

# Denver Journal of International Law & Policy

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Volume 14  
Number 2 *Winter/Spring*

Article 3

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January 1986

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### Recommended Citation

Thomas M. Franck, U.S. Foreign Policy and the U.N., 14 Denv. J. Int'l L. & Pol'y 159 (1986).

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## U.S. Foreign Policy and the U.N.

### Keywords

International Relations, United Nations, Human Rights Law, International Law: History

# Myres S. McDougal Distinguished Lecture

## U.S. Foreign Policy and the U. N.

THOMAS M. FRANCK\*

### I. INTRODUCTION

This fortieth anniversary of the founding of the United Nations in San Francisco is an opportune time to reconsider the U.S. relationship with that Organization. Objectively speaking, the U.N. should get a mixed 40-year report card: an A for its efforts on behalf of children and the eradication of smallpox, B's for truce supervisory and related services, as well as for the dispute mediation efforts of the Secretary-General. It deserves barely a C- for its work in human rights, but a B for its humanitarian efforts on behalf of millions of refugees from Kampuchea to the Sudan. It deserves an F for its failure to prevent some 200 armed conflicts which have broken out since the Charter was written with the opening words: "We, the peoples . . . determined to save succeeding generations from the scourge of war."

Such a mixed report deserves no standing applause, but neither does it call for a pie in the face. Yet, that is essentially the response the U.N. will get on this occasion from U.S. leaders, the media and the public. At best there will be indifference. For the most part, there will be obloquy.

My object this evening is not to praise the U.N., nor even to examine why it has fallen so low in the esteem of the U.S. leadership and public. Certainly, there are good reasons for scorn, and if one is so minded, the search for warts can be most rewarding. If the U.S. Defense Department can be characterized by detractors as the home of the \$100.00 screwdriver, the U.N. can be reified as the folks who voted to spend millions on new buildings for the Economic Commission for Africa in Addis Ababa while Ethiopia and much of the rest of the continent starves. To much of the world's agony, the U.N.'s answer is: let them eat studies and reports. But surely we are a nation that has grown tolerant of bureaucratic waste

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and incompetence. That it should exist at the U.N. does not fully explain the current disenchantment.

Rather, I will try to show that the intensity of our current negative feelings about the U.N. system stems, in part, from our own national proclivity for unrealistic optimism. That optimism caused us to develop wildly unrealistic expectations of what the U.N. was and what it could and would do. And when those proved unfounded, our national spirit led us to pursue the national pastime of institutional reform, tinkering, and self-improvement. We were unwilling to see the U.N. as a modest, sometimes useful, sometimes dangerous place for the conduct of our multilateral diplomacy. We demand that it be better and more.

## II. EARLY U.S. POSITIONS ON THE ROLE OF THE U.N.

The problem begins with the campaign to ensure U.S. entry into the new organization, in 1945. This was one of the most dramatic examples of the "hard sell" in twentieth-century American politics. It compares with the fanfare and high hopes that accompanied the launching of the "War on Poverty" in the 1960's. Government officials, eminent citizens, public interest groups, newspapers and Members of Congress of both parties participated in an unprecedented effort on behalf of the Charter just signed in San Francisco. This campaign, partly orchestrated by the Executive Branch, was spurred by memories of the unexpected failure of the Senate, after World War I, to facilitate U.S. participation in the League of Nations.

Government officials, some specially recruited for the purpose, others summoned out of retirement, fanned out across the country to preach the word. Former President Herbert Hoover described the San Francisco Conference as the "most fateful conference in all American history . . ." and predicted that during its "fleeting moments the future of mankind may be molded for the next hundred years."<sup>1</sup> Secretary of State Cordell Hull let it be known that the U.N. held the key to "fulfillment of humanity's highest aspirations and the very survival of our civilization."<sup>2</sup>

Senator Tom Connally, the Chairman of the Senate Foreign Relations Committee, greeted the Charter as "the greatest document of its kind that has ever been formulated."<sup>3</sup> His counterpart in the House of Representatives, Congressman Sol Bloom, celebrated "this new Magna Carta of peace and security for mankind" which would be "a turning point in the history of civilization."<sup>4</sup> His Republican colleague on the Committee, Representative Charles A. Eaton, called it "the most hopeful and important document in the history of world statesmanship" and "the greatest and most hopeful public event in history." It would carry us "to-

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1. *Wideroaks Plan Urged by Hoover*, N.Y. Times, Mar. 25, 1945, at 29, col. 1.

2. *Hull Asks Nations to Affirm the Charter*, N.Y. Times, June 27, 1945, at 10, col. 1.

3. 91 CONG. REC. 7953 (1945).

4. 91 CONG. REC. 7299 (1945).

wards a golden age of freedom, justice, peace, and social well-being . . . .”<sup>5</sup>

Superlatives were thicker than lobbyists on Capitol Hill. Even in the privacy of the closed sessions of the Senate Foreign Relations Committee, Senator Walter George opined that the Charter was “perhaps the most important foreign policy step that this Nation has taken in all of its whole history”<sup>6</sup> and Senator John L. McClellan of Arkansas called it “the most momentous document ever produced by man.”<sup>7</sup> Senator Alben Barkley, soon to become Vice President, thought it would “take its place alongside the Magna Carta, the Declaration of Independence, the Constitution of the United States, Lincoln’s Gettysburg Address and his Second Inaugural Address as one of the great documents of human history.”<sup>8</sup> The few skeptics were labelled “peace criminals”<sup>9</sup> by Senator Francis J. Myers of Pennsylvania.

### III. EFFECTS OF THE RATIFICATION CAMPAIGN ON U.S. PERCEPTIONS

In general, the effects of the campaign to ensure U.S. participation in the U.N. created a false baseline of expectations against which the subsequent performance of the organization inevitably was measured and found wanting. In particular, that campaign generated some very specific and unrealistic perceptions.

Throughout the campaign for ratification, the Charter was presented to the American public as a natural outgrowth of the U.S. Constitution and the U.N. itself as the next phase in a higher federalism that emulated and drew upon our constitutional history. Secretary of State Edward R. Stettinius, Jr. spoke of the Security Council, the General Assembly, the Economic and Social Council and the International Court of Justice as “vines and trees” transplanted from our soil to “unfamiliar environments” where they would flourish, even if it had been necessary “to cut them back and prune them” for their journey from “the world of individual and group relations to the world of international relations . . . .”<sup>10</sup> President Truman, speaking to the San Francisco Conference, said that the U.S. Constitution “came from a Convention which — like this one — was made up of delegates with many different views. Like this Charter, our Constitution came from a free and sometimes bitter exchange of conflicting opinions. When it was adopted, no one regarded it as a perfect document. But it grew and developed, and expanded and upon it there

5. *Id.* at 7299-7300.

6. The Charter of the U.N., Hearings before the Senate Committee on Foreign Relations, minutes of the Exec. Sess., (July 29, 1981) (unpublished manuscript) (available in the National Archives, Washington, D.C.).

7. 91 CONG. REC. 8082 (1945).

8. *Id.* at 7969.

9. *Id.* at 8105.

10. *Summary of Report on Results of the San Francisco Conference*, 13 DEP’T. ST. BULL. 77 (1945).

was built a bigger, a better, a more perfect union. This Charter, like our own Constitution, will be expanded and improved as time goes on."<sup>11</sup>

Senator Connally promised that what we were joining was "an agency of tremendous influence and power" which states had "invested with authority, if necessary, to preserve and restore international peace. . . a star in the night . . . a gleaming beacon . . ." <sup>12</sup> Senator Warren Austin of Vermont, soon to become the chief U.S. delegate to the U.N., thought that the General Assembly had been given "jurisdiction over the general welfare of the peoples of the earth."<sup>13</sup>

Inflated expectations, when they are inevitably disappointed, tend to turn to backlash. The problem is endemic to our system of government. To secure Congressional support for a new venture, if it is too often touted as the complete answer to a bale of disparate, complex, and perhaps, essentially insoluble problems. In modern political public relations terms, it will not do to present a program as a "mere amelioration", "better than nothing", or "the least of evils". It must be oversold to have a chance in Congress. The public demands elixirs; the system is geared to provide them. Yet, the very technique of overselling, needed to ensure that the proposal gets a chance at life, also ensures that it will ultimately be judged a failure and, perhaps, even be repealed.

#### IV. THE REALITIES OF THE U.N. DISPUTE RESOLUTION PROCESS

##### A. *Impossibility of Multilateral Agreement*

It did not take long to learn that the crucial dispute settlement and collective security machinery of the U.N. could not work in the absence of Big Power unanimity, a condition which, in practice, could almost never be met after San Francisco.

On January 19, 1946, the Shah of Iran complained to the Security Council about the continued presence and role of Soviet troops in the Province of Azerbaijan.<sup>14</sup> It was the U.N.'s first major crisis; and demonstrated, right from the start, the severe limitations under which the organization operates when it is drawn into a dispute between the superpowers, each of which can block action by the Security Council — the only organ empowered to take action in such crises.

This should have been expected by anyone reading the Charter or following the turbulent behind-the-scenes negotiations at San Francisco, where in such matters as its claim to multiple memberships in the organization, and its handling of Polish Representation, the Kremlin had made it clear that it would not accept the authority of international agencies in matters of national security or other important self-interests. However,

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11. *Id.* at 3.

12. 91 CONG. REC. 6878 (1945).

13. *Id.* at 8060.

14. U.N. SCOR Supp. (No. 1) at 16, U.N. Doc. S/1 (1946).

U.S. leaders had steadfastly denied this. Asked what would happen if a permanent member vetoed action in the face of aggression, Secretary of State Stettinius had answered that "we should not be too deeply concerned with the kind of question Franklin Roosevelt always characterized as 'iffy'."<sup>15</sup> Instead, testifying before the Senate, he said, "I believe the five major nations proved at San Francisco beyond the shadow of a doubt that they can work successfully and in unity with each other and with the other United Nations under this Charter."<sup>16</sup>

### B. *Institutional Engineering by the United States*

The campaign to transfer dispute settlement to the Assembly began with the international crisis growing out of the Greek civil war. In December, 1946, Athens complained to the U.N. that its northern neighbors were supporting Greek Leftist guerillas. The Security Council was quickly deadlocked and Washington decided to seek collective action through the General Assembly, where the Soviets could not veto and the U.S. would be able to count on almost an automatic majority. Thus, ten days after the inconclusive Security Council debate on the Commission's report, the U.S. brought the question to the Assembly. On October 21, 1947, that body overwhelmingly voted to set up the United Nations Special Committee on the Balkans (UNSCOB).<sup>17</sup>

This had consequences that reached beyond the immediate crisis. The Assembly, conceived as a global town meeting, was suddenly propelled into the business of peace-making and conflict management. It was a fateful tactical choice, for we had now demonstrated how the Assembly could be used in disputes between members, and that it could influence their outcomes.

The Assembly, over strenuous Communist opposition, proclaimed an embargo on aid to the Leftists in Greece and authorized UNSCOB to "observe compliance", which it did by reporting "large scale" violations by the governments of Albania, Bulgaria, and Yugoslavia.<sup>18</sup> The Assembly then passed further resolutions calling on those members to desist.<sup>19</sup> It also billed all members for UNSCOB's expenses, much to the annoyance of those who voted against it. UNSCOB continued in its observer role until December, 1951.

If UNSCOB did not have a profound effect on the Greek civil war, it did have an effect on the Charter. It was a precedent for the right of the Assembly to assume the Security Council's responsibility for settling disputes, conducting investigations and fact-finding, as well as monitoring

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15. *Report on the San Francisco Conference*, 12 DEP'T. ST. BULL. 1007, 1010 (1945).

16. *The Charter of the United Nations: Hearings before the Senate Comm. on Foreign Relations*, 79th Cong., 1st. Sess. 49 (1945) [hereinafter cited as *Senate Hearings*].

17. G.A. Res. 109(II), U.N. Doc. A/519, at 461-62 (1947).

18. G.A. Res. 193(II), U.N. Doc. A/810 (1948).

19. *Id.*, at ¶ 3.

compliance.

This shift of power from Council to Assembly proceeded apace during the Korean War. When North Korea invaded South Korea on June 25, 1950, the Soviet Union happened to be boycotting the Security Council in protest against the failure to seat the representative of Peking. This fluke made it possible for the council to authorize the first and only U.N. collective security operation,<sup>20</sup> after the U.S. had succeeded in getting it not to count the Soviet absence as a veto (more "engineering"). However, by the end of that summer the Soviets had returned to the Council, just about the time (September) when General Douglas MacArthur's U.N. forces began advancing rapidly across the old boundary between the Koreas. This meant that the U.N. command needed new instructions, but with the Soviets back, the Council was paralyzed. To overcome that problem, Dean Acheson — now Secretary of State — had the General Assembly take over the Council's role. On October 7, 1950 it passed a resolution which, in effect, authorized MacArthur to pursue the retreating North Korean army into its own territory.<sup>21</sup>

Empowering the Assembly to do this had far-reaching implications for the distribution of functions and powers within the U.N. Secretary-General Trygve Lie declared himself elated. "This was Korea, not Manchuria," he wrote, "this was the United Nations, not the League of Nations."<sup>22</sup>

With Lie's support, the U.S. next persuaded the Assembly to establish simplified procedures for convening that body to do most of the things the Charter had assigned to the Council whenever the Council was deadlocked by a veto. This procedure became known as "Uniting For Peace".<sup>23</sup> In proposing it to the Assembly, our Ambassador, Benjamin Cohen, actually said that the U.N. should follow the U.S. Supreme Court's practice of construing the Constitution flexibly, allowing the system to invent new ways of overcoming unanticipated difficulties without formal amendment of the basic compact. To the mystified delegates he cited our Court's decision in *McCulloch v. Maryland*, in which additional "implied powers" of the federal government were inferred from those enumerated in the Constitution.<sup>24</sup>

The British were strongly, if privately, opposed to Uniting For Peace, warning that a future third world majority would take advantage of it to undercut the veto at a time when the West might need it.<sup>25</sup> Some Ameri-

20. 5 U.N. SCOR (473rd mtg.) at 18, U.N. Doc. S/1511 (1950).

21. G.A. Res. 376(V), 5 U.N. GAOR, U. N. Doc. A/1434 (1950).

22. T. LIE, IN THE CAUSE OF PEACE 345-46 (1954).

23. G.A. Res. 377A(V), 5 U.N. GAOR, U.N. Doc. A/1481 (1950).

24. B. COHEN, THE UNITED NATIONS; CONSTITUTIONAL DEVELOPMENTS, GROWTH, POSSIBILITIES 18-19 (1961).

25. The British Government, under severe pressure to support the Acheson Plan — which they eventually felt compelled to do — told U.S. Ambassador Lewis Douglas, in London, that "safeguards provided by [the] veto are useful since at some future date [the]

cans, like Dean Acheson, saw no problem because they did not take the U.N. seriously in the first place. Others foresaw the dawn of a brave new era.

McGeorge Bundy, as editor of the Acheson papers, expressed the view that *Uniting For Peace* was "certainly the most important development in the application of the Charter since it was signed in San Francisco in 1945 . . . . [T]he basic authority of the United Nations in organizing collective action against aggression now rests with any two-thirds of its members. This is a measure of the degree to which the United States Government is prepared to entrust itself to the weight of the indefinable but important force called world opinion."<sup>26</sup> The editors of *The New York Times* agreed. They rejoiced that the Assembly was not to be "the principal organ of this world organization" and would "assume executive functions that previously were "supposed to be left to the Security Council . . . ." By passing the resolution, the U.N. had reached a "turning point as an instrument for the suppression of aggression . . . ."<sup>27</sup>

The U.S. next used *Uniting For Peace* in 1956 during the Mid-East War, again bypassing the Council in favor of the Assembly. It was the Assembly which ordered a cease-fire and created the U.N. Emergency Force to patrol it.<sup>28</sup> In 1960, when the Congo crisis compelled the U.N. to intervene, we once more led the way around a dead-locked Security Council to the Assembly. Thereafter, when France and the Soviet Union refused to pay their assessed share of the large costs of those operations, the United States persuaded the General Assembly to obtain an advisory opinion from the International Court of Justice which held that countries opposed to an action in the General Assembly were nevertheless obliged to pay their share of the cost.<sup>29</sup> Even in 1963, there were those in the State Department who warned that the Court's advice was not in the long-term interest of the U.S., but we were still in our institutional engineering period and the cautions went unheeded.

While creatively engineering the transfer of power from the Council to the Assembly, the U.S. was also trying to whittle away at the veto. In September of 1959, the Government of Laos requested the sending of a U.N. emergency force to "halt aggression" by North Vietnam. When the Council met to consider this request, the U.S. proposed to send a fact-finding committee to investigate. A vote was taken, producing the then-

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U.K. might need [the] veto to protect [its] own basic interests" against the potential "irresponsibility" of the General Assembly. DEPT OF STATE, FOREIGN RELATIONS OF THE UNITED STATES 323, 320, 330 (1976).

26. THE PATTERN OF RESPONSIBILITY 256 (M. Bundy, ed. 1952).

27. *Turning Point for the U.N.*, N.Y. Times, Oct. 20, 1950, at 26, col. 2.

28. G.A. Res. 997(ES-1), 10 U.N. GAOR (562nd plen. mtg.), U.N. Doc. A/3256 (1956); G.A. Res. 1000 (ES-1), 10 U.N. GAOR (565th plen. mtg.), U.N. Doc. A/3290 (1956); G.A. Res. 1001(ES-1), 10 U.N. GOAR (567th plen. mtg.), U.N. Doc. A/3308 (1956).

29. G.A. Res. 1731(XVI), 16 U.N. GAOR, U.N. Doc. A/5062 (1961); *Certain Expenses of the United Nations*, 1962 I.C.J. 163 (Advisory Opinion of July 20, 1962).

customary majority for the Western proposal, but with the Soviets opposed. Moscow's representative thought he had cast a veto. However, the presiding officer (Italy's Ortona) ruled that the creating of a sub-committee was a procedural decision and thus not subject to the veto. This tactic, the result of a prior agreement between the U.S. and Italian delegates, created a potentially important loophole in the permanent members' veto power; one to which, incidentally, Secretary-General Hammarskjold was strongly opposed.<sup>30</sup> Precedent by precedent, we were creating a U.N. which would make a great deal of trouble for us once we lost control of it.<sup>31</sup>

Two more instances will illustrate the "engineering" proclivity of this period. One concerns our campaign to win a second term for Secretary-General Trygve Lie, whose stout support for the U.N. action in Korea had earned him the enmity of the Soviet Union. When Moscow announced that it would veto his re-election, the U.S. first replied that it would veto anyone else. Then, after the Security Council was deadlocked, we used our majority in the General Assembly to pass a resolution "extending" Lie's term of office for a further five years,<sup>32</sup> a maneuver certainly not sanctioned by the Charter. The second instance of our creative engineering occurred after the Soviet invasion of Hungary in 1956, when, as a symbolic show of disapproval, we persuaded the Assembly to refuse to accept the credentials of the Assembly delegates sent by the Kadar regime installed by the Soviets. Again, we did not seem to count the long-term costs of setting this precedent, which is now used annually in efforts to reject the credentials of the Israeli delegates.

## V. U.S. RESPONSES TO PERCEIVED U.N. INADEQUACIES

### A. *U.S. Abrogation of U.N. Policies and Rules*

For as long as the United States could count on the support of a majority of members in the principal organs of the U.N., it was relatively easy for us to play by the rules, especially as we could use that majority to interpret the rules, or change them to suit our purposes. By the mid-fifties, however, we could no longer count on this automatic majority; and, gradually emulating our adversaries, we began to violate those rules which did not suit our purpose, thereby alienating us from the organization and undermining our moral authority.

In June, 1954, the CIA, in cooperation with neighboring Honduras and Nicaragua, mobilized and equipped an army of exiles to overthrow the Leftist Guatemalan government of President Arbenz Guzman. When

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30. For an interesting discussion of this event, and Secretary General Dag Hammarskjold's disapproval of the tactic, see B. URQUHART, *HAMMARSKJOLD* 344-45 (1972).

31. See generally T. FRANCK, *NATION AGAINST NATION: WHAT HAPPENED TO THE U.N. DREAM AND WHAT THE U.S. CAN DO ABOUT IT* (1985).

32. G.A. Res. 492(V), 5 U.N. GAOR(V) (298th plen. mtg.) at 289, U.N. Doc. A/1475 (1950). The resolution was adopted by a vote of 46 to 5, with 8 abstentions.

Guatemala complained to the Security Council,<sup>33</sup> Washington denied any involvement and expressed indignation at the charge. We insisted that the Council not take up the Guatemalan complaint, but that it seek mediation in the Organization of American States. The U.S.-led majority was easily able to prevent the U.N. from responding affirmatively to the Guatemalan plea for an on-site investigation of what was happening. Just before Guatemala was finally overrun it was Ambassador Lodge, at that time presiding over the Council, who succeeded with our allies in getting the Council to adjourn without adopting an agenda or hearing the Guatemalan complaint.<sup>34</sup> This was clearly a distortion of the intent of the drafters of the Charter. Shortly after San Francisco, U.S. Delegate John Foster Dulles had stated that the U.N. would be "given the first opportunity to maintain peace everywhere, using presumably regional organizations; which it is invited to do, but not absolutely compelled to do."<sup>35</sup> Secretary of State Stettinius had told the Council in January, 1946, in connection with Iran's complaint against the Soviets, that "the United States Government believes that any member country of the United Nations which makes a complaint has a right to be heard at this table."<sup>36</sup> What we did to the Charter in 1954 undoubtedly made it easier and cheaper in terms of public opinion costs for the U.S.S.R. to invade Hungary in 1956, using the same arguments about the primacy of regional organizations (in this case the Warsaw Pact).

The tendency to cheat on the rules had surfaced in other instances in which the U.S. has used covert, or even overt, force against another state in violation of Articles 2(4) and 51 of the Charter. Of course we are neither the only, nor the worst, cheater. Cheating has become quite respectable nowadays. As many as can, do. We are not the only ones to be disillusioned.

That sad reality requires some rethinking on our part. Should the U.S. now try to raise the standard of compliance by upgrading its own performance — "cleaning up our act" — or should it openly embrace the venal ways now so prevalent, practicing them with less guilt and more skill? In the area of human rights, for example, should we join the U.N. majority to criticize and discomfit Chile's Pinochet regime for its failure to live up to international human rights standards, even though the Assembly's majority blocks criticism of Poland's Pinochet-lookalike, General Jaruzelski? Since the advent of the Reagan Administration, the U.S. has focused on the "double standard" and declared itself unwilling to join the censure of Chile as long as the transgressions of General Jaruzelski go unnoticed. Theo VanBoven, when Director of the U.N.'s Human Rights

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33. Cablegram dated 19 June, 1954 from Min. Ext. Rel. of Guat. to Pres. of Sec. Council. U.N. Doc. S/3232 (1954) at 1. For a full account of "the American coup in Guatemala," see S. SCHLESINGER & S. KINZER, *BITTER FRUIT* (1982).

34. 9 U.N. SCOR (675-76th mtg.) at 32, 34, U.N. Doc. S/3236/Rev. 1 (1954).

35. *Senate Hearings*, *supra* note 16, at 474.

36. U.N. SCOR SUPP. (No. 1) at 18, U.N. Doc S/1 (1946).

Division, criticized this. "I find it unacceptable," he said, "that a situation of gross violations of human rights in any country should not be discussed, or action taken thereon, simply because other situations have not been taken up as well."<sup>37</sup> The Reagan Administration, however, now has taken the position that if others are allowed to cheat, we will no longer play by the rules that are not enforced. That approach, although not without logical or tactical merit, is subject to the reply that we were among the first to fiddle with the rules; and, when that became impossible, to cheat on them.

#### B. *Withdrawal From the U.N. System by the U.S.*

Outright repudiation of the rules, and of the whole U.N. system, is the most recent response of our failure to get the organization we were led to expect and which we expected to lead. This has generated a growing withdrawal syndrome. As Senator Steven Symms of Idaho explained, "[t]axpayers are sick and tired of playing host to our enemies and critics abroad."<sup>38</sup>

The "withdrawal" mode of response is of quite recent origins and poses the most serious tactical questions. We withdrew from the International Labour Organization in the era of the Carter Administration, but then returned. We have announced our intention to withdraw from UNESCO, and already selectively do not participate in some organs of the General Assembly, such as the Committee of Twenty-Four (on "colonialism"), the Special Committee on the Inalienable Rights of the Palestinian People, and in such Assembly-convened activities as the 1983 Conference on Palestine and, perhaps most significantly, the institution being established to administer the treaty on the Law of the Sea. We have also tended to distance ourselves from international efforts to stabilize commodity prices through production quotas or price support systems, and from aspects of the program for world population control.

The "withdrawal" mode is activated by different degrees of fear and antagonism towards international organizations. First, there is the antagonism directed towards a particular organization, such as UNESCO, because of the way it operates. Second, there is antagonism towards some institutions — the sea law authority, for one — because their activities are ideologically incompatible with the dominant philosophy of the United States Government. Third, and most significant, is a discernible tendency to reject, for tactical reasons, all multilateralism.

Examples of the last-mentioned predilection abound of late. Although Nicaragua has frequently used the Security Council to indict the U.S. for interference in its internal conflicts, the U.S. has refused to recip-

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37. Address at opening of 38th Sess. of Comm. on Human Rights, Geneva, 1 Feb. 1982, reprinted in T. VON BOVEN, *PEOPLE MATTER: VIEWS ON INTERNATIONAL HUMAN RIGHTS POLICY* 83 (1982).

38. *Senate Votes to Cut Contribution to U.N.*, N.Y. Times, Sept. 23, 1983, at A7, col. 1.

rocate with an indictment by the U.S. and El Salvador of Nicaragua's interference in the Salvadoran civil war, on the ground that we should take as few initiatives in the Council as possible. The same general mood was evident when the U.S. withdrew its agreement to the jurisdiction of the International Court of Justice, in order to avoid having to face Nicaragua there, and later refused to participate in the "merits" phase of the Court proceedings.

Another indication of the new, general skepticism towards all multi-lateral forums is the refusal of the U.S. to try to use U.N. peacekeeping machinery — one of the few things at the U.N. that works — during the 1982 Beirut crisis. Although the PLO and, reluctantly, the Soviet Union were prepared to have the Council authorize a U.N. force, or an enlargement of the existing UNIFIL force in southern Lebanon, to supervise the departure of the Palestinians from Beirut, this option was not really pursued. Admittedly, the Israelis expressed reservations about the impartiality of a U.N. contingent, and the Christian-led Lebanese Government preferred to accept French, Italian and U.S. contingents with British support. Nevertheless, a U.N. presence clearly could have been established had the chief U.S. delegate pressed for it. She did not, because she believed the U.N. to be the inferior instrument.

The non-U.N. alternative, however, did not prove to be any bargain. The U.S.-French-Italian force left too quickly, then returned after the Shatila Camp massacre with an uncertain mission. Once it encountered resistance from elements of the population, it was quickly shown to have a fragile political and military foundation. Its composition virtually guaranteed the accelerated intrusion of the cold war. A neutral force, established by the Security Council and underwritten by all one hundred fifty-nine U.N. members, would probably have fared better and could scarcely have done worse.

This may simply illustrate that a realistic skepticism towards the U.N.'s capabilities, while perhaps a healthy antidote to earlier illusions and unwarranted optimism, can create new dangers to the national interest if indulged to excess. It is not necessarily true that the organization is capable of doing nothing that accords with the national interest of the United States.

## VI. CONCLUSION

That the U.S. responses to the U.N. have come primarily in the form of exaggerated reactive tendencies may evince an insufficiently clear vision of America's long term global interests and commitments. In the future, however, the severity of our reactive "swings and roundabouts," the intensities of our mercurial tendencies, could cause us to catapult right out of the established international political system. That has become a distinct, immediate possibility. It must not happen. The U.N. would not cease to exist if we were to leave it. Rather, it would become a greater danger to our national interests. What we need is a strategy for being

more effective within the principal organs. We need to identify a few salient, long-term goals that are rooted deep in our national history and conscience. Then, we should carefully plan a few skirmishes, each year, which, if won, would advance us along the road to those goals. Finally, we should commit to victory in those designated skirmishes all the resources and strategies — the educating, wheeling, dealing, arm-twisting — that befit a nation in which politics is the national art form.