing institutional arrangements, without levelling the institution as a whole; for instance should rules that could be binding constraints be balanced for a more flexible design. Flexibility it seemed helps actors deal with smaller action problems in the system and the authors concluded that “*rational actors* have good reasons to design a system with some flexibility” (Koremenos et al 2001b: 1060-1061).

Alexander Wendt writes that some rationalist scholars within the field of IR “take structural contexts and agents as given in order to focus on the logic of choice and interaction” (Wendt 2001: 1021). And even if states would choose rationally, Wendt proceeds that the underlying structures that to begin with make certain choices rational may be more interesting to explore. Hence, there are “rivals [...] to the propositions that institutions are rationally chosen and [...] that they are designed” (ibid: 1020).

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<sup>2</sup> ”The initial terms of commodity agreements, for example, are typically five to seven years, after which they expire and have to be renegotiated. GATT did not have such provision, but its periodic rounds of trade negotiations facilitated planning for larger institutional changes, leading to the WTO. GATT’s existing rules did nothing to block these larger changes, and its regular forums served to promote them” (Koremenos et al 2001a: 773).

<sup>3</sup> The institutions explored were inter alia Nato, GATT, WTO and the EUP (European Payment Union)

## 4 Discursive Practices

“Institutions define the rules of the political game and as such they define who can play and how they play ... [institutions] can shape who wins and loses” (Steinmo 1992 in Offe 2006: 9). Should actors prefer different outcomes, the formation and design of institutions create bargain problems. Cooperation can easily be undermined “when some actors are richer, bigger and more powerful than others” (Koremenos et al 2001a: 765). The political process of force and coercion define institutions that are “good for some and bad for others” (Moe 2006: 215). Moe argues that rational choice theory portrays structures as imposed by voluntary choice and cooperation. This is inconsistent as the political structures depend on who holds the power to enforce their case (ibid: 226). Arguing that the institutional system is driven by power, Stephen Krasner (1991) illustrated how power is used to promote national interests. In a theory derived from the new economics, Krasner illustrated that the role of power defines how cooperation is formed and determined (Krasner 1991).

### 4.1 Control of a Discourse

Moving beyond an analysis of ‘power’ in terms of economic gains and the maintenance of economic relations (Foucault 1976: 89), Michel Foucault argued that *power* is “neither given, nor exchanged, nor recovered, but rather exercised, and that it only exists in action” (ibid: 89). Foucault writes that *power* as a force, to many constitutes a repression of “nature, the instinct, a class, and individuals” (ibid: 90). Should power be defined a tool for repression Foucault argued that the analysis of power should above all be an analysis of the “*mechanisms* of repression” (ibid: 90). Instead, Foucault argues, should power be exercised the question arises to what *sort of exercise* power then entails and what its mechanism in that case are (ibid: 89). In this sense, Foucault related how the mechanisms of power and “the rules of right provide a formal delimitation of power” (ibid: 93) itself. He illustrates an order of how this power forwards and produces the effects of the ‘truth’ which reproduce this power in their turn. The mechanisms of power thus constitute a triangle of power, truth and right (ibid: 93).

Foucault meant that the question to how the discourse of truth and how that discourse can limit and control the right of power, is a traditional query (ibid: 93). Thus Foucault raised an optional perspective: “what rules of right are implemented by the relations of power in the reproduction of discourses of truth? Or alternatively, what type of power is susceptible of producing discourses endowed with such potent effects?” (ibid: 93). A traditional enquiry reflects on

power as a phenomenon of domination over others and analysis power in terms of those who ultimately possess and maintain it, and those who are forced to submit to it (ibid: 98). Instead, Foucault writes:

Power must be analysed as something which circulates, or rather as something which only functions in the form of a chain. It is never localised here or there, never in anybody's hands, never appropriated as a commodity or piece of wealth. Power is employed and exercised through a net-like organisation. And not only do individuals circulate between its threads; they are always in the position of simultaneously undergoing and exercising this power. They are not only its inert or consenting target; they are always also the elements of its articulation. In other words; individuals are the vehicles of power, not its point of application. The individual is an effect of power, and at the same time, or precisely to the extent to which it is that effect, it is the element of its articulation. The individual which power has constituted is at the same time its vehicle (Foucault 1976: 98).

Viewed from this perspective 'juridical sovereignty and institutions' serve a limited analysis (Foucault 1976: 102). Alternatively, an analysis of power should be a "study of the techniques and tactics of domination" (ibid: 102).

#### 4.1.1 Membership

The process of exclusion produces certain discourses above others. For something to be established as a certain fact or as true, other equally valid statements have to be rejected and denied. Foucault explores this in the collection of essays entitled *Power/Knowledge* (1980). In *The Order of Discourse* (1970) Foucault distinguishes three principles of exclusion where the most familiar and obvious is the prohibition (ibid: 52). The other existing principle of exclusion is a form of division and rejection (ibid: 53). The third principle of exclusion Foucault presents, also the focus of interest in this essay, is the opposition between true and false (however dissenting it may be risky to distinguish this a system of exclusion (ibid: 54).

The opposition between true and false is "neither arbitrary nor modifiable" when observed from the inside of a discourse (Foucault 1970: 54). But viewed from a different perspective, Foucault portrays a "system of exclusion, a historical, modifiable, and institutionally constraining system" (ibid: 54). These systems of exclusion, he argues, are both renewed and reinforced by a number of practices, resting on institutional support (ibid: 55). Young (1987) interprets that the rules, systems and procedures of Foucault, comprise a realm of discursive practices constituting an 'order of discourse'. Within this terrain "knowledge is formed and produced" (Young 1987: 48). Foucault asserts that within these discursive practices, the 'production' of a discourse is at the same time selected and controlled while it redistributes and organises a certain number of procedures. Their role is to gain mastery (Foucault 1970: 52).

Mills (2004) interprets the division between true and false as describing the position between those who claim to have the right to speak the truth, the

‘experts’, and the statements of those who are not in power. Their utterances will be discarded as false. The procedure of an institution will only credit those statements that are considered ‘true’ (Mills 2004: 58).

These procedures, the *discursive practices* Foucault argues, are “characterised by the delimitation of a field of objects, the definition of a legitimate perspective for the agent of knowledge, and the fixing of norms for the elaboration of concepts and theories. Thus, each discursive practice implies a play of prescription that designates its exclusions and choices” (Foucault 1970/1971: 199). He goes on to argue that a discursive practice usually gathers different disciplines or sciences and even crosses between them. They are eventually assembled in new groups, thus preserving their individual attributes, into a new and every so often unpredicted unity (ibid: 200).

Foucault stresses that besides producing discourse, discursive practices are realised in the technical process of institutions and in behavioural patterns. They both form and maintain them. The transformation of a discursive practice can thus arise outside of its field, within the forms of production and in political institutions (Foucault 1970/1971: 200). The link to these modifications “retains both its proper autonomy and the full range of its precise functions in relation to that which determines it” (ibid: 200). Foucault continues to argue that the will to knowledge, embodied in practices, designates these principles of choice and exclusion (ibid: 200). Young notes that their meaning is to keep the thinking inside them; only the insane would think outside them. In this way, discursive rules and practices are ultimately linked to the exercise of power. Through the procedure of exclusion, domination and selection, the structure of discourse both appoints and ensures the reproduction of a social system (Young 1981: 48).

#### 4.1.2 Flexibility

Foucault asserts that there is a necessity to impose limits on a sovereign power (Foucault 1976: 95). He continues to argue that the theory of right and sovereignty revolve around the organisation of the legitimacy of power. But, Foucault writes, in order for the sovereign to remain legitimate, it must be submitted to certain rules of right. For it is only within these restraints it can be exercised (ibid: 95). Right must be regarded, Foucault states, “not in terms of legitimacy to be established, but in terms of the methods of subjugation that it instigates” (ibid: 96).

As time passes, the order of those who claim to speak the truth and according to a requisite practice, changes. The optimal truth now inhabits what discourse said, not what it was or did (Foucault 1970: 54). Foucault illustrates with the Greek poets of the sixth century BC, how the form and meaning of ‘the truth’ can be displaced over time. When this happens, the true discourse is separated from false discourse, establishing a new division he argues (ibid: 54). Because the true discourse is no longer the one connected to the exercise of power, it is no longer “precious and desirable” (ibid: 54). He argues that it is always the prerogatives of the sovereign that are challenged and its limited power that is put in question

(Foucault 1976: 94). Foucault is not interested in why some wants to dominate and what their prerequisites are. Instead, a more interesting question would be “how things work at the level of the on-going subjugation and uninterrupted process of subjection” (Foucault 1976: 97). He goes on to argue that if one wants to struggle against a certain power, one should not turn to “the ancient right of sovereignty” (ibid: 108). Rather, Foucault asserts, one should look “towards the possibility of a new form of right, liberated from the principle of sovereignty” (ibid: 108). However, in *The Order of Discourse*, Foucault writes “when the “true” discourse is no longer the discourse that answer to the demands of desire, or the discourse which exercises power, what is at stake, in the will to truth, in the will to utter the ‘true’ discourse, if not desire and power?” (Foucault 1970: 56).

# 5 Designing for Peace

Our everyday experiences are played out in certain, different, milieus. These milieus are linked to institutions that organise our lives and binds us to other people. Varied and encompassing combinations of institutions and their interrelations form a social structure. History, or how social structures have changed over time, tells us where we came from, how we have arrived, at the present, and where we are headed (Robinson 1996: 13).

The United Nations, founded in 1945, “determined to save succeeding generation from the scourge of war” (UN Charter: 3), was designed to head towards a unity to maintain international peace and security (ibid: 3-4). By the legitimacy given by members of the Organisation, the *Security Council* shall “determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken [...] to maintain or restore international peace and security” (ibid: Article 39<sup>4</sup>).

However, Bobrow and Dryzek note that the presumed success of designed policies relies on the context, the milieu and externalities to the policy process. It is within these procedures the policy will depart and also within this discourse designers, and others, practice and implement certain policies (Bobrow & Dryzek 1987: 202).

## 5.1 Structures of a Peace Council

“At the Council, the great powers, including those who originally founded the organisation, play out international power politics, as they have done since the end of World War II“ (Moore & Pubantz 2006: 126-127). In the beginning when there were only 52 Members, the Security Council constituted 11 members – five permanent and six non-permanent. By 1963 the member states had increased from 52 to 118 (Hoffmann 2005: 6). With the new members<sup>5</sup>, the dissatisfaction with the size of the Council and its composition started to show. In the early 1960s, concerns about non-permanent as well as permanent seats and their veto, was discarded as no longer reflecting the “real power relations” (Blum 2005: 636). In 1965 an amendment to Article 23<sup>6</sup> of the Charter was made, enlarging the number

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<sup>4</sup> From now on, articles in the Charter will be referred to as simply “Article” and number.

<sup>5</sup> Besides the Eastern European states, Turkey was elected new member as well as the “heretical Titoist” Yugoslavia – a major snub of the Soviet Union” (Blum 2005: 636)

<sup>6</sup> Article 23 determines the composition of the Security Council, [www.un.org/aboutun/charter](http://www.un.org/aboutun/charter)

of non-permanent members from the original six to ten (Moore & Pubantz 2006: 127), the permanent five being the same.

The so-called **P5** constitutes by the United States, the United Kingdom, France, The Russian Federation (formerly the USSR), and the People's Republic of China. These permanent members<sup>7</sup> wrote the Charter and gave themselves permanent seats with veto powers. In addition they also allotted themselves veto over the *amendment of the Charter* (UN Charter: Article 2, 4, Imber 2006: 329-330). The non-permanent seats are elected by the General Assembly (GA) for a period of two years according to a geographic distribution. Five goes to Africa and Asia (including the Middle East), two each from Latin America and the Caribbean and Western European and Other States and one from Eastern Europe. No non-permanent seats can be re-elected for another continuous period. To serve overlapping terms, five new members are elected each year (Moore & Pubantz 2006: 127).

“The Security Council was designed to enable the world body to act decisively to prevent and remove threats. It was created to be not just a representative but also a responsible body” the reform report states (Report: 79, para. 244). However, with the present 192 members, the body can be disparaged as an “unwarranted projection”, thus “cementing relations of power that cannot be justified under present conditions any longer” (Offe 2006: 19-20). Because the international system has transmuted in a way that is discordant with the original design of the UN, the Council yet again fails to meet its responsibility for the maintenance of international peace and security (Glennon in Prantl 2005: 559). The P5 impliedly delegates power under its constituent treaty, the Charter. The problem for the Council is that the position of the P5 is contested, its sovereign challenged. Thus it would seem that they delegate powers which they do not themselves possess (see Sarooshi 1999: 20).

## 5.2 The Call for a Re-design

Subsequently, in 2003, Kofi Annan, some say with a “puzzling disregard for the history of politics of the world organisation” (Luck 2005: 407), called for a radical reform of the global organisation (ibid: 407). Annan appointed the High Level Panel on Threats, Challenges and Change (HLP), consisting of 16 international dignitaries<sup>8</sup>. They were put to the quest to assay future threats to peace and security and furthermore asked to evaluate Security Council reform as well as existing approaches, instruments and mechanisms due to that process and the

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<sup>7</sup> The new organisation was supposed to reconstruct “the League of Nations’ “unworkable unanimity procedures around a more vigorous recognition and deference to the great powers’ roles” (Imber 2006: 329-330).

<sup>8</sup> The countries represented was: France, Brazil, Norway, Ghana, Australia, United Kingdom, Uruguay, Egypt, India, Japan, Russia, China, Pakistan, United Republic of Tanzania and the United States. To view who the dignitaries were, see: <http://un.org/secureworld/panelmembers.html>

reform as a whole. It was meant to serve a broad foundation for further discussions at the 2005 World Summit (von Freiesleben 2008: 5). The Panel released a report entitled *A More Secure World: Our Shared Responsibilities*<sup>9</sup> in December 2004. The evaluation listed 101 recommendations for amendments and a ‘grand bargain’ for the reform of the Council (ibid: 5).

### 5.2.1 The Proposals

The stated purpose of the HLP, was to reach an agreement to a more representative Council. The main objective for reforming the Security Council was to improve its representation and effectiveness by creating a balance between developing and developed countries. The HLP believed that the reforms of the SC ought to meet the following principles (Report: 80, para. 249):

- (a) They should, in honouring Article 23 of the Charter of the United Nations, increase the involvement in decision-making of those who contribute most to the United Nations financially, militarily and diplomatically – specifically in terms of contributions to United Nations assessed budgets, participation in mandate peace operations, contributions of voluntary activities of the United Nations in the areas of security and development, and diplomatic activities in support of United Nations objectives and mandates. Among developed countries, achieving or making substantial progress towards the internationally agreed level of 0.7 per cent of GNP for ODA should be considered an important criterion of contribution;
- (b) They should bring into the decision-making process more representative of the broader membership, especially of the developing world;
- (c) They should not impair the effectiveness of the Security Council
- (d) They should increase the democratic and accountable nature of the body.

A number of proposals to reform the Council have been released through the years. They mainly concern the expansion of members and amendments to the right of veto power. Yet, the Panel was not able to reach a final agreement on the reform proposals. The necessity of enlarging the Council was subsequently presented in two defined alternatives, referred to as Model A and Model B. To make easier the distribution of seats, the Panel identified four major regional areas (not to be altered with the composition of current regional groups for general electoral in other United Nations purposes): “Africa”, “Asia and Pacific”, “Europe” and “Americas” (Report: 80, para. 251).

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<sup>9</sup> The Report can be found at [www.un.org/secureworld](http://www.un.org/secureworld)

Model A creates six new permanent seats, without veto power. In addition is three new two-year term non-permanent seats presented, divided among the major regional areas. It expands the Council to 24 members (Report: 81, para. 252):

Regional Area	No. of States	Perm. seats (continuing)	Proposed new perm. seats	Proposed two-year seats (non-renewable)	Total
Africa	53	0	2	4	6
Asia and Pacific	56	1	2	3	6
Europe	47	3	1	2	6
Americas	35	1	1	4	6
Totals Model A	191	5	6	13	24

Model B does not provide any new permanent seats but instead presents a “new category of eight four-year renewable seats and on new two-year non-permanent (and non-renewable) seat”. They are also divided among the regional areas, also enlarging the Council to 24 members (Report: 81, para. 253):

Regional Area	No. of States	Permanent Seats (continuing)	Proposed four-year renewable seats	Proposed two-year seats (non-renewable)	Totals
Africa	53	0	2	4	6
Asia and Pacific	56	1	2	3	6
Europe	47	3	2	1	6
Americas	35	1	2	3	6
Totals Model B	191	5	8	11	24

The Panel recognised that the composition of the Council should not be considered “permanent or unchallengeable in the future” (Report: 82 para. 255). However, the following paragraph (Report: 80, para. 256) recognised the veto as an “important function in reassuring the United Nations most powerful members that their interests would be safeguarded” (ibid: 256). The Panel did therefore not see any “practical way of changing the existing members’ veto powers” (ibid: 256). This was in spite of the view that the veto was regarded an “anachronistic character that is unsuitable for the institution in an increasingly democratic age” (ibid: 256). Instead, the panel ‘urged’ that the use of the veto ought to “be limited to matters where vital interests are genuinely at stake” (ibid: 256). The panel

impelled the original permanent members, “in their individual capacities, to pledge themselves to refrain from the use of the veto in cases of genocide and large-scale human rights abuses”<sup>10</sup> (Report: p. 82, para. 256).

## 5.2.2 The Response

Kofi Annan received massive criticism by UN watchers for incorporating Security Council expansion in the reform programme. But important members states such as India, Japan, Brazil and Germany (the G4) would have demanded the enlargement of permanent seats had the issue been ignored (Stedman 2007: 935-936). By the release of the reform proposals, implications for national interests became clear. Both big and small states started to worry that the positions they had built up in the UN, could be affected by unexpected alternations. Years of practice and maneuver would then have to start over (Luck 2005: 408). A permanent seat may potentially turn out in expanded influence over much of the United Nations system, including Bretton Woods institutions and the International Court of Justice (von Freiesleben 2008: 1). Subsequently a group referred to themselves as ‘Uniting for Consensus’, mostly lead by Italy and Pakistan, asserted the equality of all member states and required that a possible expansion of “permanent seats would violate the principle of sovereign equality” (ibid: 3) and consequently generate new power centres, both outside and inside the UN (ibid: 3). Freiesleben notes that the group made a statement, the so-called ‘Cascade Effect’, questioning that the “asphyxiating grasp” of the benefits of having permanent membership, the right to veto and influence in various boards of the UN system and in addition appoint nationals to senior Secretariat positions, should be extended to new permanent seats (von Freiesleben 2008: 3, A/59/856).

All in all, as a response to the proposed models A and B, a number of states prepared *rival draft proposals* to the expansion of the Council. Some of the drafts and utterances in circulation were these:

‘Uniting for Consensus’ put forward a proposal suggesting a 25-member Council with 10 additional two-year rotating seats subject to renewal – a conformed Model B (von Freiesleben 2008: 5, A/59/L.68). Hoffmann notes that another model, the Italian Proposal, made new regional groupings (Asia, Africa, Western Europe and Other Groups, Eastern Europe and Latin America and the

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<sup>10</sup> “From 1945 through 2004, the veto had been used 257 times. The Soviet Union and its successor, the Russian Federation, had compiled 122 vetoes (although following the collapse of the Soviet Union, Russia had used the veto only three times). The second largest number – and most of the recent vetoes – has come from the United States (80 by the end of 2004), which usually wants to deflect resolutions aimed at Israel” (Moore & Pubantz 2006:130). “The voting procedure of the Council distinguishes between “procedural” and “substantive” matters. All of the P5 must support (or abstain) for a substantive resolution to pass. This provision is often referred to as the principle of *great-power unanimity* or, more commonly, the *veto power* (the word veto does not appear in the Charter). Although the use of the veto has declined steadily, a proposal may fail because of the mere threat of a veto. By long practice, determination as to whether an issue is procedural or substantive is itself considered a substantive question, which thus gives the permanent members in effect a double veto on all matters before the Council” (Moore & Pubantz 2006: 128).

Caribbean) and assigned ten new permanent seats, without veto, *to the regions*, not to individual states. The proposal argued that regional groups would have better ‘operational management’ of the additional seats. This would ensure a regional representation, as the defined mechanisms would balance an eventual national occupation of the seats (Hoffmann 2003: 3).

In addition, a Green and a Blue Model were also presented. The Green model divided the Council into five regional groups and expands the Council with ten new seats, *assigned to individual states*, not regional groups. The Blue Model, a modification of Model B, presents a third category of seats with longer terms (3 or 4 years) and enlarges the two-year term category by adding 2 or 3 seats (Hoffmann 2003: 4). Hoffmann notes this ensures flexibility concerning the duration of terms and to the re-election of the longer-term seats. The latter model would “meet the interest of the larger countries by creating long-term seats and at the same time it addresses the concerns of small states by expanding the two-year category” (ibid: 4). However, as Models A and B failed to provide sufficient representation for the states that have been the top contributors in each region for UN peace operations (mainly Japan and Germany), a Model C which divided Asia and the Pacific into two regions, as a way to recognise the heavily populated states of Asia, was proposed by Hoffmann himself (Hoffmann 2005: 4).

Above this, the African group also advanced a draft for reform (von Freiesleben 2008: 6, A/59/L.67). It originated in two sets of position papers adopted by the African leaders. Freiesleben asserts how the proposal suggested the allocation of the two permanent seats with the right of veto to Africa. Although the African group decided to argue against the veto, in principal “they strongly felt that it would be extended to all permanent members, so long as it exists” (von Freiesleben 2008: 6).

### 5.2.3 A Mean for Cooperation

Freiesleben writes that Egypt, Brazil, Japan, Nigeria, South Africa, India, Germany and Italy “saw themselves as perfect candidates for permanent seats” (von Freiesleben 2008: 2-3). Japan, Germany and Italy had by 1992 contributed on a large scale to both the UN peacekeeping operations as well as to the regular budget (ibid: 2). Stedman notes that Brazil, South Africa and India, besides being “rising powers and economically vibrant democracies” (Stedman 2005: 963) they are all from regions that are not represented in the Council (ibid: 963). An expanded Council with these states Stedman asserts would provided a requested legitimacy to the Council and provide more resources to the UN as a whole as well (ibid: 963). Nevertheless, by their aspiration for permanent seats, “their regional rivals were staunchly opposed” (von Freiesleben 2008: 3).

The ability to conform to changing circumstances was followed by a factious debate mostly concerning the membership, the ‘jockeying’ for new permanent seats (Malone 2005: 371). The procedure turned out to evolve around something like the following: Italy seriously feared that a German aspiration would present Europe with new centres of power (von Freiesleben 2008: 2) at the same time as

the UK and France (already making Europe over-represented in the case of permanent membership) were hesitant towards adding any new permanent members. But the addition of Germany would consequently turn out to be the only possibility to legitimise their own seats (ibid: 2). It also provided an option to discard “future demands that they give up their seats for a united EU seat” (von Freiesleben 2008: 2). Stedman writes that quite soon following the release of the reform proposals for the expansion of seats, it became apparent that it inflicted regional rivalries. Tensions between China and Japan because of Japan’s aspirations, resulted in demonstrations in China against Japan in April 2005. According to Stedman, China would not support the Indian aspirations either. The Bush administration on their turn would never accept a German seat, because of the criticism it received during the German tenure in 2002-2004 (Stedman 2007: 936).

Despite the indifference to the positive aspects of the reform, the attempt at Security Council expansion failed. The enlargement turned out to constitute a “zero-sum game” (Stedman 2007: 936). In Stedman’s words, for every country that gained, another one will lose: “Germany v. Italy, Japan v. Korea, Brazil v. Mexico, South Africa v. Nigeria and Egypt, India v. Pakistan” (ibid: 936). In addition, as many European countries would prefer a common EU seat the German aspirations split the EU. The Bush administration apparently wanted Japan to have a permanent seat, but it had no policy to realise such a procedure (Stedman 2007: 936).

No one of the P5 actually bothered to represent their region even though they had claimed to do so. In the procedure of a possible expansion the P5 did not prove “accountable to the rest of the membership for their positions or the result of those positions” (Malone 2005: 371-372). The Security Council is recognised to be the only UN body with some capabilities of meaningful and rapid action. Malone continues to argue that although an enlargement would increase the trust in the role of the Council, the risk of neutering the deficit in the effectiveness of the decision-making would yet again put the Council and the UN as an actor that matters in doubt. Malone also notes that the aspiration of “key emerging powers to participate in the discussions that matter might better be partially met in a larger body modelled on the G8” (Malone 2005: 372).

#### 5.2.4 Flexibility

Luck (2005) argues that Kofi Annan recognised the problems of the world organisation to be institutional, not political. A radical structural reform were necessary, responding to the grave need to make the council “more broadly representative of the international community as a whole, as well as the geopolitical realities of today” (Luck 2005: 409). As a response to the failed attempts of Security Council expansion the former Canadian Prime Minister Paul Martin presented a proposal for a “new body that can form the consensus required to deal on a timely basis with issues of all kinds that have global repercussions” (Martin 2007: 302). Martin recognised that successful international institutions are

essential if the world is to work properly arguing that “national governments are the masters of those – not the other way around” (ibid: 301). Operating independently, the L-20 would encompass freedom and flexibility to facilitate effective international action on often outdated institutional and functional boundaries (Martin 2005). As an *informal* group, the L-20 would constitute an important step in ‘streamlining’ international decision-making more efficiently without reducing the strengths of already existing bodies. As such, Martin suggested that the L-20 would provide an important complement to the UN in the deadlocks of Security Council reform as well as to the G8’s current lack of representation (Martin 2007: 303, 301).

Letting a “personal element be key to generating process” (ibid: 303) would help solving deadlock issues in global governance. If one knows the negotiating partner, better recommendations can be made. The strength of the proposed L-20 Martin asserted, is found in “its character as a meeting of heads of government, making the L in the L-20 key” (ibid: 303).

Not surprising, Sidiropoulos (2007) notes that the challenge lies in how to realise this proposal (Sidiropoulos 2007: 317). Mehta argues that the issue concerns whether the L-20 can provide a form of networking and exchange among leaders that embody the “middle zone between pure self-interest and collective global responsibility” (Mehta 2007: 312-313). The membership will be built around a ‘Leaders’ Forums’ of the G8 countries (USA, France, Japan, Germany, UK, Russia, Canada and Italy) plus 5 (Brazil, China, India, Mexico and South Africa), with the important incorporation of an Islamic country such as Egypt, Turkey and Indonesia. Inviting other countries for part of a meeting, the L-20 argues that a rotation basis as in G8 Plus 5, does not work in reaching agreements (Martin 2007: 303). Membership would meet the following three criteria: (1) the countries chosen must include the G8 and other leading economies, (2) members must possess the requisite social and political stability, (3) the major regional powers should be included regardless of economic ranking (ibid: 303, [www.l20.org](http://www.l20.org)). The L-20 could serve as a mechanism for consciousness-raising rather than actual problem solving (Mehta 2007: 314).

Mehta goes on to argue that the design of the L-20 confirms the “assumption that, even if states desire more multilateral cooperation, they will need some form of interchange to crystallise this desire, some form of exchange that operates outside of the constraints and liturgies of standard multilateral institutions” (ibid: 313). Nevertheless, the proposal is progressive because it crosses regional divisions and the division between developing and developed countries. It points out that questions “concerning representation that bedevil formal institutions have a ready-made answer”(ibid: 313). The L-20 “provides a forum for where leaders of key countries take responsibility, not just for their own nation or region, but for the world as a whole” (ibid: 312).

To sum up, multilateralism does not work because some great powers will not let them work. Or, rather, major states will not assent to any organisation that does not manifest their own power or carry out their own interests (Mehta 2007: 312).

## 6 Discussion

For the inquiry of the research questions, I set up a theoretical framework of certain features of institutional design. With a multitude of opportunities and threats, states interests rely on opportunities to cooperation. An opening question was: If cooperation concerning human lives is within reach, how come it is not always grasped? (compare Koremenos et al 2001b). The following research questions were: what does the notion of the ‘design’ of an institution imply? and: why do states create new institutions instead of working within already existing, more important, ones? This discussion will initially reflect on the rational aspects of the three variables and see what they can offer in understanding what structurally occurs when exclusion from the decision-making process in the re-design of the Security Council is a reoccurring fact.

Starting with feature (1) membership, it gave a notion of who is included or excluded from the institutional political process. Perhaps needless to say, any attempt for a permanent seat fails. The permanent five will simply not let it happen. For the Security Council, the membership as a whole, is inclusive by design, based on electing rotating positions of the non-permanent seats. To the “heart” of its procedures, the most desired seats, the Council is strictly exclusive. Consequently, the P5 does not help solve what Koremenos et al call “enforcement problem in asymmetric situations” (Koremenos et al 2001b: 1056).

Reflecting on feature (2) control, lead to how collective decision will be made, referring to rules of voting. A direct implication was if some states possess substantially more influence than others and is granted veto powers, despite a universal membership (Koremenos et al 2001a: 772). Again, the reflection seems clear. The P5 of the Council, does not only possess veto power on all decisions on any resolution or procedure, by design they also have the right to veto any amendment to the re-design of a more representative Council. A great implication to the reform process is obviously that states really do not seem to give up individual control. This obviously portrayed a major predicament to the initiated reform process.

The Security Council does not have any escape clauses or built-in arrangements to conform to changing circumstances. The dimension of (3) flexibility, also describes how rules can be binding constraints (Koremenos et al 2001a: 773). Designing a system with some flexibility appears remote for the rational actors of the UN system.

The design features proved important instruments to the Rational Design Project in distinguishing differences in design. In this case, the three variables can tell us who excludes who and who controls the outcomes on decisions that affect billions of people. It also showed that because the founders of the Organisation designed the structures to maintain their own strategic position, the most efficient

body of the UN, the only Council we have that ought to prevent war, will most likely never conform to changing circumstances. It appears it is possible to “point the legitimacy crisis and the lack of public accountability of international institution like the UN Security Council, at the control exercised by national governments over them” (Held & Koenig-Archibugi 2004: 125-126).

In the theoretical approach of this essay, I recognised the employment of Michel Foucault for this study. Wanting to move beyond the *who* of the rational variables, the following section will engage Foucault in the design features and elaborate on my research questions. Koremenos et al argue that if actors should prefer different outcomes, the formation and design of institutions may create bargain problems (2001a: 765). Rational choice lacks a certain perspective on power. Attempting to move beyond a “limited field of juridical sovereignty and institutions” (Foucault 1976: 102), and instead study “techniques and tactics of domination” (ibid: 102), I view all three variables as ultimately inter-linked. This discussion starts in (2) control.

The traditional question on how the discourse of truth is concerned with setting limits to the right of power, I interpret as the P5’s right to the use of veto, both on procedural decision-making and deciding on possible expansion of permanent seats. But Foucault poses another question: “what rules of right are implemented by the relations of power in the reproduction of discourses of truth?” (Foucault 1976: 193). It seems, granting themselves the right to veto any amendment of the Charter, also allow them to reproduce their discourse of truth. An order, Offe describes, all other states regard as an “unwarranted projection of past power relations, unable to be justified under present conditions” (Offe 2006: 19-20). Foucault writes, “power is never appropriated as a commodity or piece of wealth. Not only do individuals circulate between the threads in a net-like organisation, they are always in the position of simultaneously undergoing and exercising this power” (Foucault 1976: 98). The uncertainty following the release of the reform proposals implied for national interests to become clear. All states began to worry that their positions in the UN – and therefore in the world as a whole – resulting from years of networking and negotiations, could be affected by unforeseen changes. Power, Foucault says, “is never in anybody’s hands” (Foucault 1976: 98).

Turning to (1) membership, the opposition between true and false obviously constitutes a system of exclusion. What is seen taking place, in the discourse of the re-design of the Council, is maybe a system of exclusion, what Foucault designates a “historical and institutionally constraining system” (Foucault 1970: 54). The rules of the Council, the production of discourse, could be seen as controlled, selected, organised and redistributed by certain procedures; the right to veto as a way, in the words of Foucault, to “gain mastery over its chance events” (Foucault 1970: 52). No proposed re-design is considered a true statement thus prohibiting every possibility to the inclusion of new members. Members and proposals are not taken into account. The discursive practice of the Security Council reproduce, through its system, forms of domination, exclusion and selection. However, there are more discursive practices than one.

In terms of (3) flexibility I would like to consider what occurs when larger states persistently are excluded from taking part in the decisions that concerns us all. As time passes, Foucault writes, “the highest truth no longer resides in what discourse was or did, but in what it said” (Foucault 1971/1981: 54). The P5 remains, because of what the world said in 1945. A change can only occur I argue, with the words of Foucault: “when the “truth” is displaced, its meaning, its forms and its relation to its reference, a division that separates true discourse from false discourse, establishes a new division because the true discourse is no longer desirable” (Foucault 1971/1981: 54). When this happen, the sovereign power is questioned. The states Martin considered for a “new body that can form the consensus required to deal on a timely basis with issues of all kinds that have global repercussions” (Martin 2007: 302), are almost all aspiring for permanent seats to the Council. In the L-20 it is the national governments that masters the institutions – not the other way around. Mehta underlines the attractive composition of this new group, these “governments [that] take responsibility not just for their own nation or region, but also for the world as a whole” (Mehta 2007: 312). It is difficult to make multilateralism work because some great powers will not let them work (ibid: 312). Excluded from the realm of the discourse, they create new discursive practices, new institutions. Foucault writes, “let us not ask why certain people want to dominate, what they seek, what their overall strategy is. If one wants to struggle against a certain power, it is not towards the ancient right of sovereignty that one should turn, but towards the possibility of a new form of right, liberated from the principle of sovereignty” (Foucault 1976: 108). Thus, one could argue, what says that the Council would function better with new permanent members? What would make them different as to act in all our interests? As Foucault argues, “when the “true” discourse is no longer the discourse that answer to the demands of desire, or the discourse which exercises power, what is at stake, in the will to truth, in the will to utter the ‘true’ discourse, if not desire and power?” (Foucault 1970: 56).

The notion that institutions are “frozen decision” and “history encoded into rules” (Keohane 1988: 384), seems to fit in the context of this essay. The potential opportunities to facilitate cooperation in making the Council a more representative body, appears to be a far-fetched goal. Bobrow and Dryzek (1987) viewed design as “the creation of an actionable form to promote valued outcomes in a particular context” (Bobrow & Dryzek 1987: 201). Goodin saw the normative aspects of ‘optimal design’, a true discourse as “highly linked to the process of design” (Goodin 1996: 34). Goodin also noted that it was “most likely that those institutions that have been around for a while are more nearly optimally designed to fit their environment” (Goodin 1996: 35-36). An argument that seriously can be contested. The rational design project defined design as “states and other international actors, acting for self-interested reasons, design institutions purposefully to advance their joint interests” (Koremenos et al 2001a: 781). However, institutions are endogenous to preference (McFaul 1999: 32) and the re-design of the Security Council does certainly not meet a norm of equal access to political influence or the joint interest of it in the international discourse. Looking

at the definitions, how should a new 'design', realise an idealisation of norms and structures, if they would prove false to start with?

I would like to argue, that the notion of 'design', is in itself a discursive practice of a certain discourse. Suffice to say, in the 'design' of political practices, relevant subjects participate and designate the right of uttering the 'true' order. Presumptions and proposals for institutional design, should be validated by all participants (compare Dryzek 1990: 41). It is difficult to get multilateralism to work because some great powers refuse to let it function. For major states will not agree to any institution that does not demonstrate their own power or effectuate their own interests (compare Mehta 2007: 312). So they create new ones. New discursive practices.

## 7 Conclusions

The main inquiry of this thesis was to explore the re-design of the Security Council and the aim was to investigate the notion of institutional design. I engaged Michel Foucault in variables set up by rational design and attempted to investigate the underlying structures that make the basis for the choice of institutional design. I also had the ambition to explore whether it is possible to employ these features of institutional design with discursive practices. With focus on the re-design of our only Council devoted to prevent war and maintain and restore peace, this essay explored the following research questions:

- what does the notion of the ‘design’ of an institution imply?
- why do states create new institutions instead of working within already existing, more important, ones?

It would seem it is possible to employ the features of institutional design with discursive practices. The notion of ‘design’ of an institution this essay concludes is in itself discursive. A discursive practice is not neutral but the fixing of norms and the ‘design’ of political practices can itself be a discursive process in which relevant actors participate. Thus, each discursive practice constitutes a prescription that appoints its choices and exclusions. If institutions are endogenous to preference, the active choice of design can never be objective. The jockeying of strategic positions is interlinked with the exercise of power and the potential to facilitate cooperation to prevent war, seems to be missed in favour of the self-interest.

The same states that aspire for permanent seats, for an opportunity at the table, are forced to create new institutions, as the possible change will never come from within. To reflect their own positions and desires, they are forced to create new discursive practices.

In an institution where the possible gain from trade is human lives, it is sorrowful that the most aspired goal is a chair for oneself. Looking at the objectives of the Organisation, and not its governments, to the question of in what state the world would be in if there were no UN today, Hammarskjöld replied: “the world would be in a state where everybody would agree that such an organisation had to be created” (Hammarskjöld 1957: 84).

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