

Bush-whacked: Has the U.S. disabled the UN?

by [Douglas Cassel](#) in the [April 19, 2003](#) issue

In little more than half a century international law and institutions grew from embryonic dreams into strapping adolescents. But now they stagger under an all-American punch.

In the ashes of World War II, the U.S., towering above its defeated enemies and battered allies, might have chosen to impose a unilateral Pax Americana. But Americans knew the burdens of war. Led by Harry Truman, Americans made three wise choices.

First, we opted to create a multilateral organization rather than rely on our own military superiority to keep the peace. Second, partly to ensure that others in the UN shared the burdens of global security, we helped Europe and Japan to rebuild. And third, we endowed the UN with an executive committee—the Security Council—responsible for international peace and security.

In designing the Security Council, American diplomats tried to balance two conflicting goals: they wanted the council to be potent enough to act where the League of Nations had failed, but not inclined to deploy military force in cases where America objected. Their solution gave the council exclusive authority to enforce international peace and security. Individual nations cannot use force, except in self-defense against actual or imminent attack.

But Security Council power is not unconstrained. Each of its five permanent members (the U.S., Russia, Britain, France and China) was given veto power.

During the cold war, this arrangement produced a stalemate. Either side could veto the use of force against its allies. The UN was generally stymied. With few exceptions, war and peace were decided not in New York, but in Washington and Moscow.

The end of the cold war brought the Security Council back to life. Vetoes were far fewer. The council authorized military action in Iraq, Yugoslavia and Haiti. It created international criminal courts for Yugoslavia and Rwanda. While still prone to inaction—the U.S. blocked military intervention against genocide in Rwanda, while China blocked an international criminal court for Cambodia—the UN began to show both promise and achievement.

The UN was also instrumental in developing norms and institutions to protect human rights. Nearly all UN members are now party to one or more major human rights treaties. Well over half accept procedures under which victims can complain to UN committees empowered to find facts, declare governments in violation and recommend remedies.

In Europe, internationalism has gone much further. From Iceland to Russia, all 44 nations of the Council of Europe accept the jurisdiction of the European Court of Human Rights. Similarly, all Latin American nations (except Cuba) accept the binding jurisdiction of the Inter-American Court of Human Rights. Violations remain commonplace, but progress is evident.

Many nations see this growth of international law and institutions as consistent with their interests. Few have the power unilaterally to keep peace or protect human rights elsewhere. Collective security is essential for peace, and collective action for human rights.

Some governments resist the development of internationalist institutions. But communications technology and proliferating global networks of advocacy make it ever harder to swim against the internationalist tide. Although governments still go their own way when vital national or political interests are at stake, they often go with the internationalist flow. How else to explain that nearly half the nations of the world have joined the International Criminal Court, voluntarily subjecting their leaders and soldiers to potential prosecution?

Some nations remain powerful enough to buck the trends. No one can make China, India, Japan, Saudi Arabia or Nigeria sign an unwanted human rights treaty. Probably no one can hold Russia to account for atrocities in Chechnya.

And one nation possesses unparalleled potency. The U.S. military budget already exceeds (or soon will) that of the entire rest of the world. Its economy is twice the size of its nearest rival. Its diplomacy, while not invincible, wields far more leverage

than that of any other nation.

After the cold war, the U.S. again faced the choice that confronted Harry Truman: Are American interests and values best served by unilateral exercise of our immense power? Or by sharing responsibility through multilateral institutions, thereby lightening our load, though also limiting our control?

At first U.S. policy was consistent with Truman's choice. We had not yet recovered from our military humiliation in Vietnam. We were not accustomed to finding ourselves alone and unchecked atop the world. And we were led by an internationalist Republican (George H. W. Bush), followed by the multilateralist Bill Clinton.

Clinton's commitment to the Security Council was not absolute, however. An open split came in 1999, when the council's authority appeared to collide with concerns for human rights. Slobodan Milosevic in Yugoslavia was tightening repression of Kosovar Albanians. His security forces harassed and massacred civilians, prompting thousands to flee their homes. Milosevic seemed bent on ethnic cleansing or worse.

When diplomacy failed to resolve the crisis, and Washington considered military intervention necessary, it was clear that at least Russia would veto any Security Council authorization of force. Clinton responded by enlisting NATO, bypassing the UN.

Most governments and international lawyers saw the NATO intervention (largely a U.S. intervention in NATO garb) as a violation of the UN Charter. Some argued that it was an exception as a "humanitarian intervention." Others, torn between human rights and the charter, called it "unlawful but legitimate."

Led by France, several European governments stressed that the intervention in Kosovo was an exception, not a precedent. Even Clinton argued only for a right of humanitarian intervention and did not question the overall authority of the Security Council. Still, in a clash between U.S. policy and the UN Charter—between using unilateral power and following multilateral constraints—America chose to go its own way.

Then came September 11, 2001, and the decision by the Bush administration to press for regime change in Iraq. Most top Bush administration officials despise the UN and show open contempt for lesser nations. Pressed by Prime Minister Tony Blair

of Great Britain and Secretary of State Colin Powell, Bush agreed to seek UN authorization for war in Iraq, but he warned the UN either to agree to his demand or to become “irrelevant, like the League of Nations.” When in the end the U.S. could not count on a majority in the Security Council, and France and Russia promised to veto any war resolution, Bush and Blair launched their invasion. No one, said Bush, could stop him from protecting American security as he saw fit.

Despite a few fig leaves hung out to justify the war under the UN Charter, the truth was transparent: George Bush will use force when he thinks best. If the UN agrees, fine, come along for the ride. If not, get lost.

This breach is celebrated by Richard Perle, until recently chair of the Pentagon’s Defense Policy Board. In a published commentary, he says of the UN role in international peace and security: good riddance. The UN can continue to exist, but it will be relegated to handing out rice to refugees and other such charitable assignments. War and peace, in Perle’s view, must be decided by Washington. Legitimacy comes from power, not law. Multilateralism is a “liberal illusion.”

Will the 21st century realize the vision of Richard Perle or of Harry Truman? It is too soon to tell. The Bush-whacking of the UN could well prove to be a crippling blow. On the other hand, there are reasons to hope that the gains achieved since 1945 will not be eliminated. Even the U.S., with all its power, may find going it alone too costly and risky. President Bush has asked that the issue of nuclear proliferation in North Korea be referred to the Security Council. A strong UN role is supported by most governments and by civil society nearly everywhere.

But history does not make itself. Those who think Truman got it right had better let their voices be heard.