

May 2020

Collective Legitimization in International Organizations Concept and Practice

Thomas L. Brewer

Follow this and additional works at: <https://digitalcommons.du.edu/djilp>

Recommended Citation

Thomas L. Brewer, Collective Legitimization in International Organizations Concept and Practice, 2 Denv. J. Int'l L. & Pol'y 73 (1972).

This Article is brought to you for free and open access by the University of Denver Sturm College of Law at Digital Commons @ DU. It has been accepted for inclusion in Denver Journal of International Law & Policy by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, digitalcommons@du.edu.

COLLECTIVE LEGITIMIZATION IN INTERNATIONAL ORGANIZATIONS CONCEPT AND PRACTICE*

THOMAS L. BREWER**

The author defines collective legitimization as an act by which legitimacy is attributed to national policy and other "objects" by multilateral organizations. He describes the role of various organizations including the United Nations in this process, and concludes that collective legitimization will be used increasingly by nations attempting to gain national and international credibility. Ed.

International organizations are no exception to the tendency of institutions to perform functions not originally intended for them. Thus, as Inis Claude has pointed out, the United Nations and other international organizations have come to be regarded and used as agents for the legitimization of national status, policies and actions.¹

Although various social scientists since Max Weber have given considerable attention to the role of legitimacy in national political systems, they have devoted little thought to its role in the international system.² And while such eminent international relations specialists as Claude, Ernst Haas, and Stanley Hoffman have given some thought to the nature and role of legitimacy in international affairs, the total scholarly output remains meager.³

* The author is indebted to Jerome Slater and Terry Nardin for criticisms of an earlier draft and to Richard Johnson for an opportunity to read his unpublished manuscript on the concept of legitimacy.

** Dr. Brewer is Assistant Professor of Political Science at Eastern Michigan University. He received an M.A. from Yale University in 1964 and a Ph.D. from the State University of Buffalo in 1971.

¹ I. CLAUDE, *THE CHANGING UNITED NATIONS*, ch. 4 (1967) [hereinafter cited as CLAUDE]. Though the present article has been stimulated by Claude's analysis, it seeks to extend our understanding of the concept and practice of collective legitimization beyond his pioneering work.

² See D. EASTON, *A SYSTEMS ANALYSIS OF POLITICAL LIFE* (1965) [hereinafter cited as EASTON]; S. LIPSET, *POLITICAL MEN* (1963); and M. WEBER, *THE THEORY OF SOCIAL AND ECONOMIC ORGANIZATION* (T. Parsons ed. 1947).

³ CLAUDE, *supra* note 1; E. HAAS, *BEYOND THE NATION-STATE* (1964); and Hoffmann, *Sisyphus and the Avalanche: The United Nations, Egypt, and Hungary*, 9 *INTERNATIONAL ORGANIZATION* 446-69 (1957). See also A. Bargman, *Collective Legitimization and Disarmament*; J. Cefkin, *International Legitimization and Southern Africa: Principles and Practice*;

The importance of collective legitimization as a function of international organizations suggests that more conceptual and theoretical analysis is needed. This paper hopefully makes some contributions in this area. More specifically, the purposes of this paper are first, to define and develop the concept of collective legitimization in order to render it more useful in the analysis of international organizations, and second, to suggest some tentative answers to the following questions. What is the potential of international organizations for collective legitimization, and what are the determinants of the potential? How have international organizations been used by members to legitimize their status and behavior? What are the salient trends and of what significance are they? What are the consequences of the use of international organizations for collective legitimization?

I have asserted that collective legitimization is an important phenomenon in international relations. Legitimacy, of both the establishment and the policies of a nation, is considered as a necessary political goal by national leaders. Indeed, it has been suggested that "politics is not merely a struggle for power, but also a contest over legitimacy, a contest in which the confirmation or denial, the confirmation or revocation of legitimacy is an important stake".⁴ Of equal importance is the fact that legitimacy is a significant resource in the pursuit of power.⁵ Moreover, collective legitimization is a relatively efficient process in this pursuit, for by gaining support based on legitimacy a nation can conserve other diplomatic resources.⁶ In reviewing a study of British policy in the U.N., Ernst Haas has observed:

British leaders painfully learned that in a world made interdependent by the ideological, military, and economic clamor which does not respect national frontiers, unilateral action entails even more painful consequences than deference to unpalatable organizational decisions.⁷

and J. Slater, *The Limits of Legitimization in International Organization: The Case of the OAS*, Sept. 3-7, 1968 (papers presented at the 1968 American Political Science Association Convention in Washington, D.C.). A major recent addition to the literature on collective legitimization, which appeared shortly before this manuscript went to the printer, is R. RIGGS, *U.S./U.N.: FOREIGN POLICY AND INTERNATIONAL ORGANIZATION* (1971). One of its central concerns is American utilization of the U.N. for legitimization purposes.

⁴ CLAUDE, *supra* note 1, at 75-6.

⁵ *Id.*

⁶ On the efficiency of legitimacy as a basis for compliance in national political systems, see EASTON, *supra* note 2, at 278; and Merelman, *Learning and Legitimacy*, 60 *AMERICAN POLITICAL SCIENCE REVIEW* 548-49 (1966) [hereinafter cited as Merelman].

⁷ Haas, *The Comparative Study of the United Nations*, 20 *WORLD POLITICS* 321 (1960) [hereinafter cited as Haas].

While collective legitimization is thus important from the vantage point of the defenders of the interests of nation-states, it is equally important from that of supporters of international organizations. As will be discussed more fully below, the use of international organizations as agents of collective legitimization has had and will continue to have an impact on the structure and function of international organizations. Such use has facilitated the proliferation of organizations and organizational subdivisions, as in the cases of the United Nations Conference on Trade and Development and the U.N. Special Committee on Colonial Independence; and there is evidence that such use of the U.N. has rendered it less effective in performing certain functions.⁸

DEVELOPMENT OF THE CONCEPT OF COLLECTIVE LEGITIMIZATION

Definitions

Collective legitimization can be defined as an act by which legitimacy is attributed to national policy and other "objects" by multilateral organizations.⁹ Three key terms in the definition can be briefly elaborated. First, the term "multi-lateral bodies" has been used to include the activities of *ad hoc* conferences as well as international organizations, although the discussion of the paper will be limited to the legitimization activities of international organizations.¹⁰ Second, an "act" of multilateral bodies can include not only the deployment of troops and the inauguration of programs and projects but also the passing of resolutions and all other activities that convey legitimacy. Third, "objects" refer to the phenomena being legitimized; these include national actions, attitudes and status.

To satisfy the crux of the definitional problem, a general definition of legitimacy based on those proposed by two political scientists specializing in fields other than international relations will be used. David Easton refers to legitimacy as a

. . . conviction on the part of the [person] that it is right and proper for him to accept and obey the authorities and to abide by the requirements of the regime. . . . In some vague or ex-

⁸ See *infra* at 87.

⁹ Claude defines collective legitimization as "politically significant approval and disapproval of the claims, policies, and actions of states". CLAUDE, *supra* note 1, at 73. But this definition ignores the question of the ground on which approval and disapproval are based. Though at another point he does consider the principles on which legitimacy is based, the discussion does not seem to treat the subject adequately, as I shall indicate below. *Id.* at 77-87.

¹⁰ CLAUDE, *supra* note 1, at 86, suggests the Bandung Conference of 1955 as an example of an *ad hoc* conference designed for collective legitimization purposes, in this case for the anti-colonialism movement. It should be noted that countries also try to legitimize their actions and status by unilateral and bilateral actions.

plicit way he sees these objects as conforming to his own sense of what is right and proper in the political sphere.¹¹

Richard Merelman refers to "political legitimacy" as ". . . the quality of 'oughtness' that is perceived by the public to inhere in a political regime which is viewed as morally proper for a society".¹²

Although one can accept the essence of these two definitions, both are too specific for our purposes in two respects. First, they specify the regime and the authorities as the objects being legitimized; but in international relations the objects are defined more broadly, also including national actions and attitudes. Second, these two definitions by implication are limited to legitimization of objects in the eyes of the domestic populations; again, in international relations there are also foreign publics and governments for whom objects are legitimate. In view of these two restrictions inherent in the above definitions, they cannot be accepted intact for our purposes. However, by modifying these two definitions, we can define legitimacy as a quality of "oughtness", of being right and proper, that is attributed to some political object. The "legitimacy" becomes meaningful for both national and international politics.

Principles of Legitimacy

This notion of right and proper raises the complex problem of what can be called the principles of legitimacy.¹³ According to Claude, legitimization always consists of a political component which is predominant, and usually contains moral and legal components.¹⁴ But a concept defined in this way has rather limited analytic utility since the nature and interrelationships of its components—political, moral, and legal—are unspecified.

I, therefore, propose to limit the concept to those attributed characteristics that are based on moral considerations; thus, to be perceived as right and proper on moral grounds is a necessary and sufficient condition for a political object to be legitimate. In most cases, moral grounds encompass both political and legal components of legitimization in that a nation's politics and laws are usually based on its perception of morality.

Particular acts of collective legitimization based on moral grounds may nevertheless be expressed in legal terms. In some

¹¹ EASTON, *supra* note 2, at 278.

¹² Merelman, *supra* note 6, at 584.

¹³ I am accepting the terminology of CLAUDE, *supra* note 1.

¹⁴ *Id.* at 79-80.

cases international law is so obviously grounded on considerations of morality that it may be invoked as a legitimizing principle. Hence, various provisions of the U.N. Charter may be invoked as principles of legitimization. This is not to say that all Charter provisions are necessarily legitimizing principles, or even that Charter provisions themselves are necessarily considered legitimate. Furthermore, the legitimacy of Charter provisions may, with a change in moral outlook of the member states, vary over time. For example, as Rupert Emerson has pointed out, the Charter provision that trustee countries assure that trust territories be peaceful¹⁵ was superceded by the widespread attribution of illegitimacy to the entire trusteeship system because the mere existence of trust territory status came to be considered a threat to the peace.¹⁶ This particular change is of course only part of the more general trend in the increasing acceptance of anticolonialism as the dominant legitimizing principle in U.N. activities.

A discussion of the collective legitimization of the decolonization process allows us to illustrate several additional points about the evolution and use of principles of collective legitimization. First, anticolonialism was itself legitimized by prior formulations of what constituted legitimate behavior in the international system. Specially, the Declaration on the Granting of Independence to Colonial Countries and Peoples¹⁷ was collectively legitimized by explicit reference to "the purposes and principles of the Charter" and to the Universal Declaration of Human Rights. Second, this newly legitimized principle as enunciated in the Declaration on the Granting of Independence to Colonial Countries and Peoples was in turn invoked to attribute illegitimacy to the continued practice of colonialism in several particular instances, and was used to attribute legitimacy to specific acts, such as the Indian attack on Goa in 1961. The case of Goa and the International Court of Justice ruling on South West Africa illustrate a third point about principles of legitimacy: they may come into conflict with international law. For instance, the International Court of Justice ruling prompted the observation that the Court's decision "can be expected to stimulate many states to respond

¹⁵ U.N. CHARTER art. 76.

¹⁶ EMERSON, *Colonialism, Political Development, and the U.N.*, in *THE UNITED NATIONS IN THE BALANCE* 120-39 (N. Padelford & L. Goodrich eds. 1965) [hereinafter cited as Emerson].

¹⁷ G.A. Res. 1514, 15 U.N. GAOR Supp. 16, at 66, U.N. Doc A/4684 (1960).

that the South African position, while possibly legal, is certainly not legitimate".¹⁸

Objects and Targets

Such a discussion of colonialism suggests that legitimacy and illegitimacy are attributed by collective action to a variety of phenomena or "objects". Such objects may be organized into two types: actions and status. Actions include rather specific acts, such as the Indian attack on Goa and the American intervention in Korea in 1950, and also more long-term practices such as colonialism. The status of nation states as sovereign members of the international system is often an object of collective legitimization,¹⁹ as is the status of regimes, authorities and individuals.²⁰ The Congo case may be used for illustrative purposes. At stake in that episode was the status of a united Congo as a legitimate nation state in the international system, the status of the Leopoldville government as the legitimate regime and Kasavubu as a legitimate authority.²¹

There are, moreover, a variety of "targets" of collective legitimization represented by those people in whose view objects are being legitimized. Targets of legitimization include not only domestic publics but also foreign publics. Government and segments of publics may also be considered as targets.²²

The Legitimizing Capacity of Organizations

The United Nations is the most conspicuous example of an international organization that has been utilized as an agency for attempts to legitimize national actions and status. However, certain regional organizations have also been used for collective legitimization. In considering the potential of various organizations for achieving this function, several questions come to mind. Do international organizations have an inherent capacity to legitimize objects? Are there differences in the capacities of regional organizations as compared with the U.N.? Do legitimizing capacities vary over time? Implicit in all of

¹⁸ CLAUDE, *supra* note 1, at 85-6.

¹⁹ See the discussion of U.N. membership, *infra* at 82. For discussion of the ICJ opinion denying legitimacy or legality see Gordon, 1 DENVER J. INT'L L. & POLICY 65 (1971).

²⁰ I am following the terminology of David Easton; regime refers to "the general matrix of regularized expectations within the limits of which political actions are usually considered authoritative", and authorities to occupants of authoritative roles. EASTON, *supra* note 2, at 194, 212.

²¹ See, e.g., E. LEFEVER, CRISIS IN THE CONGO (1965). Note that it has been stated that American action and U.N. support in Korea was legitimized in Japan only in the view of neutralist and pacifist groups.

²² See STUDY GROUP OF THE JAPANESE ASSOCIATION OF INTERNATIONAL LAW, JAPAN AND THE UNITED NATIONS (1958), reviewed, Haas, 53 AMERICAN POLITICAL SCIENCE REVIEW 205, 210 (1959).

these questions is the problem of the determinants of the legitimizing capacity of international organizations. The following discussion will be organized around a set of factors that determine the legitimizing capacity.

The first determinant of such a capacity is the target; both the variance from country to country of the perceived potential of an institution's legitimizing capabilities and the changing of each country's attitudes toward the institution over time must be recognized. In some countries the U.N. may be widely accepted as an agent for the granting, withholding and withdrawing of legitimacy; in other countries its legitimizing potential may be quite limited. However, the range of activities for which a given international organization has legitimizing capabilities will vary among countries. While one country may consider the U.N. to have a legitimizing capability over a wide range of activities, another country may consider the U.N.'s capability to be limited to a narrow range of activities.

The perceived legitimizing capability of an international organization for a given country, then, may vary over time. For instance, in reviewing the limited evidence available on attitudes toward the U.N. in several countries as of 1960, Haas observed:

On colonial, race policy, and national self-determination questions for example, attitude, expectation, and satisfaction patterns evolved in opposite directions. In early years, Egypt and India regarded the Charter as a pro-status quo conspiracy designed to perpetuate the white man's injustice; in recent years, both countries have come to expect more and more successful anti-colonial action from the U.N.

He adds that the attitude of developed states had followed a similar pattern.²³

Another determinant of the legitimizing capacity of an international organization is the scope of the membership. Other factors being equal, the larger the membership the greater the legitimizing capacity. The supposition here is that the larger the membership of an organization, the more its actions will be perceived as based on widespread moral consensus. Two implications follow from this general postulate. First, the general tendency for the membership of international organizations to increase, leads to an increased legitimizing capacity. The legitimizing capacity of the U.N. since the large increase in membership following the 1955 "package deal" has been significantly greater than before that arrangement. Similarly, an increase in

²³ *Id.*

the size of the Organization of American States by the entry of the newly independent Caribbean countries has increased the legitimizing capacity of that organization.

A second implication is that universal organizations have an inherently greater legitimizing capacity than regional organizations because the latter are more likely to be dominated by a single member. The legitimizing capacity of an organization varies directly with the degree of dispersion of influence within the organization. The Organization of American States and the Warsaw Treaty Organization both have rather limited legitimizing capabilities because they are perceived to be dominated by single countries.

Within organizations the legitimizing capacity varies with the function being performed. More specifically, the collective security function of the U.N. has apparently fallen into disrepute while economic assistance and decolonization have acquired increased legitimacy.²⁴ There is evidence that the U.N. support of the American intervention in Korea is responsible for the decline of legitimacy attributed to the collective security function.²⁵

The nature of the principles of legitimization that are invoked provides an additional determinant of legitimizing capacity. Actually, the significance of this factor is in turn dependent on the composition of the organization and the manner in which it is used for legitimization purposes. To be specific, in its early years the U.N. could be used as an agent of collective legitimization by the West in the Cold War because the illegitimacy of aggression could be invoked as a principle of legitimacy and because there was a Western majority dominated by the United States. More recently the U.N. has been used as an agent of collective legitimization by the new Afro-Asian majority to legitimize de-colonization and economic assistance. Thus in both eras in the United Nations, parties could successfully muster majority votes and invoke firmly grounded and widely accepted principles of legitimacy.

The experience in the Organization of American States has been somewhat different. For in that organization the United States has attempted to invoke the legitimizing principle of national sovereignty (or non-intervention), a widely accepted

²⁴ Haas, *supra* note 7, at 311.

²⁵ *Id.* at 215. We can safely ignore the fact that the Korean action was not a collective security action in the most meaningful sense of that term. See I. CLAUDE, *POWER AND INTERNATIONAL RELATIONS* ch. 5 (1962); A. WOLFERS, *COLLECTIVE SECURITY AND THE WAR IN KOREA, IN DISCORD AND COLLABORATION* ch. 11 (1962).

legitimizing principle, as a justification for its support of stability. But stability is not a particularly compelling principle, especially among Latin American publics.²⁶ Such a strategy can become quite transparent, with the result that the utility of the O.A.S. as a legitimizing organization is somewhat limited.

If the composition of the organizing is such that the ultimate object of legitimization is not based on the moral considerations of the members, the collective legitimization capacity of the organization will be limited. For this reason, in the case of the O.A.S., the strategy of collective action and acquiescence to impute legitimacy to the American policy of national stability has failed.²⁷

The capacity of the O.A.S. for collective legitimization is also limited by the final factor in our list of determinants which is the manner in which international organizations and principles of legitimization are utilized. Two characteristics of the American use of the O.A.S. have served to diminish what little potential for legitimization it may have had: (1) the United States has overused the O.A.S. for collective legitimization purposes; and (2) the United States has used the O.A.S. for very little else.²⁸ For both of these reasons, the O.A.S. has come to be widely regarded in Latin America as no more than an organization for transparent attempts by the United States to legitimize its actions. The O.A.S. has been described by Fidel Castro as the State Department's "Ministry for Colonies".²⁹

One commentator has suggested that a similar fate may be in store for the United Nations: "[T]he legitimacy of U.N. principles is endangered by their being invoked hypocritically in

²⁶ See J. SLATER, *THE OAS AND UNITED STATES FOREIGN POLICY* (1967) [hereinafter cited as SLATER], especially the *Introduction* and *Conclusion*. During the 1961-63 period the United States temporarily emphasized the illegitimacy of dictatorial regimes.

²⁷ It should be noted that my position here is at odds with that of Slater and of Fox. Slater asserts that "the primary function of the O.A.S. has been to legitimize the predominant role of the United States in the settlement of most hemisphere conflicts, thus avoiding potential opposition in the United States, in Latin America, and in the rest of the world". *Id.* at 97. See also *id.* at 206-09, 279. The view of Fox is that the O.A.S. has "served to . . . legitimate and make more respectable the dominant position of the United States in the Western Hemisphere". W. Fox & A. Fox, *NATO AND THE RANGE OF AMERICAN CHOICE* 54 (1967). Such a view depends on a more encompassing definition of collective legitimization than the one I have suggested. On the other hand their interpretation surely implies that American policy-makers attempt to legitimize their policies through the O.A.S.; and I fully agree with such an implication.

²⁸ SLATER, *supra* note 26.

²⁹ This has happened in spite of U.S. attention. *Id.* at 273. To the necessity of avoiding the appearance of an O.A.S. dominated by the U.S. see *id.* at 274.

excessively public debates".³⁰ The lesson for national policy-makers interested in exploiting the legitimizing potential of international organizations is that excessive and hypocritical use of organizations for such purposes will be counterproductive in the long run; policy-makers will substantially reduce or even eliminate altogether the very capability they are trying to utilize.

Use of Collective Legitimization

Several ways in which national policy-makers have in fact used this potential of international organizations have been mentioned. But it is instructive to reorder some of these points and discuss them in a different light.

In the United Nations and to a lesser extent in regional organizations the pursuit of collective legitimization has paralleled the two dominant conflicts in the post-war international system: the East-West struggle in the Cold War and the North-South conflict over colonialism and economic development.³¹

The Cold War protagonists have used a variety of U.N. actions in an effort to achieve collective legitimization. In the case of Korea the United States sought to legitimize a foreign policy by U.N. sponsored military action and by a U.N. resolution labeling China an aggressor. There was also a struggle for legitimization by the U.N. in an attempt by the United States to attribute illegitimacy to the Peking government. By invoking the Charter provision of Article 4, that the U.N. members must be peace-loving, and thereby withholding Chinese membership in the U.N., the U.S. hoped to achieve this end.³² In general, however, the granting and withholding of membership in the U.N. has not been as potent an instrument for collective legitimization as it might have been. There are two reasons for this: (1) the membership has not been limited to peace loving states and, therefore, granting membership does not give a state the moral stamp of approval that it is peace loving; and

³⁰ Haas, *supra* note 7, at 312. Richard Van Wagenen reaches the opposite conclusion: "... citing U.N. principles might be more of a justification than a true motive for something which a member government wants to do, seeking legitimization from the U.N. in the same way that battling troops seek the legitimization of God for their cause. Yet the mere fact that the blessing is sought would tend to build up the legitimacy of the blesser". See R. Van Wagenen, *The Concept of Community and the Future of the United Nations*, in *THE UNITED NATIONS IN THE BALANCE* 461 (N. Padelford & L. Goodrich eds. 1965).

³¹ On the dominance of these two conflicts in the U.N., and in international relations generally, see H. ALKER, JR. & B. RUSSETT, *WORLD POLITICS IN THE GENERAL ASSEMBLY* (1965); and J. STOESSINGER, *THE MIGHT OF NATIONS* (1963). The former study, however, also presents evidence of other quite salient conflicts in the U.N.

³² See, e.g., the latest U.S. statement, reported in 8 U.N. MONTHLY CHRONICLE 34 (Nov., 1971).

(2) the membership issue was for a long time highly politicized by the Cold War and the withholding of membership did not attribute illegitimacy to a nation. Nevertheless the granting of membership is considered an instrument for bestowing at least some legitimacy. Accordingly, West Germany is willing to forego U.N. membership to avoid having East Germany enjoy the legitimizing effect of membership.

Cold War struggles for collective legitimization have also been fought over resolutions, as in the case of the Soviet attempt in the Security Council to label the U.S. U-2 flights "acts of aggression".³³ More recently, there has been a battle over the wording of a report from the Commission on Human Rights to the Economic and Social Council. In this case, the Soviet representative successfully proposed the deletion of a paragraph containing the American charge that the Soviet Union was suppressing free speech.³⁴

It has been in realm of North-South relations, though, that the U.N. has been most prominently utilized as an agent for collective legitimization, especially in recent years. The U.N. actions reflect the demands of its new members — Afro-Asian states, excolonial and developing states — which now constitute a majority. These demands are for independence, unity, non-intervention, modernization, and the recognition of the equal status for non-whites.³⁵ The U.N. capacity for legitimization has been used for all of these objectives with varying success:

(1) The U.N. has played a role in legitimizing the establishment of the newly independent countries by adopting the Declaration on the Granting of Independence to Colonial Countries and Peoples, and, more generally, recognizing, with approval, self-determination and anti-colonialism. This created a general climate of opinion that attributed illegitimacy to continued colonialism. Rupert Emerson has suggested that "The case of Goa is a peculiarly striking illustration of the proposition, generally accepted by the U.N. majority, that all colonialism is illegitimate and that the use of force to overthrow it is therefore justified".³⁶

Assessing the degree and significance of legitimacy and illegitimacy bestowed by the U.N. in specific cases is very dif-

³³ The resolution was defeated. See J. STOESSINGER, *THE UNITED NATIONS AND THE SUPERPOWERS* 15 (1965).

³⁴ *N.Y. Times*, Mar. 15, 1968, at 6, col. 3.

³⁵ *Id.* at 5-6.

³⁶ Emerson, *supra* note 16, at 136. [For a more recent article by Emerson dealing with self-determination and touching on the legitimizing function of the U.N. see Emerson, *Self-Determination*, 65 *AM. J. INT'L L.* 459 (1971). *Ed.*]

difficult. In the case of Algeria, even though the General Assembly refused to pass several resolutions calling for Algerian self-determination from 1956 to 1959 there was probably some legitimizing effect. These resolutions were sponsored by large numbers of Asian and African countries³⁷ and were much debated. Thus one observer has concluded that "the annual Assembly debates [gave] a vital international recognition and 'legitimacy' to the National Front of Liberation", and without this factor Franco-Algerian negotiations would have occurred even later.³⁸ In other cases such as Indonesia the legitimizing role of the U.N. has been negligible. During the period of the Indonesian struggle for independence from the Netherlands, the General Assembly resolutions did not call for independence or self-determination but rather merely called for negotiations between the two parties.³⁹

(2) As to the unity of the newly independent countries the U.N.'s role has been only indirect with the exception of the Congo. The U.N. has bestowed legitimacy to unification only in the sense that by providing observation teams for plebiscites it has assured that an appropriate self-determination procedure has been properly executed. It has thereby given some legitimacy to the results no matter what they might be. Thus both sections of British Togoland were united with the Gold Coast, even though a plebiscite observed by the U.N. in the South gave a majority vote to continuation under the trusteeship system while the North gave a majority vote to union with the Gold Coast. On the other hand, the U.N. has in a similar way indirectly legitimized disunity, as in the case of the plebiscite that separated Ruanda and Urundi.

(3) The newly independent countries including the countries of Latin America have used the U.N. to try to legitimize economic assistance. Accordingly, the 1960's were declared the Decade for Development, and the United Nations Conference on Trade and Development (UNCTAD) was established to gain special consideration for the developing countries in international trade and tariff policies. Thus far, the movement for increased economic assistance has not received the same degree of morally based support as anti-colonialism.⁴⁰ It seems likely,

³⁷ Twenty-two countries in the 12th session. P. JACOB & A. ATHERTON, *THE DYNAMICS OF INTERNATIONAL ORGANIZATION* 663 (1965) [hereinafter cited as JACOB].

³⁸ Johnson, *Helping to Build New States*, in *THE UNITED STATES AND THE UNITED NATIONS* 3 (F. Wilcox & J. Haviland eds. 1961).

³⁹ JACOB, *supra* note 37, ch. 20.

⁴⁰ L. PEARSON, *PARTNERS IN DEVELOPMENT* (1969).

however, that this issue will be increasingly the focus of legitimization attempts in the U.N. in coming years. The developing countries can be expected to base demands for economic assistance on the need to right the past wrongs of political and economic colonialism.⁴¹

(4) Finally, the Afro-Asian countries have employed the U.N. to legitimize their demands for racial equality. The most prominent proclamation in this regard was the Declaration on the Elimination of All Forms of Racial Discrimination, which was passed by the General Assembly in 1963.⁴² At this time there were several other resolutions dealing with race relations, but these were directed specifically at the Union of South Africa. For instance, between August, 1963, and June, 1964, the General Assembly adopted two resolutions and the Security Council four resolutions condemning the practice of apartheid.⁴³

In regional organizations, as opposed to legitimization by the U.N., the pattern has not been so clear. The use of these organizations has varied as in the case of the U.N. As discussed above, the United States has tried to use the O.A.S. to legitimize American policy in Latin America. Regional organizations may also be used to justify both unpopular actions and unpopular inactions. Thus it has been suggested that the "commitment to multilateral (O.A.S.) action on hemispheric problems has enabled governments to resist emotional demands for the unilateral 'solution' of problems for which no acceptable solutions are immediately obtainable".⁴⁴ In particular, American policy-makers tried to use the O.A.S. to "bury" the Cuban problem and legitimize inaction in the face of strong domestic public demands for action.⁴⁵ More recently, by way of contrast, American policy-makers have tried to use SEATO membership to legitimize action in Southeast Asia; they have invoked the SEATO treaty as "concrete" evidence of a legal and moral commitment to take action.

Another regional organization, the Organization of African Unity (O.A.U.), is noteworthy because of its apparent non-use for collective legitimization purposes during its infancy. This was so, partially because it was competing for support with other regional African groups, and had very little claim to be

⁴¹ Declaration of Lima, UNCTAD Doc. No. MM/77/II/11 (1971).

⁴² G.A. Res. 1904, 18 U.N. GAOR Supp. 15, at 35, U.N. Doc. A/5515 (1963).

⁴³ See Stevens, *Issues Before the Nineteenth General Assembly*, 550 INTERNATIONAL CONCILIATION 546-55 (Nov., 1964).

⁴⁴ SLATER, *supra* note 26, at 269.

⁴⁵ *Id.*

an authoritative agent of legitimization. The conflict among the O.A.U. and the two smaller organizations, the Union Africaine et Malgache and the Union of African States, reduced much of its legitimizing potential.⁴⁶ More recently the O.A.U. has taken steps in a direction that could lead to a significant role for it as an agent of collective legitimization in Africa. The steps were to intervene in the 1963 Algerian-Moroccan border conflict and to play a minor role in the settlement of the dispute,⁴⁷ and its decision to back the federal government of Nigeria during its civil war.⁴⁸ It seems likely that the O.A.U. will be used as a collective legitimization agent in future African disputes.

The Consequences

The consequences of the function of collective legitimization include both the facilitation of change in the international system and the maintenance of stability. Although assessing the impact of the U.N. on the decolonization process is an "iffy" problem in the sense that one can only speculate about what the situation would have been if the U.N. had not been active in this realm, it nevertheless seems reasonable to agree that "the U.N. was operating in an atmosphere of mounting anti-colonialism which it certainly did not create but to which it equally certainly contributed".⁴⁹ It made its contribution through the acts of collective legitimization.

While the United Nations has, therefore, been a contributing factor in this revolutionary change in the international system, at the same time it has been a stabilizing factor in the national politics of the newly independent countries. While being somewhat speculative, it seems reasonable to suppose that regimes and authorities in these countries have been the objects of at least some collective legitimization from the U.N.

⁴⁶ See I. WALLERSTEIN, *AFRICA: THE POLITICS OF UNITY* (1967); and Wallerstein, *The Early Years of the OAU*, 20 *INTERNATIONAL ORGANIZATION* 774-87 (1966).

⁴⁷ See Wild, *The Organization of African Unity and the Algerian-Moroccan Border Conflict*, 20 *INTERNATIONAL ORGANIZATION* 18-36 (1966).

⁴⁸ Resolutions against the Union of South Africa, and its racist policies have continued. For material on four recent resolutions in this area calling for (1) the continuation of measures and activities to combat racial discrimination; (2) urging ratification of the 1966 International Convention on the Elimination of All Forms of Racial Discrimination; (3) reaffirming that apartheid was a crime against humanity and condemning countries for encouraging and inciting South Africa in persisting with these policies; and (4) recommending a draft convention on apartheid see 8 U.N. Monthly Chronicle, Dec., 1971, at 128-33. The Organization for African Unity has also recently reiterated its stand against South African policies in the Resolution on Apartheid and Racial Discrimination, G.A. Res. 242, 26 U.N. GAOR Supp. , at , U.N. Doc. CM/Res. 242/S/10272 (1971).

⁴⁹ Emerson, *supra* note 16, at 126.

in the eyes of their domestic publics. There has been a contribution to stability at least to the extent that leading the anti-colonial drive to independence and gaining admission to the U.N. have enabled them to enjoy the benefits of collective legitimization. As Seymour Lipset has asserted, stability "depends not only on the system's efficiency in modernization, but also upon the effectiveness and legitimacy of the political system".⁵⁰

Another consequence of the use of international organizations for collective legitimization is the impact on the structure and the function themselves, as we have seen above. First, there has been a proliferation of agencies and subagencies. One of the most prominent and active of these has been the Special Committee established by the 15th session of the General Assembly to facilitate the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The composition of that committee has been such that a militantly anti-colonial majority has been able to use it as a forum for strongly-worded condemnations of continuing colonial practices — oftentimes in the form of reports on particular situations.

A second consequence for the organizations has been a decline in the capacity to perform certain functions. In the case of the United Nations the collective security function has fallen into disrepute; and in the case of the Organization of American States, the capacity to perform the collective legitimization function itself has been reduced. Indeed, in the case of the O.A.S. it may well be that the organization is generally less effective because it has been utilized so frequently for collective legitimization purposes.

Finally, and most significantly, the use of international organizations as agents of collective legitimization both reflects and promotes a trend in international relations to rely increasingly on non-coercive forms of influence. Collective legitimization is one such way to gain support for policies.

This is not to say that legitimacy is as important in international politics in this respect as it is in domestic politics. While legitimacy may be the most important source of support of outputs in domestic political systems, it is still only a minor

⁵⁰ Lipset, *Some Social Requisites of Democracy: Economic Development and Political Legitimacy*, 53 *AMERICAN POLITICAL SCIENCE REVIEW* 69-105 (1959). On the "crisis of legitimacy", see S. LIPSET, *THE FIRST NEW NATION* (1963); and *POLITICAL PARTIES AND POLITICAL DEVELOPMENT* (J. LaPalombara & M. Weiner eds. 1966).

source of support in the international system.⁵¹ Nor does legitimacy play precisely the same role in domestic and international systems. In domestic systems, it is a basis for accepting specific outputs as binding.⁵² In the international system, however, it plays this role only to the very limited extent that there are outputs of international organizations that require compliance. But most attempts to gain the collective legitimization of international organizations do not seek a prescription that will be followed by compliance or non-compliance. Rather, collective legitimization is sought as a means to gain rather diffuse support and to enhance one's own image in the world or to denigrate another's.

The significance of the potential for a strategy of coercive action in international relations is growing. Stanley Hoffman has asserted that: "International politics in the past was often an arena of coercion without persuasion; it is tending to become an arena of persuasion, more or less coercive".⁵³ Continued and increased reliance on collective legitimization can be expected as one method in the attempt to persuade and to shape perceptions.

⁵¹ EASTON, *supra* note 2, at 278, 284.

⁵² *Id.* at 278.

⁵³ Hoffmann, *Perception, Reality, and the Franco-American Conflict*, 21 JOURNAL OF INTERNATIONAL AFFAIRS 58-9 (1967).