

UNITED NATIONS DECISION MAKING, by Johan Kaufmann, Sijthoff & Noordhoff, Alphen aan den Rijn, 1980, pp. xiv and 282, \$25.00.

THE ROOTS AND REACHES OF UNITED NATIONS ACTIONS AND DECISIONS, by Moses Moskowitz, Sijthoff & Noordhoff, Alphen aan den Rijn, 1980, pp. x and 208, \$28.50.

Strictly speaking, with the exception of what might be called house-keeping resolutions, it is only the Security Council of the United Nations which is competent to make binding decisions. However, in popular speech, and even among members of the United Nations, it is common to find the term used to describe the findings or conclusions of other United Nations bodies. Many of such findings or conclusions are for political reasons described as binding decisions and are alleged to impose obligations on the members of the United Nations, or those members to whom they are directed. The two books under review are concerned with the process and substance of decision-making in that Organization.

Ambassador Kaufmann's book has developed to some extent from his work *How United Nations Decisions Are Made*, written in conjunction with Dr. Hadwen and published twenty years ago. The present work still represents a handbook for national delegations and their members on how to achieve their ends in the United Nations and prevent others from securing theirs. Perhaps one of the most interesting chapters in Ambassador Kaufmann's book relates to the securing of results. The Charter provides for voting procedures to be adopted in each United Nations organ, and in no case is there provision for an abstention. Only in cases such as the problem of action against Franco's Spain did it become clear that an abstention in the Security Council did not necessarily mean that the terms of Article 27(3) of the Charter were not being satisfied. On that occasion, it will be recalled, the Soviet Union indicated that it was not disagreeing with the proposal, but was unable to offer its support since the proposal did not go far enough. This introduced the Security Council practice whereby a member votes "no" only by positive expression of dissent. It has since become clear that a member may also vote not to vote, especially to emphasize its non-absence from the vote. Because of the variety of gradations that have been introduced into voting practice, and the frequency with which states issue statements in explanation of their vote which leave the observer wondering how a particular state voted as it did, the author points out: "it is sometimes said these days, with some exaggeration: if you are in favor of a proposal you can vote yes, no, or abstention; if you are against it, you can also vote yes, no, or abstention" (p. 119).

Some voting problems are now being avoided by the increasing practice of decision by consensus, as well as decision by what the author describes as "pseudo-consensus". The new process avoids taking any vote at all and saves those who are unwilling to express discontent or disapproval from having to commit themselves. The author suggests that real consensus exists only when the presiding officer can truthfully state that he understands a draft to command general support. When such support is lacking, however, the practice is to "simply state that he understands that it is the desire of the meeting to adopt the text without a vote" (p. 128). It is perhaps not surprising that governments now tend to prefer

consensus to a vote, though one might question the author's assumption that this is because they regard this as a more valuable process than normal voting. One is inclined to suggest that it is because it saves governments from embarrassing decision-making that "most United Nations organs have a tendency to take decisions by one of the consensus methods, rather than by voting" (p. 209). One can appreciate the author's desire for consensus on house-keeping decisions and resolutions, but perhaps a *caveat* is necessary concerning his suggestion that this should also be the case with "recommendations dealing with fundamental political, economic, social, human rights or other policy issues, and draft treaties or international agreements on such matters" (p. 210). While it may be true that more such documents, resolutions and drafts would be adopted without apparent opposition, it is almost certain that there would be less frequent implementation of recommendations, and fewer ratifications of agreements than there now are. It is extremely dangerous to assume that a proposal adopted by consensus is to be treated as evidence of unanimous agreement. The author's citation of the Law of the Sea Conference as a good example of the consensus method serves as an instance of its hollowness in view of current American attitudes. Perhaps the irrelevance of the consensus system for effective action is illustrated by the author's own comment: "Consensus decision-making would also be symptomatic for the real result of effective international co-operation: everybody wins, nobody loses!" (p. 212). Such compromises, particularly in the human rights field, usually indicate that the end result is barely worth the paper on which it is written.

The reviewer is left with a feeling that in his praise of the consensus method Dr. Kaufmann has allowed his idealism to shroud his sense of political realism. With respect, it is submitted that this is abundantly clear in his comments on recruitment of the United Nations Secretariat. It may be deplorable that "under-represented" countries seek to restore a balance, or that governments apply pressure to secure the employment of their "favourite sons"; but to suggest that governments operate merely as a post office for *curricula vitae* and nominations, with the Secretary-General having complete and final discretion to appoint (pp. 219-220), is seeking the millennium, even though the employment of such an independent and apolitical Secretariat may result in better-drafted and more realistic proposals on which the politicians of the organization can make decisions, whether by consensus or by vote.

Perhaps more realistic — and more cynical — is Dr. Moskowitz's book *The Roots and Reaches of United Nations Actions and Decisions*. It is interesting at this point to cite his attitude to consensus, which should never "be achieved at the expense of third parties . . . [or by offering] States an opportunity to evade their responsibilities by sparing them the burden and agony of stating their positions and declaring their judgments" (p. 197). He mentions that at the Helsinki Conference, consensus was defined as "the absence of any objection expressed or put forward that constituted an obstacle to adopting the decision in question" (p. 195). The view of Dr. M'Bow, the Director-General of UNESCO, is even more striking: consensus is an expression of "the need of arriving at decisions in areas where division between majority and minority rendered all decisions nugatory" (p. 196). Although he is not primarily concerned with procedure, at an early point in his book Dr. Moskowitz makes a comment

which helps to indicate why consensus is so attractive:

The United Nations is a background of conflicting social and political ideologies, as well as opposing national interests. All shades of opinion, from passion for things as they were to irrepressible drives for things as they might be, ultimately find a voice in the United Nations; the United Nations serves as a sounding board of world-wide dimensions (p. 2)

He makes a point that is often ignored, especially by the public and the media that seek to frame public reactions. The United Nations has no existence of its own and

is far from being an organized international community of members acting together in equal dignity and mutual tolerance to create a better life for humanity . . . The United Nations is essentially an instrument of multilateral diplomacy, which the States Members use or abuse to promote their national interests; it has yet to rise above partisan interests and conflicting passions to become a body of manifest and unarguable impartiality, while its judgments have yet to be balanced in a commitment to justice. . . . A large dose of willing suspension of disbelief is needed to give credence to much that issues forth from the forums of the United Nations. Nothing less than a blind leap of faith is necessary to entrust one's fate and future to the mercies of the world body. (pp. 7-8)

As Dr. Moskowitz indicates, the tendency to compare the United Nations to a democratic parliament ignores the fact that the latter operates within a single national background; the assumption that there is more commonality in the United Nations than there is and that the representatives act as an impartial assessment body only adds to the "dangerousness" of the situation. These points are made in Chapters IV to VI, dealing respectively with the Chilean Encounter, Middle East Rationalizations and Assumptions, and The Racial Equation. Dr. Moskowitz presses his argument even more tellingly with his analysis of the United Nations' approach to the paralleling of Zionism to *apartheid* and the alleged "collusion" between Israel and South Africa, described by a Sudanese delegate as "birds of a feather" (p. 165). It is not surprising that the author entitles the relevant chapter "The Uses of Cant" (ch. VII). Perhaps one may comment on the lesson of both these books in the words of Dr. Moskowitz:

The United Nations seems to be more adept at orchestrating tensions than at calming tempers; more adroit at arousing passions and inflaming prejudice than at achieving accommodation; more artful at acting out real or simulated rage than at resolving disputes. And the world body is never more vulnerable than when called upon to deal with issues that involve moral considerations and moral actualities. Human aggression, violence and destruction are unleashed when nations seek and find sanction to act freely and punitively in the name of humanity's ideals. (p. 171)

Given this, in view of the world's reliance upon oil and the West's reliance upon the goodwill of the Third World, no wonder there is the rush to consensus (see pp. 172-173).

Having so realistically exposed the United Nations for what it has become, it is a little surprising to find Dr. Moskowitz suggesting that

the key to the salvation of the world body lies in a combination of improved decision-making processes and a conscious political action to make these processes fulfil their purpose. Techniques are no substitute for social policy and procedures cannot take the place of political and moral vision [hence there is little point in talking of reform and amendment of the Charter (pp. 171-182)]. [There must be] a persistent and consistent effort to develop a spirit of fairness and intellectual honesty and integrity to secure democratic safeguards for all States Members of the United Nations. (p. 185)

Perhaps until this idealistic reformation takes place, the older democracies, at least, might be well advised not to pretend to put their faith in the United Nations, but to emphasize more their common interests, their common understanding of international law and morality, and their determination to live in accordance with their own ideals, ethics

and beliefs, even if these are not shared by the numerical majority of the members of the United Nations.

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