

Challenging the Global *Herrenhaus*:

The Unending Quest to Democratize International Relations Within, and Beyond, the United Nations

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[I]t was equally true that the overt hegemony exercised at [the Congress of] Vienna was not to be repeated. It could not be reconciled with the ideas of democracy and representativeness that were beginning to flow from domestic political orders into the international order.¹

This is vividly illustrated in the Balkans, where the present century began and is now ending with extensive armed conflict. The Balkan Wars of 1911-13 were effectively settled by the mediation of the Great Powers in 1913 and 1914 [...] More recently, the conflicts associated with the break-up of Yugoslavia are (hopefully) in the process of being settled by today's Great Powers [...] plus ça change.²

I. Introduction: “We the Peoples of the United Nations”

Who speaks for the peoples of the world? Where, if at all, can one find the royal “we the peoples” enshrined in the preamble of the Charter of the United Nations (UN)?³ Ironically, I must note, this lofty formulation was a compromise. It blends together a proposal prepared by the South African Jan Smuts (himself an architect of racial segregation in his own polity); a more traditional perspective (which instead insisted on using the formula “the High Contracting Parties”); and nod to the United States’ (US) Constitution – hence, “we the peoples.”⁴ Be that as it may, national polities (like the US), more often than not, have clearly defined institutional arrangements in relation to who speaks on behalf of its “people” – centralized legislative bodies, chief among them.⁵ They are the primary organs for political *representation*.⁶ Think, for example, of the US’ Congress, towering over Capitol Hill. Or of Theophil Hansen’s *Parlamentsgebäude* on the *Ringstrasse* in Vienna’s Inner City.

¹ Simpson, *Great Powers and Outlaw States: Unequal Sovereigns in the International Legal Order* (Cambridge 2004) 162.

² Watts, ‘The Importance of International Law’ in Byers (ed), *The Role of Law in International Politics: Essays in International Relations and International Law* (Oxford 2001) 5-6, 11.

³ Charter of the United Nations, 24 October 1945, UNTS XVI. 2.

⁴ Heyns, ‘The Preamble of the United Nations Charter: The Contribution of Jan Smuts’ (1995) *African Journal of International and Comparative Law* 329, 341. See further Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton 2009) 28-65.

⁵ See, generally, Crewe, *The Anthropology of Parliaments: Entanglements in Democratic Politics* (Abingdon 2021).

⁶ Hofmann, *Repräsentation: Studien zur Wort- und Begriffsgeschichte von der Antike bis ins 19. Jahrhundert* (4th edn, Berlin 2003).

Even if it has become increasingly difficult to identify who “sings” for the nation-state in our times of increasingly global interdependence,⁷ in the European liberal tradition we still take domestic parliaments as somewhat credible institutions that agglutinate the “general will” of the polity they represent.⁸ They are, in other words, the most concrete expression of the “imagined community” we call the nation-state: the unity and specificity of a given people erected into stone.⁹ While these sort of assemblies have deep roots in “Late Medieval” or Early Modern European history,¹⁰ their contemporary iteration usually revolves around four premises: “deliberation (between opposed points of view [...]), representation (of the citizens [...]), responsibility (of the government [...]) and sovereignty (of a parliament within a polity).”¹¹

But when it comes to the elusive “international community” or “society,” a difficult question continues to haunt us — who speaks for “the globe”?¹² As I’ve argued more extensively elsewhere, an approach taken to this problem in the twentieth century was to draw from the template of the European domestic parliament to “democratize” international relations: that is, to create a sort of “*inter*-national parliament.”¹³ This is how we should understand international law’s so-called “move to institutions” and the rise of “parliamentary” or “multilateral” diplomacy.¹⁴ Indeed, since its early days,

⁷ Butler and Chakravorty Spivak, *Who Sings the Nation-State? Language, Politics, Belonging* (Calcutta 2010).

⁸ Smilova, ‘The General Will Constitution: Rousseau as a Constitutionalist’ in Denis Galligan (ed), *Constitutions and the Classics* (Oxford 2014). Hence the local and global outcry that the events of 6 January 2021 elicited, as the US Capitol suddenly found itself under siege.

⁹ Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Revised edition, London 2016). This is also why they are ideal sites for a *coup d’état*. For a riveting account of such attempt, see Javier Cercas, *Anatomía de un instante* (Barcelona 2017).

¹⁰ Cox, Dincecco and Gaetano Onorato, ‘Window of Opportunity: War and the Origins of Parliament’ (2024) *British Journal of Political Science* 405. I use “Medieval” here not without some suspicion. See Brown, ‘The Tyranny of a Construct: Feudalism and Historians of Medieval Europe’ (1974) *The American Historical Review* 1063.

¹¹ Palonen, Ilie and Ihalainen, ‘Parliament as a Conceptual Nexus’ in Pasi Ihalainen, Cornelia Ilie and Kari Palonen (eds), *Parliaments and parliamentarism: a comparative history of a European concept* (New York 2016) 1.

¹² Manela, ‘International Society as a Historical Subject’ (2020) *Diplomatic History* 184; Johns, *Connection in a Divided World: Rethinking ‘Community’ in International Law* (The Hague 2024).

¹³ Quiroga-Villamarín, ‘“Architects of the Better World”: Democracy, Law, and the Construction of International Order (1919-1989)’ (Graduate Institute of International and Development Studies - PhD thesis in International Law and History - Geneva 2024).

¹⁴ Kennedy, ‘The Move to Institutions’ (1987) *Cardozo Law Review* 841. Another early formula used was “diplomacy by conference.” See Hankey, *Diplomacy by Conference: Studies in Public Affairs, 1920-1946* (London 1946); Groom, ‘Conference Diplomacy’ in Andrew Cooper, Jorge Heine and Ramesh Thakur (eds), *The Oxford Handbook of Modern Diplomacy* (Oxford 2013) 263-277. On

many have seen the League of Nations as a sort of inchoate “parliament of man” or “federation of the world as a whole” — a mantle that eventually fell to its successor institution, the UN.¹⁵ Ever since the first Assembly of the League — which officially held its inaugural session on 15 November 1920 in Geneva — there has been an expectation that the whole international community should meet at least one a year to discuss global issues.¹⁶ Most importantly, in these Assembly sessions (which are now still held every North Atlantic fall under the aegis of the UN) are rhetorically, at least, fully horizontal. Great and small powers alike sit side by side following an alphabetical order of names with equal rights to participate, echoing Emer de Vattel’s quip on the equal sovereignty of dwarves and giants.¹⁷

But the creation of these institutions did not, in itself, bring about “global democracy.”¹⁸ In fact, these institutions (drawing again from the template of domestic legislative bodies) created both “upper” and “lower” chambers of deliberation, with powers of decision slanted clearly in favor of the former.¹⁹ For that reason, the unequal prerogatives of the Great Powers in the UN’s Security Council (UNSC) — and before it, the League Council — have remained a controversial issue in international affairs. It is not surprising, given this process of translation from the

“parliamentary diplomacy” (understood as a form of diplomacy that copies parliamentary forms in multilateral settings and not as when parliaments engage directly in diplomatic activities), see Kaufmann, *Conference Diplomacy: An Introductory Analysis* (3rd ed., Basingstoke 1996). See also Schimmelfennig and others, *The Rise of International Parliaments: Strategic Legitimation in International Organizations* (Oxford 2021).

¹⁵ Kennedy, *The Parliament of Man: The Past, Present, and Future of the United Nations* (New York 2007). This kind of language was only used before in The Hague Conferences of the late nineteenth and early twentieth century. See Eyflinger and Koojijmans, *The 1899 Hague Peace Conference: ‘The Parliament of Man, the Federation of the World’* (The Hague 1999).

¹⁶ Gregory, ‘The First Assembly of the League of Nations’ (1921) *American Journal of International Law* 240. Indeed, the League was “essentially a series of international conferences, centering on certain permanent machinery like beads strung on a thread.” Williams, ‘The Technique of the League of Nations’ (1924) *International Journal of Ethics* 127.

¹⁷ de Vattel, *The Law of Nations, or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns, with Three Early Essays on the Origin and Nature of Natural Law and on Luxury* (Bela Kapossy and Richard Whatmore eds, Indianapolis 2008) 75. Gone are the days were the Pope or Emperor had the highest seat. See Touloumi, ‘A Seat at the Table: United Nations and the Architecture of Diplomacy’ (2023) *Architectural Theory Review* 41.

¹⁸ Archibugi, Koenig-Archibugi and Marchetti (eds), *Global Democracy: Normative and Empirical Perspectives* (Cambridge 2012).

¹⁹ To be sure, my argument is not that the UN acts as a House of Lords in relation to the domestic parliaments of each and every single polity, but rather than the analogy of bicameralism can be productively applied to the organs of international institutions themselves. On the uses and misuses of such analogies, see Hertogen, ‘The Persuasiveness of Domestic Law Analogies in International Law’ (2018) *European Journal of International Law* 1127. I thank one of the reviewers for their helpful suggestions in relation to this point.

domestic into the international sphere, that these institutions are hampered by some of the same limitations of the European domestic parliament.²⁰ They are, after all, institutions designed for *indirect representation* in which the democratic promise of the “lower chamber” is effectively tempered by the “seniority” of the “upper” house.²¹ This is, in fact, the historical and etymological background of these *senatorial* bodies since Rome and Sparta: chambers of *senile* elders that provide expertise and stability.²² The same has been true, then, at the international scale. We have an international order of “Great Powers and Outlaw States”²³ – in which a sort of a literal “Global *Herrenhaus*” has the final word in global affairs. I chose to use the expression *Herrenhaus*, in German, partly because of the audiences for which I wrote this intervention and the *Review* in which it was ultimately published. But I also use this notion to highlight the specifically *aristocratic*, *patriarchal*, and *gendered* nature of a “global house of *Lords*.”

With this in mind, in my article I trace a history of our international “upper” chambers, to argue that the quest to democratize the world order is still very much an unfinished one. (I) After this introduction, (II) I first theorize what it entails to “parlamentarize” interpolity and international relations as a way to democratize the global order. Then, I turn to (III) debates surrounding the League’s Council (its powers, composition, mandate, *inter alia*), (IV) shortly before addressing a similar set of concerns in relation to the UNSC. Finally, (V) I conclude with some remarks on the promise and perils of less indirect form of democracy at the international level. For, alas, we have not entirely gone beyond the structures of “the old diplomacy of monarchs and emperors.”²⁴

II. A “Parliament of Nations”: Democratizing International Relations?

Alfred Tennyson, like many other Britons of the so-called Victorian era, had a rosy vision of the future. In his poem *Locksley Hall* of 1835, he shared it with his readers:

²⁰ Duve, ‘Legal History as a History of the Translation of Knowledge of Normativity’ (2022) *Max Planck Institute for Legal History and Legal Theory Research Paper Series* No. 2022-16.

²¹ Money and Tsebelis, ‘Cicero’s Puzzle: Upper House Power in Comparative Perspective’ (1992) *International Political Science Review* 25.

²² I am very thankful to Samuel Moyn for sharing a chapter of his forthcoming work *Gerontocracy* and for his insightful comments in this regard.

²³ Simpson (n 2).

²⁴ Kahlert, Gram-Skjoldager and A Ikonou, ‘Introduction’ in Gram-Skjoldager, Ikonou and Kahlert (eds), *Organizing the 20th-century world: international organizations and the emergence of international public administration, 1920-1960s* (London 2020) 2.

he “dipt into the future” and saw “all the wonders that would be.”²⁵ He foresaw the “heavens fill with commerce” and the “nations’ airy navies grappling in the central blue.”²⁶ But this brave new world of technological innovation would also witness political experimentation and maturation – with international law, of course, playing a central role.²⁷ Above all, we saw a world in which the “war-drum throb’d no longer, and the battle flags were furl’d [... i]n the Parliament of Man, the Federation of the world.”²⁸ In his future, “the kindly earth shall slumber, lapt in universal law.”²⁹

More than a century later, when the US President Harry Truman needed to convince political opponents of the importance of the UN, he read out loud the lines of this poem that he kept in his wallet.³⁰ And he has not, of course, been the only one influenced by Tennyson and his vision of a “parliament of man.” The creation of a “democratic” (or at least “republican”) sort of global assembly in which “free” polities participate as equals in an horizontal federation has been a recurrent trope in the European international legal imagination since at least the eighteenth century.³¹ But what is distinctive, perhaps, of Tennyson’s vision in comparison to previous federative proposals is his emphasis on a *parliament*, as such, as a central institutional framework.³² In that sense, he was very much a product of his Victorian times: an age

²⁵ Tennyson, ‘Locksley Hall’, *The Princess, Maud, Locksley Hall, and the Talking Oak* (London 1882) 39. See further Lahiani, ‘Unlocking the Secret of “Locksley Hall”’ (2020) *Comparative Critical Studies* 25.

²⁶ Tennyson (n 25) 39.

²⁷ As I noted elsewhere, for many Victorians the development of international law was like that of any other technological innovation of that time. One could study, for instance, innovation in chemistry and international dispute settlement as part of the same tradition of scientific progress. See Quiroga-Villamarín, ‘All’s Fair in Love and War: Imperial Gazes and Glaring Omissions at the Expositions Universelles (1851–1915)’ (2021) *Cognitio* 1. A good example of this entanglement between the socio-technical and the constitutional can be seen in the debates surrounding the architecture of the Palace of Westminster in London, see Gillin, *The Victorian Palace of Science: Scientific Knowledge and the Building of the Houses of Parliament* (Cambridge 2017).

²⁸ Tennyson (n 25) 40.

²⁹ Ibid.

³⁰ Kennedy (n 15) xii–xiii.

³¹ See, for instance, de Saint-Pierre, *Projet Pour Rendre La Paix Perpétuelle En Europe* (Paris 2023); Immanuel Kant, *Perpetual Peace: A Philosophical Essay* (Mary Campbell tr, 3rd edn, London 1917). For an overview, see Lopez-Claros, Dahl and Groff, *Global Governance and the Emergence of Global Institutions for the 21st Century* (Cambridge 2020) 30–64.

³² See also Ladd, *An Essay on a Congress of Nations* (James Brown Scott ed, Oxford 1916). Originally published in 1840, roughly contemporary to Tennyson’s poem.

that witnessed the reinvention and surge of parliamentary politics.³³ “[B]y the nineteenth century [...] national legislatures came [...] to occupy positions of prominence throughout the western world” and became “their nations’ dominant governmental institutions and their major arenas of political action.”³⁴ Indeed, in this period, aspirations of democratization were usually linked to expansion of the political franchise and the empowerment of representative legislative bodies *vis-à-vis* a monarchical executive and the rather aristocratic judicial branch.³⁵

Tennyson was a first-hand witness of this transformation. Not only did he have several family connections to active members of the British Parliament,³⁶ but he was himself elevated to a Barony in the dusk of his life in 1873.³⁷ This included the right, and duty, to seat in the United Kingdom’s (UK) House of Lords. He had been offered an aristocratic title before but only accepted it at this late stage precisely because he was not keen on serving in this body. And understandably so, perhaps, for during Tennyson’s lifetime the powers of this House were one of the most heated political issues of his day – giving way to a dire constitutional crisis in 1909-11.³⁸ Contemporary satire noted that Lord Tennyson “would be an ornament, though an incongruous one, to the House of Lords; but why divert him from making poems to making laws, and what qualifications he had for the latter.”³⁹

That is not an unfair question. Why should a – first-rate, no doubt – poet make the law of the land? More dramatically, why should Hallam Tennyson, Alfred’s son and the second baron of his line, inherit his father’s chair as a lawmaker in the House of Lords? These were the sorts of questions that gained an especially potent salience through the long nineteenth century and that fueled its violent age of revolutions.⁴⁰ As

³³ For two recent interventions, see Conti, *Parliament the Mirror of the Nation: Representation, Deliberation, and Democracy in Victorian Britain* (Cambridge 2019); Selinger, *Parliamentarism: From Burke to Weber* (Cambridge 2019).

³⁴ Thompson and Silbey, ‘Research on 19th Century Legislatures: Present Contours and Future Directions’ (1984) *Legislative Studies Quarterly* 319.

³⁵ Tilly, *Contention and Democracy in Europe, 1650-2000* (Cambridge 2004). This is, of course, a sweeping generalization that flattens variations within European polities for the sake of a bigger picture about the transition from aristocratic to democratic rule in European thought and practice.

³⁶ Shrimpton, “‘To the Queen’: Tennyson’s Politics’ (2024) *The Review of English Studies* 75 (80-82).

³⁷ Norton, ‘Tennyson as Lord’ (2004) *Tennyson Research Bulletin* 166.

³⁸ Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived* (Oxford 2013) 13-40.

³⁹ As cited in Norton (n 37) 168.

⁴⁰ Armitage and Subrahmanyam (eds), *The Age of Revolutions in Global Context, c. 1760-1840* (Basingstoke 2010). See also Hippler and Vec (eds), *Paradoxes of Peace in Nineteenth Century*

questions of representation gained center-stage, polities started questioning the right of aristocrats (especially in their capacity as lawmakers sitting in upper chambers) to direct the future. Instead, little by little, *representative* lower chambers were given an increasingly important role in the political self-determination of the polity.⁴¹ Courts, the central institutional site of dynastic aristocratic politics, lost their weight to these new (or usually, renewed “medieval”) lower chambers.⁴² This could happen either gradually, in ways that preserved some of the institutional privileges of the blue-blooded elites (the UK, the Austro-Hungarian monarchy, or the second German Empire as chief examples of this dynamic) or through violent revolution – one can think, of course, of French history from 1789 to 1871.⁴³

My aim here is not to exaggerate this transition. As Arno Mayer has convincingly argued, the *ancien régime* persisted well into 1914 – and, as we will see in relation to “international democracy,” perhaps until the present day.⁴⁴ Despite the increased importance of lower chambers, upper houses of aristocrats held an enormous sway in almost all European polities.⁴⁵ And yet, in the long nineteenth century, to *parlamentarize* and to *democratize* domestic politics was the same thing.

But how does this *translate* to the international sphere?⁴⁶ Or, in other words, how can we *parlamentarize* the international order? As opposed to domestic politics, there was no preexisting medieval parliament one could easily revive. Above all, there was no singular sovereign whose powers could be tamed by a representative institution. Instead, we find a world of nominally equal sovereigns that have no established protocols for multilateral encounters. Of course, there is a long and venerable tradition of bilateral diplomacy.⁴⁷ And even in some instances we find forerunners of

Europe (Oxford 2015); Hulle and Lesaffer (eds), *International Law in the Long Nineteenth Century (1776-1914): From the Public Law of Europe to Global International Law?* (Leiden 2019).

⁴¹ See, generally, Clark, *Revolutionary Spring: Fighting for a New World, 1848-1849* (London 2023). See also Hofmann (n 7) 321-373.

⁴² Duindam, *Dynasties: A Global History of Power, 1300-1800* (Cambridge 2016) 156-226. I do not use “Court” here to refer to judicial institutions, but rather to the palatial *Hofs* of monarchical rule. The fact that we use the same word, of course, shows the deep connections between these two forms of governance.

⁴³ Hofmann (n 6) 406-462.

⁴⁴ Mayer, *The Persistence of the Old Regime: Europe to the Great War* (London 2010).

⁴⁵ Ibid. In relation to the French Senate, see 152-3; the UK’s House of Lords, see 153-6; the Prussian *Herrenhaus* and the *Reichstag*, see 156-160. On Austro-Hungary, the Russian Empire, and Kingdom of Italy, see 160-161. On the Austrian *Reichsrat*, see further Schorske, *Fin-de-Siècle Vienna: Politics and Culture* (New York 1981) 145.

⁴⁶ Duve (n 20).

⁴⁷ See, for instance, Dhondt, *Balance of Power and Norm Hierarchy: Franco-British Diplomacy after the Peace of Utrecht* (Leiden 2015).

“multilateral” conclaves — think, for instance of Holy Roman Imperial Diet or Catholic Conciliar tradition.⁴⁸ With the rise of “classical” international law in the late nineteenth century,⁴⁹ the Hague Peace Conference of 1899 offered the first real attempt to convene a sort of horizontal, and “universal,” interpolity conclave.⁵⁰ But even then — as in the follow-up Peace Conference of 1907 — the question of *who* to invite (and who each delegate exactly *represented*) did not invite easy answers. In his influential *Essay on a Congress of Nations* of 1840, William Ladd thought it was clear that his Parliament only included “ambassadors from all those Christian and civilized nations.”⁵¹ These biases partially explained why the Peace Conference of 1899 had a much more limited number of participant nations than that of 1907.⁵²

Throughout the twentieth century, international parliaments expanded to respond to these concerns of inclusion and exclusion, just like the lower chambers of domestic politics had in the previous decades. Increasingly, especially with the League and the later UN, each and every single polity of the family of nations was given a seat within the Assembly Hall.⁵³ Just as every man — and eventually, woman, too — was given a vote in most North Atlantic politics after a long history of suffragist struggle, by 1919

⁴⁸ See, respectively, Schindling, ‘The Development of the Eternal Diet in Regensburg’ (1986) *The Journal of Modern History* S64; Christianson, Izbicki and Bellitto (eds), *The Church, the Councils, & Reform: The Legacy of the Fifteenth Century* (Washington D.C. 2008).

⁴⁹ Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* (Cambridge 2009).

⁵⁰ In contrast to previous multilateral conferences which focused on particular “questions” (i.e., the “Oriental,” “Balkan,” or “African” questions). For this reason, Zimmern rightly understood these conferences as the “dress rehearsal of Open Diplomacy.” See Zimmern, *The League of Nations and the Rule of Law, 1918–1935* (London 1939). 103. While the Congress of Vienna of 1815 was a pivotal moment in the creation of international (dis)order, its distinctively hierarchical and aristocratic flavor makes it a rather awkward predecessor for later “modern” interpolity parliaments. See Sluga, *The Invention of International Order: Remaking Europe after Napoleon* (Princeton 2021). On The Peace Hague Conferences, see Eyflinger and Koojimans (n 15); Eyflinger, ‘A Highly Critical Moment: Role and Record of the 1907 Hague Peace Conference.’ (2007) *Netherlands International Law Review* 197; Sluga, *Internationalism in the Age of Nationalism* (Philadelphia 2013) 11–45; Daudet, *1919–2019, Le Flux Du Multilatéralisme*, vol 403 Recueil des cours de l’Académie de La Haye (The Hague) 27–8.

⁵¹ Ladd (n 32). xlv.

⁵² Caron, ‘War and International Adjudication: Reflections on the 1899 Peace Conference’ (2000) *The American Journal of International Law* 4 (19).

⁵³ Although, of course, religion- or race-based biases persisted in different ways. See, generally, Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge 2005); Obregón, ‘The Civilized and the Uncivilized’ in Fassbender and Peters (eds), *The Oxford Handbook of the History of International Law* (Oxford 2012). The recognition of states — and even of governments, in certain cases — continues to be a thorny question in relation to the politics of representation in international law.

every nation-state could also “vote” in the League’s “People’s Parliament.”⁵⁴ But to temper these expansions of the franchise in the lower chamber, these new international parliaments incorporated – again, just like their domestic counterparts – new “higher” councils which were given special prerogatives. We now turn to the convoluted history of these two Councils and the efforts to reform or challenge them.

III. “At the Mercy of the Great Powers”: The Geneva Experiment under Smuts’ Shadow

“It would be a mistake, from many points of view, to regard the Council as the government of the League or the Assembly as its legislature,” warned one of the League’s publications prepared for the general public.⁵⁵ But one can forgive, perhaps, such confusion, given the rather convoluted division of functions within the League itself. According to Article 4 of the League’s Covenant, the Council “may deal with any matter within the sphere of action of the League of affecting the peace of the world.”⁵⁶ This was the same language used for the League Assembly’s mandate in Article 2.⁵⁷ Moreover, the relationship between these two “legislative” bodies and the League’s “executive” Secretariat (established pursuant to Article 6) was quite unclear.⁵⁸ Ultimately, the organization was characterized by a “vertical repartition of competences” insofar all of these different bodies have overlapping mandates.⁵⁹ This can only be explained because of the compromises taken in the design of this organ – and of the League, more broadly.

The main “architect”⁶⁰ of the Council as we know it was the aforementioned South African Jan Smuts.⁶¹ While he had fought against the UK in the Boer Wars, by 1918 he became a leading statesperson in the British Commonwealth – and the Union of

⁵⁴ Henig, *The Peace That Never Was: A History of the League of Nations* (London 2019) 167.

⁵⁵ *The Council of the League of Nations: Composition, Competence, Procedure* (Information Section of the League of Nations – Geneva 1938) 12. As consulted in the Peace Palace Library (henceforth PPL), reference S 247 d.68.

⁵⁶ Covenant of the League of Nations, 28th June 1919, 108 LNTS 188. 4.

⁵⁷ Ibid. 3.

⁵⁸ Ibid. 4.

⁵⁹ Balmond, ‘Article 4’ in Kolb (ed), *Commentaire sur le Pacte de la Société des Nations* (Bruxelles 2015) 191.

⁶⁰ On using architectural metaphors to think about the drafters of international order, see Quiroga-Villamarín, ‘Book Review: Worldmaking after Empire: The Rise and Fall of Self-Determination, Written by Adom Getachew’ (2022) *Journal of the History of International Law* 589.

⁶¹ Balmond (n 59) 174-5.

South Africa, in particular.⁶² In this capacity, he had written “a practical suggestion” in which he drew from the experience of the multinational British Empire (which he saw as an “embryo league of nations”) to solve problem of international order.⁶³ While he hesitated to reproduce previous formulas, he thought the new institution would be “inevitably driven to the conference system now in vogue in the constitutional practice of the British Empire.”⁶⁴ But while that model permitted the representation of its different constituent elements, it also incorporated a fixed hierarchy between the metropole, settler-led “white dominions,” and racialized colonies.⁶⁵ How could one adapt that to an international order in which equality between sovereigns was the norm? As Smuts noted, the crucial questions for the new system were: “[w]ill the United States of America count for as much and the same as Guatemala?” “Will Great Britain be prepared to put her fleet at the mercy of a majority vote?”⁶⁶

But at the same time, Smuts recognized that the promise of “self-determination of nations” entailed that one could not simply turn back the clock to the days of old-style European empire (in which “one dominant nation group overcame, coerced, and kept the rest under”).⁶⁷ To square this circle, Smuts suggested that the new organization establish “a general conference of congress of all the constituent states, which will partake of the character of a Parliament [... where] all states may be considered equal.”⁶⁸ But “[t]he real work of the league will, however, be done by its council.”⁶⁹ In practice, the body “should follow the practice so successfully inaugurated at the Versailles conference of Prime Ministers in connection with the Supreme War Council.”⁷⁰ In other words, it should be a close circle in which the Great Powers of the *entente* of 1917 (or what remained of it!) ruled the scene. But Smuts only realized that this would prove controversial, and for that reason suggested

⁶² Mazower (n 4).

⁶³ Smuts, ‘The League of Nations: A Practical Suggestion’ in Miller (ed), *The Drafting of the Covenant - Volume Two* (London 1928) 23 (25). For the context of his proposal in the broader drafting process, see David Hunter Miller, *The Drafting of the Covenant - Volume One* (London 1928) 34-39. Both volumes were consulted in the PPL, reference 176 A 39.

⁶⁴ Smuts (n 63). 28. See, generally, Legg, Hodder and Heffernan (eds), *Placing Internationalism: International Conferences and the Making of the Modern World* (London 2021).

⁶⁵ Bell, *Dreamworlds of Race: Empire and the Utopian Destiny of Anglo-America* (Princeton 2020).

⁶⁶ Smuts (n 63) 39.

⁶⁷ Ibid. 25.

⁶⁸ Ibid. 39.

⁶⁹ Ibid. 41.

⁷⁰ Ibid. 42.

the addition of non-permanent rotating members to give it some degree of regional representation. But this should not detract from the small size — and hence, relatively unrepresentative nature — of this institution. In this way, the leading Empires “obtain a majority” but the “intermediate and minor states receive a very substantial representation on the league, and could not complain that they are the mercy of the Great Powers.”⁷¹

This set-up then begged another question: does size matter? Or, how does one “rank” Powers?⁷² Here we see the relation between Smut’s role in the League (and later, the UN) and what would later be called *Apartheid* more clearly. For him, civilizational prestige — as opposed to size, wealth, or population — was what made a power “Great.” One could not compare, after all, the UK or the US with “the Powers who have millions of [sic] barbarians subjects, or millions of square miles of desert territory.”⁷³ The Geneva “Great Experiment” — to paraphrase how another of its architects called it — would spend most of its existence precisely trying to solve this question, toiling under the long reach of Smuts’ shadow.⁷⁴ Neither the composition of its permanent (or “Great”) members nor that of its rotating (that is, “minor”) representatives remained fixed, but was in constant flux.

As for the former, the Covenant originally envisaged five Powers: the US, the UK, France, Italy, and Japan.⁷⁵ But it also allowed for its enlargement upon a majority vote of the Council and the Assembly. The expectation here was that Germany — as soon as she had a “stable democratic Government,” as Smuts put it — would be added, too.⁷⁶ But the US never joined the League (because its own aristocratic Senate voted against the League Covenant, I must note),⁷⁷ and for that reason its Council worked with only four Powers until 1926.⁷⁸ Weimar Germany — perhaps democratic but not particularly stable — joined in the wake of the Locarno accords. The Soviet Union, in turn, joined in 1934. But eventually, Germany (1933); Japan (1933), and Italy (1937), withdrew from the organization — while the Soviet Union was expelled (1939). For that reason, “the Council reached its high-water mark in the few months between

⁷¹ Ibid. 41.

⁷² A question explored in detail by Specter, *The Atlantic Realists: Empire and International Political Thought between Germany and the United States* (Palo Alto 2022) 68-90.

⁷³ Smuts (n 63) 39.

⁷⁴ Robert Cecil, *A Great Experiment: An Autobiography* (London 1941).

⁷⁵ Covenant of the League of Nations (n 56), Article 4 at 4.

⁷⁶ Smuts (n 63) 41.

⁷⁷ Lopez-Claros, Dahl and Groff (n 31) 40.

⁷⁸ *The Council of the League of Nations: Composition, Competence, Procedure* (n 55) 14.

the election of the U.S.S.R and the final departure of Japan” – and it was always hampered by the absent presence of the US as the world’s “Greatest” power.⁷⁹ Moreover, the Covenant’s provisions on the relatively easy addition of permanent powers also led to much strife from “medium” powers who thought they were rightly denied their place in the sun and the council. Germany’s addition in 1926 caused a diplomatic and constitutional crisis in which Brazil and Spain, unsuccessfully, demanded a permanent seat at the table.⁸⁰

When it came to the non-permanent members, these were to be selected by the Assembly. In “actual practice, [the Assembly] adopted a system designed to ensure [...] that the Council shall always represent the various parts of regions of the world and the different races, religions, and civilisations.”⁸¹ By 1938, the League had unofficially adopted the following distribution of seats according to groups:

- Latin America: 3 seats (for 16 members);
- Asia: 2 seats (for 5 members);
- British dominions and colonies: 1 seat (for 6 members);
- The so-called “Little *Entente*”: 1 seat (for 3 members);⁸²
- Nordic states: 1 seat (for 5 members);
- “Ungrouped states:” 2 seats;⁸³

In addition, Poland and Spain were something like “non-permanent permanent” members.⁸⁴ One is reminded of the categories of Jorge Luís Borges’ *Celestial Emporium of Benevolent Knowledge* with its chaotic set of arbitrary categories!⁸⁵

Above all, the rotating membership of the Council characterized itself by its progressive expansion. While the body had 4 non-permanent members in its first

⁷⁹ Zimmern (n 50) 260. As consulted in the PPL, reference 71 D 37.

⁸⁰ Myers, ‘Representation in League of Nations Council’ (1926) *American Journal of International Law* 689 (690). See further Pérez Gil, ‘El Primer Decenio de España En La Sociedad de Naciones (1919-1929)’ (1998) *Anales de la Facultad de Derecho* 175; Leuchars, ‘Brazil and the League Council Crisis of 1926’ (2001) *Diplomacy & Statecraft* 123.

⁸¹ *The Council of the League of Nations: Composition, Competence, Procedure* (n 55) 15.

⁸² That is: Czechoslovakia, Rumania, and Yugoslavia.

⁸³ This category included most of the rest of Europe, plus Egypt and Ethiopia. I take this list from *The Council of the League of Nations: Composition, Competence, Procedure* (n 55) 17-18.

⁸⁴ In principle, their seat was up for grabs but there was a tacit agreement that they would be renewed. Spain failed to maintain that privilege in the 1937 election. See Zimmern (n 50) 459.

⁸⁵ Borges, ‘El Idioma Analítico de John Wilkins’ in Frías (ed), *Borges: Obras Completas 1923-1972* (Buenos Aires 1974) 706, 708. Readers not familiar with this short story might profit from knowing that it was the inspiration for Foucault, *Les Mots et Les Choses: Une Archeologie Des Sciences Humaines* (Paris 1966).

session in 1920, by the time it held its hundredth session it had grown to 11.⁸⁶ Given that decisions had to be taken by unanimity (pursuant to Article 5 of the Covenant), this increase in the number of smaller powers did not fundamentally change the logic of the Chamber. The Council continued to serve as the most important highest body of the organization — a fact that was reflected also in the Chamber created to host it.⁸⁷ It was here, for instance, where the League’s “first and only major sanctioning effort” took place in relation to the Italian invasion of a fellow member state, Ethiopia.⁸⁸ Ultimately, this failure to prevent the return of global warfare did not prevent it from providing the UN an institutional template for what, in turn, would be its highest organ: the UNSC.

IV. The Manhattan *Herrenhaus*, from San Francisco to Our Days

The foundations of what would be the post-WWII order were first laid in the Atlantic Charter of 1941, which shortly led to the “Declaration by United Nations” of 1 January 1942. These declarations, which occurred during the period in which “the military fortunes of the Allies reached their lowest point in the war and then began to rise,” basically constituted a joint agreement to cooperate militarily and not to pursue separate armistices.⁸⁹ But the Declaration also included lofty language to signal that the new organization that superseded the League would also have a more substantive mandate. The UN was fighting because a “complete victory over [the Axis was] essential to defend life, liberty, independence and religious freedom and to preserve human rights and justice in their own lands as well as in other lands.”⁹⁰ In this same vein, the UN Charter — following the pressure of “small powers” and civil society associations —⁹¹ included similar language on human rights and the “equal rights of men and women of nations large and small.”⁹² And yet, when it came to the institutional structure of the new institution, much was inherited from the League’s

⁸⁶ *The Council of the League of Nations: Composition, Competence, Procedure* (n 55), 26-27.

⁸⁷ See, generally, Quiroga Villamarín, ‘Within International Law’s Sistine Chapel: José María Sert y Badia’s “The Lesson of Salamanca” in, and as, International Legal History (1936)’ (2023) *Max Planck Institute for Legal History and Legal Theory Research Paper Series* No. 2023-03.

⁸⁸ Doxey, *International Sanctions in Contemporary Perspective* (Basingstoke 1996) 19-46.

⁸⁹ *Making the Peace Treaties 1941-1947* (US Department of State - Washington D.C. 1947) 2-3.

⁹⁰ *Ibid.*, as reproduced in 2.

⁹¹ Quiroga-Villamarín, ‘The Americas and the United Nations: Reimagining Good Neighborliness for a Global Era (1939-1973)’ in Obregón and others (eds), *Oxford Handbook of International Law and the Americas* (Oxford 2025). See further Bosco, *Five to Rule Them All: The UN Security Council and the Making of the Modern World* (Oxford 2009) 10-38.

⁹² Charter of the United Nations (n 3), 2.

experiment. This is especially true for its bicameral set-up — and for the pre-eminence of the Great Powers in the latter. This is not surprising given that the broad contours of the new institution were largely negotiated *between* the leading wartime allies in Dumbarton Oaks in 1944, before they were eventually ratified (with some modifications) in San Francisco in 1945.⁹³

An important departure was the so-called “Yalta formula,” negotiated by the Great Powers in the conference that was held that year in Crimea, in relation to the voting system of the new organization.⁹⁴ Given that the “glaring weakness” of the League had been its rule of unanimous decision-making, a revised scheme allowed for majority-votes but it also required the *concurring* vote of all of the permanent members — effectively, then, giving *solely* the Great Powers the veto power that once had belonged to all member states under the logic of unanimity.⁹⁵ In this way, the “architects [... of the new institution] built the principle of great-power supremacy firmly into their new structure” with an important range of corollaries: they could “prevent the admission of new members[; ...] the expulsion or suspension of rights and privileges of a member[; ... or they] could hold up the appointment of any Secretary-General who might be *persona non grata*.”⁹⁶ The logic here was that “[s]imple rules of “democratic usage by which the members are assumed to be equal in strength, though in fact they are not, cannot be applied” in the international community.⁹⁷ The UNSC, moreover, would be given the “primary responsibility for the maintenance of international peace and security,”⁹⁸ establishing a clearer hierarchy between the UNSC and the League Assembly’s successor: the UN General Assembly (UNGA).

But ever since, the composition and powers of the Manhattan *Herrenhaus* has remained a controversial issue. Since as early as 1958,⁹⁹ there has been a steady stream of scholarly commentary on the limits of the system followed by credible proposals

⁹³ Kelsen, ‘The Old and the New League: The Covenant and the Dumbarton Oaks Proposals’ (1945) *American Journal of International Law* 45.

⁹⁴ Wilcox, ‘The Yalta Voting Formula’ (1945) *American Political Science Review* 943.

⁹⁵ Ibid. 943.

⁹⁶ Ibid. 945-6.

⁹⁷ Lee, ‘The Genesis of the Veto’ (1947) *International Organization* 33.

⁹⁸ Charter of the United Nations, Article 24(1). See further Degni-Segui, ‘Article 24, paragraphes 1 et 2’ in Cot, Forteau and Pellet (eds), *La Charte des Nations Unies: commentaire article par article* (3rd edn, Paris 2005).

⁹⁹ Clark and Sohn, *World Peace through Law* (Cambridge 1958).

for its transformation.¹⁰⁰ Unlike the League Council, the membership of the UNSC has remained relatively fixed: its permanent membership still reflects “those that won the Second World War plus China.”¹⁰¹ However, the question of which polity got to represent “China” was the subject of much controversy through the twentieth century. With the victory of the Communist Party and the establishment of the People’s Republic of China (PRC) in 1949, the former Republic of China (ROC) government’s effective control was limited only to the island of Taiwan.¹⁰² Be that as it may, due to Cold War tensions the ROC delegations formally held China’s seat until 1971.¹⁰³ For some months in the 1950, the Soviets even actively boycotted the Council due to this.¹⁰⁴

Moreover, the Soviet Union also actively opposed the expansion of non-permanent members until the PRC was given a seat at the table.¹⁰⁵ Originally, there were only six non-permanent members – which would be “the majority, as well as a de facto sixth veto (if voting together against all five permanent members).”¹⁰⁶ But as the organization’s membership swelled with the adhesion of newly decolonized states in the fifties and sixties, demands for a wider representation (especially of Asian and African states) became louder.¹⁰⁷ After an expansion in 1963 (the only reform in terms of membership achieved so far!), the number of non-permanent members was expanded to ten – with a total membership of 15. This occurred through UNGA resolution 1991 (XVIII), which passed with an ample majority – even China (ROC) voted in favor.¹⁰⁸ It further decided that the ten non-permanent members should be distributed as follows: five from African or Asian states; one from Eastern Europe; two from Latin America; and two from the nebulous category of “Western Europe

¹⁰⁰ For two recent interventions in this vast literature, see Müller, *Reforming the United Nations: Fit for Purpose at 75?* (Leiden 2021); Inês Teixeira Pinheiro, *The Reform of the Security Council of the United Nations: The Maintenance of International Peace and Security through Regional Representation* (Coimbra 2024).

¹⁰¹ Bourantonis, *The History and Politics of UN Security Council Reform* (Abingdon 2005) 6.

¹⁰² Westad, *Decisive Encounters: The Chinese Civil War, 1946-1950* (Palo Alto 2003).

¹⁰³ ‘Representation of China Within the United Nations System’ (1972) *International Legal Materials* 561.

¹⁰⁴ Gaiduk, *Divided Together: The United States and the Soviet Union in the United Nations, 1945-1965* (Palo Alto 2012) 150-185.

¹⁰⁵ Bourantonis (n 101) 16-27.

¹⁰⁶ Nadin, *UN Security Council Reform* (Abingdon 2016) 44.

¹⁰⁷ Hassler, *Reforming the UN Security Council Membership: The Illusion of Representativeness* (Abingdon 2013) 53-55.

¹⁰⁸ “Question of equitable representation on the Security Council and the Economic and Social Council,” UNGA A/RES/1991 (XVIII), 17 December 1963.

and Others.”¹⁰⁹ Despite the initial opposition of France, the “Second World” and the abstention of the UK and the US, by 1965 these amendments entered into force after they had been ratified by all Great Powers and, as required, more than two-thirds of the general membership.¹¹⁰

The year 1991, by pure coincidence, was also the closest the UN has been to reform since 1963. As Bardo Fassbender notes, in the “early 1990s there was broad agreement among governments, supported by a general sentiment in academia and organized civil society, that the international state system had experienced a change so profound that the set-up of 1945 could not be maintained.”¹¹¹ After decades of use (and abuse) of the veto power, there was a growing appetite to curtail the special prerogative of the Great Powers.¹¹² Most dramatically, there was a growing sense that some of those Powers were no longer “Great” (think, for instance, of today’s rather *Little Britain*)¹¹³ – or that perhaps other nations were better placed to assume the responsibilities of the seat. The so-called G-4 informal coalition attempted, unsuccessfully, to elevate Japan, Germany, India, and Brazil to the status of veto-wielding permanent members.¹¹⁴ This move was opposed by another coalition led by Italy (informally called the “Coffee Club”), which instead pushed for the expansion of non-permanent membership.¹¹⁵ Against both camps, the African Union (after intra-continental negotiations that led to the so-called Ezulwini consensus) also adopted a proposal for reform that would expand the two types of membership, retaining five rotating seats plus two veto-wielding permanent spots for the continent.¹¹⁶

Ultimately, these post-Cold War efforts for reform did not come to fruition. As Fassbender aptly remarked, “one can say that the P5 preferred to let the supporters and opponents of a particular reform proposal exhaust and neutralize themselves – and this is exactly what happened to a large extent.”¹¹⁷ If anything, during the post-

¹⁰⁹ Ibid. Part A, para 3.

¹¹⁰ Bourantonis (n 101). 27-28. See also Fassbender, ‘Reforming the United Nations’ (1998) *Die Friedens-Warte* 427.

¹¹¹ Fassbender (ed), *Key Documents on the Reform of the UN Security Council 1991-2019* (Leiden 2020) 16.

¹¹² Wouters and Ruys, ‘Security Council Reform: A New Veto for a New Century?’ (2005) *The Military Law and the Law of War Review* 139.

¹¹³ With apologies to David Walliams and Matt Lucas.

¹¹⁴ Fassbender (n 111) 23-25.

¹¹⁵ Ibid. 25-26.

¹¹⁶ Mbarra and others, ‘Re-Evaluating the African Union’s Ezulwini Consensus in the Reform of the United Nations’ Security Council’ (2021) *Journal of African Union Studies* 53.

¹¹⁷ Fassbender (n 111) 23.

Cold War period the Council adopted a policy of “muscular humanitarianism” that saw its powers grow under the leadership of the US as the world’s Greatest Power.¹¹⁸ This aroused high hopes – and some anxieties – in relation to the Council’s new role as a “World Legislature”¹¹⁹ and its “sanctions era.”¹²⁰ But as this brief window of unipolarity has given way to a period marked by the return geopolitical rivalries between its permanent members,¹²¹ commentators largely fear we are now facing an “Insecurity Council.”¹²² Our post-63 *Herrenhaus* still reflects the global constellation of power in the wake of WWII, premised on the logic of war-time cooperation. “That moment in 1945 is long gone, but so far it has not been replaced by an equivalent moment.”¹²³ Indeed, to quote Zizek, “the old world is dying, and the new world struggles to be born: now is the time of monsters.”¹²⁴

V. Concluding Remarks: We the Diplomats? Indirect Democracy and the International Order

The International Criminal Tribunal for the Former Yugoslavia (ICTY), perhaps with some glee, noted that “there is, however, no legislature, in the technical sense of the term, in the United Nations system and, more generally, no Parliament in the world community.”¹²⁵ Even before the UN Charter came into force, a group of United States policy makers and intellectuals “interested in world peace and world organization” came together in Dublin (New Hampshire) to argue that this should be

¹¹⁸ Orford, ‘Muscular Humanitarianism: Reading the Narratives of the New Interventionism’ (1999) *European Journal of International Law* 679.

¹¹⁹ Talmon, ‘The Security Council as World Legislature’ (2005) *American Journal of International Law* 175.

¹²⁰ Cortright, Lopez and Gerber-Stellingwerf, ‘The Sanctions Era: Themes and Trends in UN Security Council Sanctions Since 1990’ in Lowe and others (eds), *The United Nations Security Council And War* (Oxford 2008) 205-225.

¹²¹ Moyn, ‘The “Rules-Based International Order” Doesn’t Constrain Russia – or the United States’ (The *Washington Post*, 1 March 2022) <<https://www.washingtonpost.com/outlook/2022/03/01/ukraine-international-order-un/>>. Last accessed on 2 April 2025.

¹²² Levy, ‘The United Nations (In)Security Council: Time for Reform in a Post-Ukraine War World?’ (2022) *Journal of International Affairs* 169.

¹²³ Fassbender (n 111) 35.

¹²⁴ This is a formula from Antonio Gramsci rather creatively translated by Slavoj Zizek, ‘A Permanent Economic Emergency’ (2010) *New Left Review* 85, 95. Given that the original as translated literally to English is much less rich (“in this interregnum a great variety of morbid symptoms appear”), it is more precise in my view to cite Zizek than Gramsci.

¹²⁵ *Prosecutor v Dusko Tadić* (Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction), 2 October 1995, para. 43; this decision of the ICTY can be accessed via <https://www.icty.org/x/cases/tadic/acdec/en/51002.htm> (last accessed 2 April 2025).

remedied.¹²⁶ Under the leadership of the retired US Supreme Court justice Owen Roberts, the signers of the Dublin Declaration of 1945 called for the establishment of a “world federal government with limited but definitive and adequate powers.”¹²⁷ At the heart of this structure would be a “world legislative assembly, whose members shall be chosen on the principle of weighted representation, taking account of natural and industrial resources and other factors as well as population.”¹²⁸ In their view, the development of the nuclear bomb that fundamentally altered the logic of international order – and the only way to remedy this was to embrace the same sort of global federative structure. In fact, the group that would emerge out of this early initiative would take as its name the “World Federalist Movement.”¹²⁹

Ever since, there has been a rising chorus of voices calling for a less indirect form of democratic representation at the international scale. After all, those delegates sitting in the UNGA – and especially those at the Security Council – ultimately represent their national government, not their *peoples*. Accordingly, some think it is time to give “we the peoples” (as opposed to “we the diplomats”) the ability to elect their own international representatives. In the last couple of years, this initiative has coalesced around the establishment of a “World Parliamentary Assembly.”¹³⁰ It would serve as an advisory body to the UNGA – a sort of “lowest” Chamber, so to say. It would be inspired by the model of the European Parliament, which held its first direct election by universal suffrage in 1979.¹³¹ Of course, even if this proposal is adopted, the mechanisms of election would still be mediated by states – national institutions will have to address questions of constituencies and electoral districts. Moreover, given that not all UN member states hold regular and fair elections to democratically determine the composition of their own parliamentary assemblies, one can legitimately wonder if this global experiment would be more than a noble dream – or bureaucratic nightmare. Be that as it may, this proposal does show a growing awareness of the need for the “promotion of a democratic and equitable international

¹²⁶ ‘Declaration of the Dublin, N.H., Conference’ (*Special to the New York Times*, 17 October 1945).
4. Last accessed on 2 April 2025. See also Clark, ‘The Dublin Declaration’ (1945) *World Affairs* 265.

¹²⁷ ‘Declaration of the Dublin, N.H., Conference’ (n 126) 4.

¹²⁸ *Ibid.* 4.

¹²⁹ Lent, ‘The Development of United World Federalist Thought and Policy’ (1955) *International Organization* 486. This, of course, was not the first, nor perhaps most important, movement involved in the democratization of international affairs. See, generally, Omelicheva, ‘Global Civil Society and Democratization of World Politics: A Bona Fide Relationship or Illusory Liaison?’ (2009) *International Studies Review* 109.

¹³⁰ Lopez-Claros, Dahl and Groff (n 31). 107-22.

¹³¹ *Ibid.* 112.

order” — put in the terms of an Independent Expert’s mandate created in 2011 by the UN’s Human Right Council.¹³²

For two or three decades now, the relationship between international law and democracy has gained a special salience in scholarship and public debate.¹³³ While most of those early debates focused on the potential use of international law in fostering democratic governance in each polity (think, for instance, about the debates on a human right to democracy in domestic governance),¹³⁴ in my article I have sought to foreground how the international order, itself, can be democratized. The establishment of the League’s Assembly more than a century ago was then celebrated as a democratic achievement — and rightly so! For the first time, small polities could participate in global discussions and claim at least 15 minutes of (international) fame. But throughout the twentieth century, our expectations of what a fairer international order should entail have grown bolder and louder. I hope this brief overview of what has been achieved so far offers cautionary insights for the struggle that still awaits those of us who wish to toil as “architects of the better world.”¹³⁵

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¹³² “Promotion of a democratic and equitable international order,” A/HRC/RES/18/6, 13 October 2011.

¹³³ For an overview, see Charlesworth, ‘Democracy’ in d’Aspremont and Singh (eds), *Concepts for International Law* (Cheltenham 2019) 164-178.

¹³⁴ Franck, ‘The Emerging Right to Democratic Governance’ (1992) *The American Journal of International Law* 46. See further Ginsburg, ‘Introduction to the Symposium on Thomas Franck, “Emerging Right to Democratic Governance” at 25’ (2018) *AJIL Unbound* 64.

¹³⁵ To paraphrase the speech wired by the US President Truman at the 1945 San Francisco Conference. See ‘Address to the United Nations Conference in San Francisco. April 25, 1945’, *Public Papers of the Presidents of the United States - Harry S. Truman 1945* (United States Government Printing Office - Washington D.C.1961) 20.

¹³⁶ As understood in legal research, not in scholarly historiography.

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