CHAPTER 9

Global Security Efforts: International Organizations, Law, and Ethics

In addition to efforts by states to negotiate, build alliances, and engage in arms control, there are more global or collective attempts to address international conflict and security issues. International organizations such as the United Nations have been formed to coordinate efforts to maintain peace, and international law attempts to establish the rights of state and nonstate actors in global politics. Ideas about what is right and wrong (international ethics) and what is expected (international norms) also serve to govern state behavior and to avoid, or at least regulate, international conflict.

International Organizations and Collective Security

International organizations, with permanent structures, membership, and procedures, are one way states have tried to institutionalize diplomacy and collective efforts for peace. The theory of liberalism (see Chapter 1) stresses the importance of international institutions in global politics as arenas for communication, diplomatic bargaining, and an alternative to conflict.

Early Attempts to Organize for International Security

The first serious attempt to establish continuing international institutions to deal with threats to peace was made in the aftermath of the Napoleonic Wars at the beginning of the nineteenth century. The Congress of Vienna (1815), a meeting attended only by the major powers, dealt with several unsettled political problems; states agreed to periodic consultations that became known as the Concert of Europe. This agreement led to a series of international meetings in the next decade that were unprecedented because they occurred during times of peace. But the grand coalition that served as the basis for the concert was prone to disunity. Although the concert did successfully establish the precedent of peacetime consultations, after the first decade of its existence it met only in the aftermath of wars to arrange settlements.

International peace conferences at the Hague in 1899 and 1907 were meant to deal more directly with the threat of war by decreasing armament levels. They failed. Still, they began an important trend toward a democracy of sorts in international diplomacy, because for the first time at such conferences, small states were invited and thus given a voice. Only twenty-six states attended the 1899 conference, but forty-four sent delegations to the 1907 meeting. The latter meeting might be considered the precedent for the establishment of institutions such as the General Assemblies of the League of Nations and the United Nations.

Collective Security: Principles and Prerequisites

The next Hague conference was scheduled for 1915. It was not held, for obvious reasons, but the process leading to the outbreak of the First World

War convinced many leaders that a permanent international organization needed to be established. In retrospect, many political leaders and scholars concluded that the First World War had occurred because the decision makers involved had lost control of a situation that none of them wanted to see culminate in a war. If, according to this reasoning, there had been a chance to talk things out, a cooling-off period, none of the conflicts that created the crisis would have proved insoluble. When designing the first major collective attempt at governance through an international institution, the League of Nations, they drew on the concept of **collective security,** which can be defined briefly as the idea that "aggressive and unlawful use of force by any nation against any nation will be met by the combined force of all other nations".[1] Collective security arrangements attempt to safeguard the collective interest of all states against the narrow self-interest of one state that might profit from aggression by inhibiting war through the threat of collective action.

collective security
Idea that aggressive use of force by any state will be met by combined force of all other states.

There are several logical and theoretical requirements for a successful collective security system.[2] For example, if any state that uses force aggressively is to be opposed by the combined force of all other nations, there must be some universally agreed definition of aggression. Otherwise it will be impossible for the world community to agree when the time has come to impose sanctions. There must also be an international institution that can make authoritative decisions about disputes and designate aggressors. As well, there must be an institution or authoritative process for allocating the costs of resisting aggression. The states of the world must be so committed to peace and so loyal to the world community that they will be willing to forsake their own short-range interests by imposing sanctions against states that are involved in disputes of no immediate concern to them. Also, if the collective security ideal is to be upheld, the members of a collective security organization must be willing to give up the right to fight to change the status quo and to fight against any state *not* willing to give up that right. Alliances are, strictly speaking, logically incompatible with the collective security ideal. That ideal implies a willingness by all states to oppose *any* state committing aggression, whereas alliances involve precommitments to avoid military action against certain states. Finally, if collective security is to preserve peace, there should be a diffusion of power in the international system so that one or two very powerful states cannot withstand the threat of force by the world community.

Just listing some of the logical requirements for a successful collective security system reveals why the League of Nations and the United Nations experienced difficulty maintaining such a system. There is no universally accepted definition of *aggression.* International lawyers have been trying to devise one for more than fifty years. Although the UN General Assembly adopted resolutions in 1969 and 1974 including such a definition,[3] agreement on this definition or, one suspects, on any other is virtually impossible to maintain when the time comes to apply it to

concrete cases. In short, "it is sometimes difficult in a crisis to determine who is the troublemaker and who is the victim."[4]

In addition, while political leaders are quite willing to make verbal commitments to the cause of world peace, their actions sometimes reveal that peace is second on their list of priorities, if not lower. Leaders are more firmly committed to national security, justice, democracy, national self-determination, or their own credibility. Commitment to the status quo is much less than universal, and several states are unwilling to give up the right to fight to change it. In fact, it might even be argued that aggression is not always a bad thing. "There are good reasons," for example, one analyst argues, "to applaud the 1979 Vietnamese invasion of Cambodia, since it drove the murderous Pol Pot from power."[5] Alliances, and the precommitments they involve, are widespread in the existing international system. Furthermore, even long-standing international friendships not formalized by alliances could cause problems for a collective security system.[6]

The League of Nations

The League of Nations was the first real experiment in collective security and experienced difficulties in applying collective security principles to state behavior and collective action. During the First World War, private societies advocating the establishment of the League sprang up in Britain, France, Italy, and the United States. U.S. President Woodrow Wilson included the creation of such an organization as one of his famous "Fourteen Points" for postwar peace outlined in an address to the U.S. Congress. The South African leader Jan Smuts published a pamphlet calling for the creation of the League, and it proved to be influential, perhaps because of good timing (it was published in the month between Wilson's arrival in Europe and the beginning of the peace conference).

The structure of the League was much like that outlined in Smuts's publication. Its three major organs were an assembly, a council, and a secretariat. The assembly consisted of delegations from all the member states, and its main duties involved the election of new members to the organization, debate and discussion of political and economic questions of international interest, and preparation of the annual budget. The council was dominated by the great powers, but it also contained nonpermanent members whose identity and number varied throughout the history of the League. Its most important duty was the resolution of international disputes, and to that end it had the power to advise the member states to institute sanctions against any state committing aggression. The secretariat was an international civil service that handled administrative details for the League and compiled information relevant to the various problems and issues with which the League was confronted.

Under Article 10 of the League's covenant, members pledged "to respect and preserve against external aggression the territorial integrity and

existing political independence of all Members of the League."[7] Despite this pledge, member states did not internalize the ideal of collective security:

> Members reestablished alliance systems and refused to take the necessary institutional actions to check aggression. The League was unable to reverse Japan's takeover of Manchuria; the Italian invasion of Abyssinia; the German remilitarization of the Rhineland and subsequent takeover of the Sudetenland; or the intervention by Italy, Germany, and the Soviet Union in the Spanish civil war. The gradual buildup of war machines proceeded apace, and the collapse of the fledgling collective-security system was complete with the German invasion of Poland in 1939. The League broke down and the international community headed down the road to World War II, although the formal dissolution of the League did not occur until 1946.[8]

Although the covenant provided for potentially effective economic and military sanctions against aggressors, it allowed each member to decide whether aggression had been committed and, if so, whether sanctions would be applied. These loopholes were not in the covenant as a result of oversight. The founders of the League insisted on them, and it seems unlikely that the absence of loopholes would have made any real difference to the behavior of the League's members. Even if the covenant's articles had mandated sanctions, it is unlikely that many states would have been inclined to apply them.

Much the same kind of argument can be made about the most notorious flaw in the structure of the League: the absence of the United States. This absence was brought about by President Wilson's unwillingness to consult and compromise with the U.S. Senate when the covenant was being drafted, by a bitter personal feud between Wilson and Senator Henry Cabot Lodge, and by widespread isolationist sentiment among a significant number of Americans. After the demise of the League and the ensuing world war, a powerful belief developed that the refusal of the United States to join the League was a crucial cause of its failure. If the United States had not shunned its duty, according to this argument, the League might have been powerful enough to withstand the aggressive policies of Japan, Italy, and Germany.

This thesis can be questioned. The desire of the United States in 1931 to avoid provoking Japan after it invaded Manchuria differed very little from Britain's desire to avoid undue provocation of Italy after it invaded Ethiopia in 1935. It is by no means certain whether membership in the League really would have induced the United States to adopt policies other than those it actually pursued in the Manchurian and Ethiopian crises.[9] In other words, it does not seem likely that mere formal membership in the League would have changed U.S. foreign policy very much. Given that the major threats to the League occurred when the United States

was in the throes of the Great Depression, it seems more likely that if the United States had been a member, it might have withdrawn from the League rather than energetically pursuing its obligations under the covenant. Nevertheless, the absence of the United States may have done much to damage the legitimacy and credibility of the League generally. With the United States present in the League, aggressive states might not have taken the action they did, and other states, such as Britain, might have reacted differently to provocations.

The League will always be most famous for its failures, but it was not a total failure. It set precedents, in the establishment of the secretariat and in the way the entire organization was structured, that provided valuable lessons for those who later established the United Nations. The League is well remembered for the disputes it did *not* settle, but it did play a role in resolving some conflicts, such as the one between Greece and Bulgaria in 1925.

The United Nations

True or not, the idea that the failure of the United States to enter the League was a terrible mistake that played a significant role in bringing about the Second World War became widely accepted in the United States. The best evidence is the energetic manner in which the U.S. government strove for the creation of the League's successor, the United Nations. By October 1943, the governments of the United States, Great Britain, the Soviet Union, and China had declared their firm intention to create an international security organization after the war. The intention was reaffirmed at several wartime meetings of the Allied coalition, and the final charter was hammered out at a meeting in San Francisco in the spring of 1945. The **UN Charter** was completed in June, and by July the U.S. Senate had approved it by a vote of eighty-nine to two. The contrast with the U.S. reaction to the League some twenty-five years earlier could hardly have been more stark. The distinction was made even sharper by the choice of New York City as the home of the new United Nations.

UN Charter Document that delineates purpose, rules, and institutions of the United Nations.

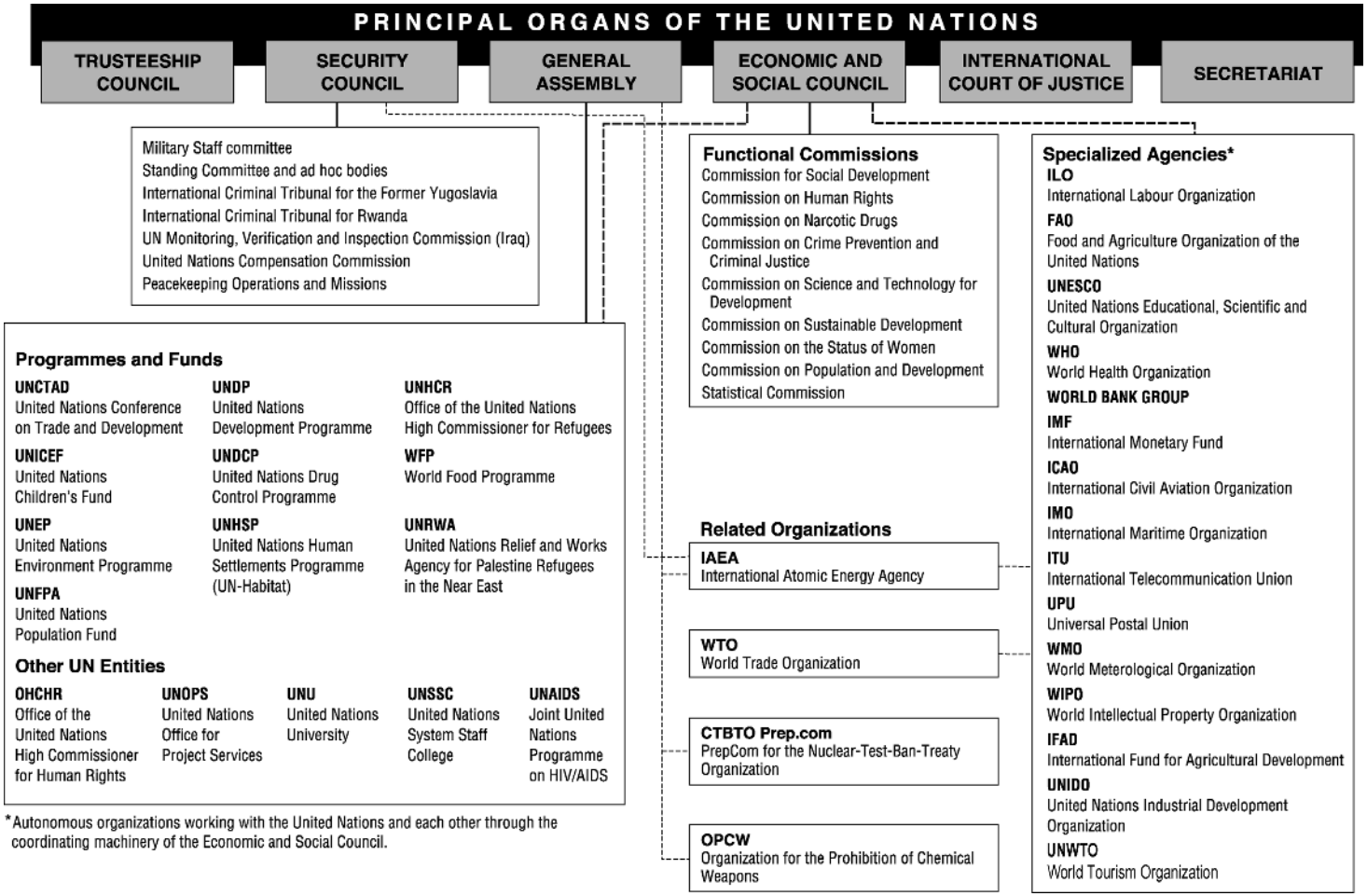
The structure of the United Nations shares many features with that of the League (see Figure 9.1). The **Security Council,** according to the charter, has the primary responsibility for international peace and security. The five permanent members—China, France, Great Britain, Russia, and the United States—have the power of veto in the Security Council. Ten nonpermanent members also serve on the Security Council and vote on resolutions, but they cannot veto. The **General Assembly** is composed of delegations from all the member states, which by 2006 numbered 192 (see Figure 9.2), and has three principal duties. It determines the budget of the organization and (along with the Security Council) selects the secretary-general, who is the administrative leader of the United Nations, and the members of the International Court of Justice and new members of the United Nations. The General Assembly also debates any topic within the scope of the charter. Finally, the **Secretariat,** headed by

Security Council UN institution responsible for international peace and security. It is composed of five permanent members with veto power and ten nonpermanent members.

General Assembly Institution in which all member states are equally represented.

Secretariat UN administrative-bureaucratic institution, headed by the secretary-general.

Figure 9.1 Organization of the United Nations



Source: Modified version of chart from United Nations Department of Public Information, March 2004. Online at http://www.un.org/aboutun/chart.html, accessed April 15, 2007.

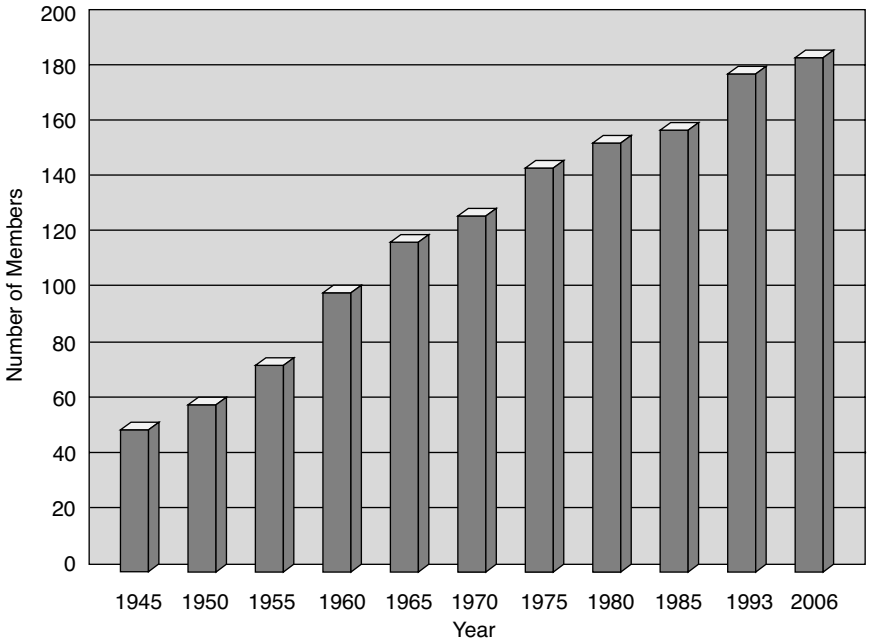


Figure 9.2 Membership in the United Nations, 1945–2006

Source: Based on Robert E. Riggs and Jack C. Plano, *The United Nations International Organization and World Politics,* 2nd ed. (Belmont, Calif.: Wadsworth, 1994), p. 46. Data for 1993 and 2006 supplied by the authors.

the secretary-general (currently Ban Ki-moon), serves as an international civil service charged with administering the organization. The secretary-general makes an annual report to the General Assembly and has the right to speak to it at any time, as well as to propose resolutions to the committees of the General Assembly. The secretary-general also has the authority to bring to the attention of the Security Council any matter that in his or her opinion threatens the maintenance of international peace and security.

International Court of Justice (World Court) UN-associated tribunal for settlement of disputes between states.

The **International Court of Justice (World Court),** composed of fifteen judges elected by the General Assembly and the Security Council, has the two-fold function of serving as a tribunal for the final settlement of disputes submitted to it by the parties and acting in an advisory capacity to the General Assembly, the Security Council, and other organs on questions of a legal nature that might be referred to it.[10] Decisions made by the court are binding, but no state can be brought before the court without its consent. "Some states have accepted the compulsory jurisdiction of the Court in advance under the Optional Clause of the Statute (Article 36), but because of a myriad of reservations and amendments, the general rule is that only those states that are willing to have their controversies adjudicated by the Court will be parties to cases before it."[11]

The United Nations was designed to protect, not challenge, states and state sovereignty. In fact, the United Nations legitimizes sovereignty in that states (not people, nations, regions, or other international actors) are members. In addition, the UN Charter was set up to protect state boundaries. Part of Article 2 of the UN Charter reads, "All members shall

refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." Chapter VII of the charter spells out the principle of collective security by stating that the Security Council "may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations." Also in Chapter VII, Article 43 of the UN Charter specifies how the member nations are to go about creating a military force for the organization: "All Members of the United Nations . . . undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security."

This arrangement, though, is not as airtight as it might appear. First, the military forces, which according to the charter are to be provided to the Security Council, have never materialized. Second, since every permanent member of the Security Council has the right to veto proposals before the council, it is virtually impossible to implement sanctions against one of the major powers. Indeed, the United Nations is a modified form of collective security since the veto power of the five permanent Security Council members means that collective action could never occur against one of these states. In effect, not all UN members stand equal risk of punishment for violating another state's borders.

The veto power, combined with the Cold War rivalry between the United States and the Soviet Union, has meant that the United Nations has not worked to ensure collective security for most of its history. During the Cold War, intervention of one state by another divided the two superpowers, and one or the other would veto Security Council action against its ally. During the first two decades of the existence of the United Nations, the United States never used its veto in the Security Council, whereas the Soviet Union vetoed proposals brought to that body 103 times. From 1966 to 1975, the United States used its veto power 12 times, and the Soviet Union vetoed 11 propositions. Between 1976 and 1985, the United States vetoed proposals brought before the Security Council 37 times, while the Soviets vetoed only 7 measures. And from 1986 to 1990, the United States exercised its veto power 23 times, while the Soviet Union never vetoed a single measure. For most of the post–World War II period, the United States and the former Soviet Union were so powerful that they could not be intimidated by any implicit or explicit threats made by the United Nations in the name of collective security. When the Soviets invaded Hungary in 1956, Czechoslovakia in 1968, and Afghanistan in 1979, and when the United States invaded the Dominican Republic in 1965, Grenada in 1983, and Panama in 1989, the United Nations could do little to deter the invasions, even if it had been able to come to some kind of nearly universal agreement on the culpability of either superpower.

In fact, Chapter VII of the UN Charter has been invoked only twice. The first time was in 1950, when North Korea invaded South Korea. Although the Soviet Union surely wanted to veto any action against North Korea, it was boycotting Security Council meetings (in protest of the seating of the Republic of China, or Taiwan, as the permanent representative of China instead of the People's Republic of China). UN coordinated collective action proceeded against the North. The Soviet Union learned its lesson and never missed a Security Council meeting again, exercising its veto (as did the United States) to protect its friends. It was not until the end of the Cold War that the five permanent members could agree on a Chapter VII resolution, this time condemning and coordinating action against Iraq for its invasion of Kuwait in 1990.

In one important way, the structure of the United Nations is better suited to the maintenance of collective security than was the League's. The UN Charter

> incorporates more elaborate and ambitious provisions for sanctions. Instead of requiring states to impose economic penalties if and when they unilaterally recognize the existence of aggression, and permitting them the exercise of voluntary participation in military sanctions, the Charter brings all enforcement activity under the aegis of the Security Council, conferring on that body the authority to identify the aggressor, to order members to engage in nonmilitary coercion, and itself to put into action the military forces presumably to be placed at its permanent disposal by members of the organization.[12]

Yet attempts by the United Nations to identify aggressors or targets of collective action have proved difficult. The International Court of Justice can hear only those cases willingly brought to it by both sides of the dispute. The Security Council, as noted, has been hamstrung by the veto any permanent member can impose. The General Assembly is large and unwieldy and, unlike the Security Council, does not have the authority to oblige states to carry out sanctions.

Peacekeeping as an Alternative to Collective Security

Exclusive concentration on UN difficulties in establishing a collective security system as envisioned by the writers of its charter might lead to an overly pessimistic conclusion regarding the organization's contribution to peace. The United Nations has at least partially filled the void created by the failure of its efforts to institute collective security with a technique known as **peacekeeping.** Although the UN Charter says nothing about peacekeeping, the technique was used repeatedly to deal with conflicts during the Cold War era that might otherwise have led to dangerous confrontations between the superpowers.

peacekeeping Troop deployment intended to halt armed conflict or prevent its recurrence in conflict areas.

The origins of peacekeeping can be traced to the earliest days of the United Nations from 1946 to 1949, when it sent small numbers of military personnel to monitor cease-fires and engage in fact-finding missions in the Balkans, Palestine, Indonesia, India, and Pakistan.[13] But the first major example of a peacekeeping force was created in response to a crisis in the Middle East. When Egyptian leader Gamal Abdel Nasser nationalized the Suez Canal in 1956, Great Britain, France, and Israel (each for its own reasons) joined in an attack on Egypt. Much to the surprise of those three states, the United States *and* the Soviet Union demanded that the attack be terminated immediately. Collective action against the attackers was impossible because France and Great Britain would veto any Chapter VII resolution in the Security Council. The two superpowers also cooperated in getting the General Assembly to pass resolutions calling for an end to the hostilities. To implement the resolutions (and to avoid the introduction of military forces from one or both of the superpowers), the General Assembly created the UN Emergency Force (UNEF). Made up of military forces from ten to twenty-four states at different times in its existence, none of which came from the five permanent members of the Security Council, it was stationed on the Egyptian-Israeli border until 1967. The importance of its contribution to peace in the area may be suggested by the fact that shortly after it was removed, war between Israel and Egypt ensued.[14]

Map: Middle East Events, Atlas page 59

Since 1956, the United Nations has used peacekeeping forces in a number of hot spots around the world. The primary goal of a peacekeeping operation (also called "blue helmets," for the color of the helmets and berets that peacekeeping soldiers wear) is to halt armed conflict or prevent its recurrence. It achieves this goal by acting as a physical barrier, a "thin blue line," between hostile parties and monitoring their military movements. Peacekeeping forces have been

> normally composed of troops from small or nonaligned states. . . . Lightly armed, these neutral troops were symbolically deployed between belligerents who had agreed to stop fighting; they rarely used force and then only in self-defense and as a last resort. Rather than being based on any military prowess, the influence of UN peacekeepers in this period resulted from the cooperation of belligerents mixed with the moral weight of the international community.[15]

A secondary purpose of peacekeeping is to create a stable environment for negotiations.[16] The United Nations sent a force to Lebanon (the UN Observer Group in Lebanon) in 1958, making it easier for the United States to withdraw the Marines it had sent into that country to support the pro-Western Lebanese regime of the time.

In 1960, the United Nations became rather deeply involved in the civil war that broke out in the Congo after Belgian colonial rule had ended. In this case, UN troops became directly involved in the fighting (as

UN peacekeeping forces, shown here in 2001, have been in Lebanon since 1958.
(Courtney Kealy/Getty Images)

they had not in the conflict between Egypt and Israel), and the undertaking became so controversial that the Soviet Union and France refused to pay their share of the expenses for this particular peacekeeping effort. Despite that setback and the financial and political crisis it created for the United Nations, peacekeeping missions have been organized quite often since the UN involvement in the Congo. UN troops were sent to Yemen in 1963, to Cyprus in 1964, and again to the Middle East in the wake of the Yom Kippur War in 1973 (troops from UNEF-II, or the second United Nations Emergency Force, were stationed in the Sinai and the Golan Heights) and after the invasion of Lebanon by Israel in 1978.[17]

After the creation of the United Nations Interim Force in Lebanon (UNIFIL), a decade passed before the United Nations mounted another peacekeeping mission.[18] By 1987, there were only five UN peacekeeping missions in the world, staffed by fewer than 10,000 troops at a cost of $250 million a year. Even as late as 1992, there were only 11,500 UN peacekeepers in the world. Then came an explosion of UN activity. By 1994, some 80,000 UN troops were involved in eighteen peacekeeping missions around the world at a cost of more than $3.3 billion.[19] Overall since the UN's inception, "well over 750,000 military and civilian police personnel and thousands of other civilians from 111 countries have served in UN peacekeeping operations."[20]

Although peacekeeping missions are not an attempt to resolve conflicts (and some missions have been in place for almost sixty years), most UN efforts in this area have been successful at creating buffers and keeping cease-fires. Indeed, one systematic study of over 350 cases of post–World War II peacekeeping concluded that "peacekeeping works, particularly after the Cold War when most of the attempts to keep peace after civil wars have been made. The presence of international personnel is not a silver bullet, of course, it does not guarantee lasting peace in every case, but it does tend to make peace more likely to last, and to last longer."[21] Peacekeeping is a rather tentative and piecemeal approach compared to the grander sweep of collective security. But it may be an especially important function for the United Nations to carry out in the contemporary era, when most conflicts are internal wars.

And until very recently, at least, the United Nations has not been equipped to implement collective security. Its reaction to the Iraqi annexation of Kuwait in August 1990 suggested that it may be possible for the organization to move beyond peacekeeping and institute a working

collective security system. That is essentially what President George H. W. Bush meant when he responded to that crisis by asserting that out of these troubled times, a "new world order can emerge."[22] A working collective security system might come into being because it now may be possible for the major powers to cooperate in the establishment of such a system, in which an aggressive move, such as Iraq's against Kuwait, will be met by the determined resistance of the world community, working through the institutions of the United Nations.

It is also possible that Iraq's attack on Kuwait created an ideal situation for the concept of collective security that is not likely to be repeated. "The term 'war' still conjures up an image of massed armies clashing on the battlefield. But this kind of war is now largely a thing of the past. The vast majority of violent disputes today (and quite likely of tomorrow) are . . . civil wars."[23] The situation in Iraq in 2003 was not a case for collective security; the debate in the United Nations was over intervention to force compliance with UN resolutions, not about collectively defending the sovereignty of an invaded country. If it is true that international war is now largely a thing of the past, that is a milestone in human events that should not go unnoticed. But if more "old-fashioned" wars of the kind precipitated by Iraq's attack on Kuwait should arise, it is fair to wonder how effective the reaction of the United Nations will be. Collective security is likely to be ineffective so long as the aggressor is a permanent member of the Security Council, a client state of a permanent member, or a country able to amass eight votes from the Security Council's fifteen members.

Peacemaking in Ethnic Conflicts and Failed States

peacemaking Attempt to force or negotiate settlement between warring factions, often in an internal conflict.

When the United Nations intervenes in civil wars, such as those in the former Yugoslavia and Somalia, it often engages in **peacemaking** rather than peacekeeping, because in these places there is no peace to be kept, and in the case of failed states, no stable political authority to confront or defend. The founders of the United Nations certainly did not intend for the organization to be used in internal conflicts, just as they did not envision peacekeeping between states. In Article 2 of Chapter I, the charter reads, "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit to such matters to settlement under the present Charter." In spite of this, UN peacemaking operations in the 1990s "were qualitatively and quantitatively different from UN operations that were backed by states during the Cold War. They indicated that the consent of the parties cannot be assumed; the military effectiveness required from and the dangers faced by UN military forces go far beyond the parameters of traditional lightly armed peacekeepers."[24] The question of how well the United Nations is suited to the task of peacemaking as opposed to peacekeeping

has been asked numerous times during the increase in UN activity in the post–Cold War era.[25]

After the UN presence in the conflict in Somalia in the early 1990s, for example, a British journalist noted that U.S. and UN intervention in Somalia had flooded the market with arms and put the war on hold, but that when the Americans pulled out, "the politics of Somalia reverted to the *status quo ante*, except that the rich and powerful had become richer and better armed."[26] He also predicted that succumbing to the temptation to send international help to the refugees from the slaughter-filled civil war between the Hutus and the Tutsis in Rwanda would have similarly baneful effects. "Free supplies do not stay free for long. . . . There are already reports of Hutu militias regrouping. They will establish new patterns of leadership, fear, and loyalty. Relief camps motivated by political exile inevitably are umbrellas for revanchism."[27]

This turned out to be an accurate prediction. Some two years later, the *New York Times* published the following account:

> From the start, the Rwandan camps in Zaire have been controlled by the same forces that carried out the genocide in Rwanda and that swear to continue it. . . . The camps, under the flag of the United Nations, became bases for a vicious guerrilla war against Rwanda and local populations in Zaire. . . . Yet for more than two years, the international community has turned a blind eye and poured $1 million a day into supporting them.[28]

Additional reports suggested that the problem of the camps was solved only when the aid workers had fled and Tutsi fighters were able to preempt the arrival of more peacekeepers. "The Tutsis were afraid that once Westerners arrived, they would impose a cease-fire and freeze the situation with the Hutu militia in control once again of the seething camps. They were afraid of a repeat of 1994: Save the children, save the murderers, save the embers of civil war, prolong forever the exile and suffering of the refugees."[29]

In short, at least according to this interpretation, the role of the United Nations in the tragedy that unfolded in Rwanda from 1994 to 1996 and the efforts of the international community were insufficient to prevent a terrible holocaust. The efforts to respond to the refugees created by the civil war ultimately succeeded mostly in substantially prolonging a painful, brutal status quo based on camps that could not have survived (probably) without the intervention of UN and other international agencies, and the problem was not resolved until the UN and other relief workers were removed from the situation, after which a rather quick solution was achieved.

The United Nations was also severely criticized when it found itself attempting to protect "safe havens" while war waged on in the former Yugoslavia in the early to mid-1990s. Despite the presence of almost

50,000 peacekeepers, the UN mission was unable to protect the safe havens or prevent ethnic cleansing. "The idea of 'safe areas' brought derision because the least safe places in the Balkans were under UN control. The ultimate ignominy arrived in summer 1995 when two of these enclaves in eastern Bosnia were overrun by Bosnian Serbs whose tactics included mass executions of Muslims. Shortly before this, Serbs had chained UN blue helmets to strategic targets and thereby prevented NATO air raids."[30]

These challenges to UN peacekeeping missions in the 1990s created a temporary mood of caution in the United Nations and the Security Council as the end of the twentieth century neared.[31] The number of UN peacekeepers in the world was reduced and the annual peacekeeping budget of the United Nations fell as well. The number of peacekeeping operations in force also decreased, from eighteen in 1994 to fourteen at the beginning of 2003. In addition, unpaid bills for peacekeeping operations mounted by the United Nations stood at $2.6 billion in 2006. Finally, there was a growing feeling that internal problems within countries might be better dealt with by multinational forces from the region within which a given country falls.[32] So in response to chaos in Albania in early 1997, Italian troops led a peacekeeping force of sorts into that country. The North Atlantic Treaty Organization (NATO) has performed UN-like peacekeeping missions in Bosnia and Kosovo. And in Africa, Nigerian troops led a peacekeeping force sent to Liberia in 1990 by the Economic Community of West African States.[33]

This scaling back of UN peacekeeping operations, however, was temporary. It seems clear that the United Nations feels that it cannot overlook continuing threats to international security, however challenging they may be. According to the United Nations, its "peacekeepers are now deployed around the world in record numbers."[34] Table 9.1 lists the peacekeeping missions in operation in 2006. New missions established in recent years in Sierra Leone, Haiti, Liberia, and Afghanistan suggest that the United Nations continues to be involved in difficult internal conflicts. In Kosovo, the UN mission that was established in 1999 after NATO military intervention served to coordinate efforts by the European Union, the Organization on Security and Cooperation in Europe, and several UN agencies to establish civil administration for basic services and political stability. Similarly, after the violence that marked East Timor's independence from Indonesia, the UN mission

> was exceedingly ambitious and wide-ranging. It was empowered to exercise all legislative and executive powers and judicial authority; establish an effective civil administration; assist in the development of civil and social services; provide security and maintain law and order; ensure the coordination and delivery of humanitarian assistance, rehabilitation, and development assistance; promote sustainable development; and build the foundation for a stable liberal democracy. To carry

TABLE 9.1

UN Peacekeeping Operations in 2006 (Year Established)

Africa
1. **MINURSO** United Nations Mission for the Referendum in Western Sahara **(1991)**
2. **MONUC** United Nations Organization Mission in the Democratic Republic of the Congo **(1999)**
3. UNMEE United Nations Mission in Ethiopia and Eritrea **(2000)**
4. **UNMIL** United Nations Mission in Liberia **(2003)**
5. UNOCI United Nations Operation in Côte d'Ivoire **(2004)**
6. **ONUB** United Nations Operation in Burundi **(2004)**
7. UNMIS United Nations Mission in the Sudan **(2005)**
Americas
8. **MINUSTAH** United Nations Stabilization Mission in Haiti **(2004)**
Asia
9. **UNMOGIP** United Nations Military Observer Group in India and Pakistan **(1949)**
Europe
10. **UNOMIG** United Nations Observer Mission in Georgia **(1993)**
11. **UNMIK** United Nations Interim Administration Mission in Kosovo **(1999)**
12. UNFICYP United Nations Peacekeeping Force in Cyprus **(1964)**
Middle East
13. **UNIFIL** United Nations Interim Force in Lebanon **(1978)**
14. **UNDOF** United Nations Disengagement Observer Force—Golan Heights **(1974)**
15. **UNTSO** United Nations Truce Supervision Organization—Middle East **(1948)**

out this mandate, authorization was given for a military component of up to 8,950 troops and 200 observers and a civilian police component of up to 1,640 personnel.[35]

These new missions suggest another way UN peacekeeping is changing. Not only is peace to be kept, and sometimes made, but the United Nations is engaged in **state-building** by trying to provide the conditions, training, and mandate for the creation of a stable, democratic political authority. Whether the organization can have long-term success in these efforts remains to be seen.

state-building Efforts to create stable, legitimate political authority and institutions in post-conflict situations.

Other Ways the United Nations Attempts to Promote Peace

Besides responding to aggression, issuing blue helmets to keep ceasefires, and rebuilding war-torn societies, the United Nations engages in a number of activities designed to promote peace through prevention. An important, original goal of the United Nations was to create norms

against violence. By signing the charter, states agree to settle disputes by peaceful means. The charter codifies a belief, fairly new to the international community in the twentieth century when the League of Nations and the United Nations were created, that the use of force except in the case of self-defense is unacceptable. Obviously, this norm is not powerful enough to prevent war entirely, but it does seem to affect how states justify war and may work to inhibit war in some circumstances (the role of norms in global politics will be discussed more generally later in this chapter).

The United Nations also seeks to provide a forum for debate as an alternative to fighting. In the United Nations, states can publicly air their points of view and privately negotiate their differences. The United Nations also intervenes diplomatically to avert the outbreak of war by sending inquiries (fact-finding missions) and by mediation (making suggestions about possible solutions and acting as an intermediary between sides) and arbitration (rendering a judgment that all sides agree in advance to accept) of disputes between states. It also attempts to pressure states by instituting diplomatic and economic sanctions. For example,

> UN-imposed sanctions against South Africa reflected the judgment that racial discrimination (apartheid) was considered a threat to peace. Limited economic sanctions, an embargo on arms sales to South Africa, embargoes against South African athletic teams, and selective divestment were all part of a visible campaign to isolate South Africa. These acts exerted pressure whose impact is difficult to quantify, although observers usually assert that they have played an important role [in the dismantling of the apartheid government].[36]

positive peace Resolution of underlying causes of conflict.

In addition, the United Nations seeks to create **positive peace,** which means not just the absence of war, but the resolution of the underlying conditions from which conflict emerges. In this way, it promotes economic and social development and humanitarian affairs. According to the United Nations,

> although most people associate the United Nations with the issues of peace and security, the vast majority of its resources are devoted to economic development, social development and sustainable development. . . . Guiding the United Nations work is the conviction that lasting international peace and security are possible only if the economic and social well-being of people everywhere is assured.[37]

Economic and Social Council (ECOSOC) UN institutions for economic and social programs on such issues as development, employment, health, and education.

The **Economic and Social Council (ECOSOC)** handles the economic and social programs of the United Nations, serving as a clearinghouse and central administrative body for its associated functional organizations, such as the International Labor Organization (ILO), the International Monetary Fund (IMF), and the World Health Organization (WHO). The

United Nations also regularly holds conferences on the environment, population, women, economic development, refugees, and children in an effort to address some of the underlying causes of international conflict, instability, and insecurity. Attention to these issues that are not traditionally considered security matters is important according to both liberal and feminist theories, as discussed in Chapter 1.

The Future of the United Nations

In addition to the criticisms of UN activities in Somalia, Yugoslavia, and Rwanda in the mid-1990s, questions about the future of the United Nations continue to be raised. A critical concern is the funding for the United Nations. As Secretary-General Javier Perez de Cuellar noted at the end of the Cold War, "It is a great irony that the UN is on the brink of insolvency at the very time the world community has entrusted the organization with new and unprecedented responsibilities."[38] By 1992, 80 percent of the UN members had not paid their dues. The United States has been one of the largest UN debtors. Beginning in the 1980s, the United States has at times withheld payment from various UN programs to protest some of the organization's activities. Specifically, under pressure from domestic interest groups, successive administrations barred the use of U.S. funds to international organizations involved in family planning and population control, charging that abortion was being promoted through these activities. In addition, members of the U.S. Congress perceive a disparity between what the United States contributes to the UN budget and the influence of those states within the organization that contribute so much less. Because dues are based on the size of a nation's economy, the United States has annually paid about 25 percent of the UN budget. By the early 1990s, it was paying over 30 percent of the organization's peacekeeping bills. Even more irksome, perhaps, from the point of view of U.S. lawmakers, the eight largest contributors to the United Nations provide 73 percent of the budget but have only 4 percent of the votes in the General Assembly. And the remaining 177 countries in the Assembly, which can dominate the proceedings with their votes, contribute only 27 percent of the budget (see Figure 9.3). Yet those countries that contribute only a small portion determine the budget's size and allocation. In the words of Senator Jesse Helms, chairman of the U.S. Senate Foreign Relations Committee, who was highly critical of the United Nations, its annual budget is "voted on by the General Assembly, where the United States has no veto, and where every nation whether democratic or dictatorial, no matter how much or how little it contributes to the United Nations has an equal vote."[39]

In response to this situation, "Under an act of Congress in 1996, the United States stopped paying its 31 percent assessment for peacekeeping operations, unilaterally lowering it to 25 percent and falling steadily deeper into debt. The Clinton administration also made a deal with Congress to

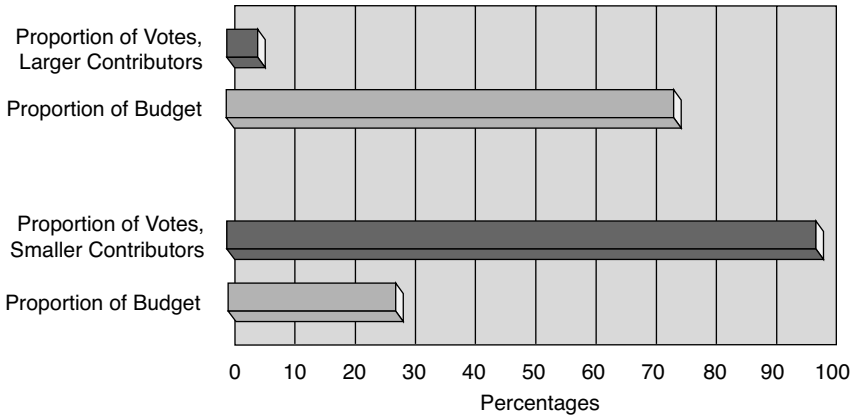


Figure 9.3 Typical Budget Obligations Versus Votes, UN General Assembly

cut regular budget payments from 25 percent to 22."[40] Japan, the second-largest contributor, has also threatened to cut its UN payments.[41] The United Nations remains in financial crisis today. Although the United States paid much of its past dues to the United Nations in 2001, it still owed $1.3 billion in 2006.[42] The UN's financial crisis demonstrates how vulnerable international organizations like the United Nations are to states and their domestic politics. The United Nations depends on states to voluntarily contribute funds and other resources, such as peacekeeping troops.

UN supporters point out that as profligate as the United Nations may be in its financial dealings, analyzed in context, it is arguably a bargain. The budget for the Secretariat, for example, is only about 4 percent of the annual budget for New York City. Some fifty-five thousand people work for the United Nations worldwide, but Disney World employs the same number, and three times as many people work for McDonald's. Peacekeeping in 1995, for example, was expensive, but that year's total UN peacekeeping budget equaled only about 1.1 percent of the U.S. defense budget.[43] The peacekeeping budget in 2000 amounted to 30 cents per person in the world.

Another criticism of the United Nations that may shape its future concerns its structure and representation. It can, for example, plausibly be argued that the United Nations is too dominated by rich and powerful countries like the United States and that this undermines its legitimacy.[44] Observed from the point of view of poorer countries, the United Nations is under the control primarily of the rich, industrialized countries of the West. Many feel that the representation in the Security Council is anachronistic. The five states that have a veto were selected on the basis of the results of the Second World War. Not only does this leave out major regional powers in the developing world (such as Brazil, India, Nigeria, and Egypt), but it also leaves out states that are clearly economic heavyweights (such as Japan and Germany) and states that contribute heavily to UN peacekeeping operations (such as Canada).[45] In response to this

concern, an Independent Working Group convened at the request of the UN secretary-general concluded that "the Security Council [should] be expanded from its present membership of 15 to a total of approximately 23 Members, of whom not more than five would be new Permanent Members."[46] These five new permanent members would probably include Japan, Germany, and representatives from geographic regions such as Asia, Africa, and Latin America, but

> in spite of unequivocal rhetorical support from Washington and the fact that many other governments have declared themselves in favor of changing the composition of the Security Council, each major structural reform opens another Pandora's box: Which developing countries should be added? Why should they be the most powerful or populous? After a civil war, should a splintered state retain its seat? . . . Should there be three permanent European members? What about the European Union (EU)? Which countries should wield vetoes?[47]

It has also been recommended that the scope of the veto be restricted, if such an expansion takes place, so that it would be applicable only to peacekeeping and enforcement measures.

The United Nations has also recently faced the challenge of seeming irrelevant to the world's largest military power, the United States. Although most Security Council members favored continued inspections for weapons of mass destruction in Iraq, the UN was unable to prevent or limit the U.S. intervention in that country in 2003, demonstrating the organization's weakness. According to one view, "President Bush's doctrine of unilateral preemption, if maintained, challenged the 1945 commitment to collective security in the UN Charter. By acting without the UN authorization, or early UN ratification after the fact, when no imminent threat to U.S. national security seemed to exist, the Bush administration circumvented the bedrock principles on which the United Nations was founded. Other major powers on the Security Council noted the grave precedent set by U.S. action and sought ways to constrain Washington's unilateral foreign policy."[48] Despite the fallout between the United Nations and the United States over Iraq, the organization and the Bush administration continued to work together on issues of global importance, including nuclear programs in Iran and North Korea and the conflict between Hezbollah and Israel in Lebanon in 2006. Even in Iraq, the United Nations has played some role, such as assisting in the first elections, although the insecure situation severely restricted UN activities, particularly after the attack on the UN building in Iraq in August 2003.

Despite its problems and its current budgetary crisis, it is likely that the United Nations will continue to be a significant global actor. It is a vast organization that performs a number of roles in international politics, beyond issues of security and peace. UN agencies such as the World

Health Organization (WHO) and the International Labour Organization (ILO) are quite active in AIDS policy and workers' rights, respectively. And the majority of its members from less developed countries (LDCs) find it convenient for a variety of reasons. Many of them cannot afford to establish embassies throughout the world. The United Nations provides a place where they can meet and talk with official representatives of states to which they cannot afford to send ambassadors. This kind of contact is valued, especially at a time when leaders of developing countries generally believe, despite the wide variety of political and economic structures their countries exhibit, that they have many important concerns in common. Also, the United Nations provides a forum and a platform that is probably irreplaceable for most developing nations. If an official from Zaire makes a speech in Zaire, for example, it is likely to go unnoticed in most of the rest of the world. But if Zaire's delegate to the United Nations or a visiting dignitary from Zaire delivers a speech in the General Assembly, there is at least a reasonable chance that it will be picked up in the *New York Times* or *Le Monde.* Finally, the structure of the United Nations allows such nations not only to maintain contacts with one another but also to use those contacts to build a coalition that can exert some political clout in the General Assembly as well as in other UN institutions and organizations. And if that coalition creates an imbalance between majority votes in the United Nations and actual political power in the international system, this inequality may not be so bad. In virtually every other forum and arena of interaction in the global system, LDCs suffer a disadvantage in terms of their political and economic power in relationship to the industrialized world. Perhaps the United Nations can serve the useful purpose of partially redressing that imbalance. For all these reasons, it seems fairly certain that the United Nations will continue to be supported by most of its members.

The continued existence of the United Nations is in the interest not only of LDCs and the United States but also of the entire global political system. It is possible that debates in the General Assembly and the Security Council serve to exacerbate rather than mollify conflict. It is also possible that in the long run, the United Nations will not be able to enforce fully the ideals of collective security, despite the success of the world community, using UN institutions to a limited extent, in terminating the Iraqi occupation of Kuwait. But at least a couple of lessons gleaned from the historical record of the last century indicate that deemphasizing the United Nations might be a serious mistake. The crisis that culminated in the First World War might conceivably have been resolved if some institutionalized forum for negotiations among the great powers, such as that provided by the Council of the League of Nations or the Security Council of the United Nations, had existed. And certainly one cause of the Second World War was the failure of the major powers to support the League of Nations. Both of these assertions are, to be sure, debatable.

Even the most vigorous dissenter must agree, though, that they are not entirely implausible. If there is a reasonable chance that an organization such as the United Nations may help the world avoid catastrophes of the magnitude of the world wars, is it not prudent to preserve the organization? Many in the world seem to think so. The United Nations seems to be witnessing a growing legitimacy across the globe. In the international debate over intervention in Iraq in 2003, for example, much of the public in many countries expressed their preference that intervention occur only under a mandate of the United Nations. This is consistent with U.S. public opinion on the United Nations, which generally supports multilateral initiatives over unilateral ones.[49]

At a time when both positive forces such as improved communications and transportation and worldwide problems such as famine, terrorism, nuclear proliferation, and pollution are making it increasingly necessary for the world community to function as a whole, it would surely be a mistake to destroy virtually the only existing symbolic and institutional basis for the community, as flawed as it admittedly is. On a more practical level, intergovernmental organizations such as the IMF and the WHO are expanding the scope of their activities and influence. The same can be said for international nongovernmental organizations such as multinational corporations and professional societies. What other organization is better suited to the progressively more important task of monitoring and coordinating the activities of these international and transnational organizations? The United Nations is not likely to evolve into a world government. It might, though, facilitate the coordination of the world community's efforts to deal with problems that cannot be dealt with effectively by states going their separate ways, especially if the major powers agree that the organization ought to be used for such purposes, as they increasingly seemed inclined to do in the post–Cold War era.

International Law

international law
Rules governing relations between states, primarily based on treaties, custom, and general legal principles.

In addition to international organizations, states create **international law** as a way to influence behavior, avoid conflict, and maintain peace and cooperation. "The mission of international law, as described by Hersch Lauterpacht, perhaps this century's greatest international law scholar, is to lead 'to enhancing the stability of international peace, to the protection of the rights of man, and to reducing the evils and abuses of national power.'"[50] According to liberalism, international law can provide incentives to cooperate and organize predictable consequences to punish states that do not cooperate. But according to realism, international law is often irrelevant to global politics. After all, the international community is anarchic; that is, there is no central authority or government. The business of government is making, applying, and enforcing laws; and because the international political system has no government, it is only natural

to conclude that international law either does not really exist or is not really law.

That is a common opinion for several reasons, one of which is that states (or their representatives) so often behave in violent and unethical ways. Also, there is no established way to enforce legal rules in the international system. A law in domestic systems is virtually by definition a rule that is enforced or has force behind it. If there is no enforcement in the global political system, there is no law. Add to this lack of enforcement mechanisms the lack of an authoritative legislative body to formulate laws, and the basis for law in the international system does in fact seem extremely flimsy.

Sources and Principles

Although there is no enforcer and no legislative organ for the global community, there is a centralized judicial body, the International Court of Justice, or World Court. It is the successor to the Permanent Court of International Justice, which was established in 1920. As described in the UN Charter, the World Court has fifteen members elected to nine-year terms by the General Assembly and the Security Council. Article 38 of the Statute of the International Court of Justice contains a widely accepted statement of the sources of international law. (Since there is no international legislature, international laws have to come from somewhere else.) The statute asserts that international law is based on (1) international treaties, (2) international custom, (3) the general principles of law recognized by civilized nations, (4) previous judicial decisions, and (5) the writings of recognized legal scholars or qualified publicists. The two most important sources of contemporary international law are treaties and customs. Treaties (also called agreements, protocols, conventions, charters, and pacts, among other terms) are between international actors and are binding only to those actors that sign and ratify them. The United Nations Treaty Collection, a depository of treaties, contains over 500 major multilateral treaties, in addition to many bilateral treaties. While treaties are written products, customs are based on behavior. International customary law is based on the general practices of states or states acting in ways as if there is an accepted law governing their behavior. "The main evidence of customary law is to be found in the actual practice of states, and a rough idea of a state's practice can be gathered from published material—from newspaper reports of actions taken by states, and from statements made by government spokesmen . . . and also from a state's laws and judicial decisions."[51] State behaviors pertaining to freedom of the high seas, the immunities of diplomats, behaviors in wartime, and territorial jurisdiction have been interpreted as evidence of international customary law. Once a custom is recognized as international law, all states are bound to it, even if they have not consented or if it is not a universally accepted custom. Treaties are becoming the

more important source of international law, as states have increasingly preferred to codify existing customary practices.[52]

There is little doubt, then, that international law exists, on paper at least. But there is still room for much doubt about its effectiveness. Despite hundreds of treaties, treatises, and rulings by courts, the international legal structure is so filled with loopholes and ambiguities that the ability of international law to constrain state behavior is questionable. Perhaps the most fundamental loophole lies at the heart of international law in the form of the concept of sovereignty.

As developed originally by Jean Bodin in *De Republica* (1576), *sovereignty* refers to the supreme lawmaking and law-enforcing authority within a given territory. A state is sovereign in the sense that it is a source of, but not subject to, laws. This notion of sovereignty, which is clear enough within a certain territorial area, becomes problematic when its implications for relations between territorial units are considered: "What in law and logic could be the appropriate relationship between two sovereign states, each incorporating an authority that alleged itself to be supreme, and which recognized no superior?"[53] The answer is that all states must be considered absolutely equal in legal terms.

On this absolute legal equality is based the principle of non-intervention. No state has the right to interfere in the affairs of any other, since that would imply that the interfering state is somehow superior. Another implication of sovereignty and sovereign equality is that the only rules that are binding on states are ones to which they consent.[54] Even when states give their consent to certain rules, they are often "so vague and ambiguous and so qualified by conditions and reservations as to allow the individual nation a very great degree of freedom of action whenever they are called upon to comply with a rule of international law."[55] Typically, states can be taken into a court of international law (such as the World Court) only if they are willing.[56] And even if they have created law, in effect, by signing a treaty, states are not necessarily bound by that law. One long-standing principle of international law inserts a kind of implicit escape clause into every treaty signed by sovereign states. Referred to as *clausula rebus sic stantibus,* this principle stipulates that treaties are binding only "so long as things stand as they are."[57] In other words, if the circumstances as they stood at the time of the signing of the treaty change in some vital way, as determined by one of the signatories to that agreement, the treaty is no longer considered binding. This principle is "capable of being used, and . . . often has been used, merely to excuse the breach of a treaty obligation that a state finds inconvenient to fulfill."[58]

The Impact of International Law

International law, devoid of any centralized enforcement authority and formulated by states in such a way as to preserve their freedom of action, is often cleverly avoided, openly flouted, or simply ignored. When

Iranians seized American hostages at the U.S. embassy in Tehran in 1979, the United States took its case to the International Court of Justice. The World Court ruled against the Iranian government but had no effective means to enforce its judgment. The hostages remained trapped in the embassy for 444 days. The Nicaraguan government repeatedly charged the Reagan administration with violations of international law. The World Court ruled in June 1986 that those complaints were valid. But the United States simply rejected that ruling (and other similar ones), and the court had no apparent effect on the Reagan administration's campaign to depose the Sandinistas in the Nicaraguan government.

Kellogg-Briand Pact
Treaty that attempted to outlaw war.

Perhaps the most famous, or infamous, example of the impotence of international law is the **Kellogg-Briand Pact** of 1928, officially the Treaty Providing for the Renunciation of War as an Instrument of National Policy, or the Pact of Paris. This treaty was an attempt to outlaw international war. In retrospect, with the Second World War and many other wars having been fought since then, the attempt looks idealistic to a foolish extreme. Indeed, "the shape of the international system during the Cold War reinforced this realist perspective. International institutions and judicial bodies such as the United Nations and the International Court of Justice . . . were hobbled by both the bipolar split in world politics and its aggravation of tensions between the developed and developing worlds."[59]

Despite the obvious validity of a claim that the international legal system has serious flaws, the case against international law is usually overstated. International laws are often broken, but so are domestic laws, as the homicide rate in most major U.S. cities demonstrates. The fact that murders occur in every society does not commonly lead to the conclusion that laws against murder have no effect or are not really laws. Granted, domestic laws have force behind them. Some murderers are arrested and punished. But the idea that "law works because it is a command backed up by force [is] essentially false."[60] The U.S. government routinely obeys rulings by the U.S. Supreme Court, even though the Court commands no troops or other means to enforce those rulings. During the Korean War, for example, President Truman ordered the federal government to take over the steel industry so that it would not be shut down by a possible strike. "The Supreme Court ordered the return of the steel mills to their private owners. The Supreme Court had no regiments at its command. . . . Yet the steel mills were returned."[61]

In short, laws, including international ones, are sometimes obeyed even if the fear of punishment is absent. President Truman obeyed the Supreme Court out of respect for the system and with a sense that the system was worth preserving even if it meant losing on the issue at hand. Most people, most of the time perhaps, obey laws not merely because they fear punishment but because they believe the laws are just or beneficial in principle. Similarly, in global politics, "nations have a common interest in keeping the society running and keeping international relations orderly. They observe laws they do not care about to maintain

others which they value, and to keep 'the system' intact."[62] Furthermore, upholding international law has become a test of sorts of a state's credibility. "Every nation's foreign policy depends substantially on its 'credit'—on maintaining the expectation that it will live up to international mores and obligations. Considerations of 'honor,' 'prestige,' 'leadership,' 'influence,' 'reputation,' which figure prominently in governmental decisions, often weigh in favor of observing law."[63] Leaders may also uphold international law to get "credit" from their domestic constituents who often have internalized and support principles of international law.[64]

Furthermore, most people obey the majority of laws much of the time because cooperation pays. That is, the benefits from cooperative, law-abiding behavior outweigh the costs, at least in the long run. Take the simple example of the law in most countries requiring motorists to stop at red traffic lights. Even if all the police in a city were to go on strike, reducing to zero the probability that violators would be arrested, chances are that most people would continue to obey this law. To do otherwise would risk injury or death in a traffic accident. That law, to an important extent, is self-enforcing.

Roughly analogous situations obtain in the realm of international law. For example, there are laws against the mistreatment of personnel representing foreign countries. In fact, diplomatic personnel are in some respects above the law, being granted **diplomatic immunity.** Any government that mistreats diplomats from other countries could expect its own diplomats to be targets of retaliation. That is clearly one reason the laws regarding the treatment of diplomats have rarely been violated. When the Iranian government held U.S. diplomatic personnel as hostages in 1979 and 1980, its behavior was virtually without precedent.

diplomatic immunity
Freedom from arrest or prosecution granted to foreign representatives.

There are also many consistently observed laws having to do with routine international interactions in the areas of trade, communications, and immigration. These areas are sometimes referred to as private international law to distinguish them from public international law, which governs relations between governments and other international actors such as international organizations and nongovernmental organizations. Disputes in these areas are almost always successfully dealt with through legal channels.

International law is not entirely lacking in enforcement either:

> The traditional toolbox to secure compliance with the law of nations consists of negotiations, mediation, countermeasures (reciprocal action against the violator) or, in rare cases, recourse to supranational judicial bodies such as the International Court of Justice. . . . For many years, these tools have been supplemented by the work of international institutions, whose reports and resolutions often help "mobilize shame" against its violators. But today, states, NGOs, and private entities, aided by their lawyers, have striven for sanctions with more teeth. They have

> galvanized the UN Security Council to issue economic sanctions against Iraq, Haiti, Libya, Serbia, Sudan, and other nations refusing to comply with UN resolutions.[65]

In sum, "international law provides the framework for establishing rules and norms, outlines the parameters of interaction, and provides the procedures for resolving disputes among those taking part in these interactions. . . . [International law also acts] . . . as a normative system [and] provides direction for international relations by identifying the substantive values and goals to be pursued."[66] While violations of international law may appear blatant, "the reality as demonstrated through their behavior is that states do accept international law and, even more significant, in the vast majority of instances they obey it."[67]

International law in the twenty-first century is addressing more global concerns, such as the environment and economic cooperation. It is also addressing ethics, particularly human rights. While contemporary international law is still organized around the principles of sovereignty and nonintervention, there have been significant challenges to these notions in the post–Cold War era. "We have seen some erosion of the concept of state sovereignty and of some of its earlier implications, such as state sovereign immunity. The international system has accepted a fundamental permutation of state societies as a result of the International Human Rights Movement . . . : How a state treats its own inhabitants is now of international concern and a staple of international politics and law."[68]

Ethics, Morality, and International Politics

ethics Standards for evaluating right and wrong.

The current developments in international law concerning human rights are attempts to codify certain values and **ethics** and apply them to global politics. What is ethical and what is legal can be dealt with separately even in discussions of domestic politics. Not all legal behavior is ethical, and illegal behavior (civil disobedience of unjust laws, for example) is not necessarily unethical for individuals within the context of domestic political systems. But legality and morality are even more tenuously related for states in the global community than they are for individuals in domestic politics. Most domestic political systems have regular, accepted procedures for translating ethical values into legal, enforceable rules. Murder is considered unethical in virtually every society, and it is also illegal, meaning that rules against it are enforced, with violators punished according to established procedures. Like other communities, the international one is based in part on shared ethical standards intended to induce more orderly and predictable behavior among states as they interact. Yet in the international community, there is typically more diversity of opinion about what is ethical or moral.

According to a commonly held view, moral principles have nothing to do with international politics, even though they are discussed regularly.

If defenders of national policies are to be believed, the policies of every state in the world conform rigorously to the highest ethical standards and are motivated primarily by the purest altruistic motives.[69] But in the standard skeptical view, morality in the context of international politics is like the weather: Everybody talks about it, but nobody does anything about it.

Opinions such as these are not often totally without foundation, and skepticism about the role of moral principles in international politics is supported by considerable evidence and logic. First, historically as well as in modern times, many important actors in international politics have behaved in blatantly immoral ways, apparently free from the influence of ethical considerations. Also, the peoples of the world have very disparate ideas about what constitutes moral behavior. Then, too, because the international political system is anarchic, there is no central authority, no government, nobody responsible for enforcing laws designed to enforce morality. "The moral requirements of a state which has somehow to survive in a context of states each of which is potentially a violent criminal and above which there is no political superior with a monopoly of authority to enforce law and order, must be different from that of an individual in an orderly civil society."[70]

This fairly typical statement that the moral requirements of states are different from those of individuals looks suspiciously like a euphemistic way of saying that they do not have any moral requirements at all, except to do whatever they must to protect themselves. And this idea, this skepticism about the role of morality in politics, attracts support from widely divergent points on the ideological and theoretical spectrum. Realism rejects ethics as a guide for foreign policy, arguing that states are driven instead by interests and power.[71] Similarly, Marxist writers believe that ethical justifications for political actions are "superstructure" and tools in class warfare.[72] Leon Trotsky spoke for many of his Marxist peers when he argued that "the appeal to abstract norms is not a disinterested philosophical mistake but a necessary element in the mechanism of class deception."[73]

Still, a case can be made for the proposition that moral principles should and do play an important role in international politics. Idealism makes this case, arguing that morals and values, not state interests, should and do shape individual and state behavior. Although violence is common in the international system and there is no centralized authority to enforce moral standards, states do not continuously behave in a disorderly and immoral fashion. In other words, even though there is a constant threat that world politics will degenerate into a war of "all against all," actual warfare is not typical. "The international community possesses a variety of devices for promoting compliance with established norms. These range from such mild sanctions as community disapproval and censure by international organizations to coordinated national policies of economic embargoes of offending states."[74] Most publicity about these sanctions and embargoes focuses on the limitations of their effectiveness.

But ethical principles and laws are also violated repeatedly by individuals within domestic political systems, and unless disorder reaches extraordinarily high levels, these numerous violations do not often provoke or justify the conclusion that ethical considerations or laws have no effect on the behavior of individuals within those societies.

Even well-known moral skeptics concede that ethical principles do have an impact on international politics. According to one realist, for example, even "the most cynical realist cannot afford even in the interest of realism to ignore political ideals. . . . For man is at heart a moral being."[75] Similar sentiments can be found in Marxist writing. Trotsky noted that Lenin's "'amoralism' . . . his rejection of supra-class morals, did not hinder him from remaining faithful to one and the same idea throughout his whole life; from devoting his whole being to the cause of the oppressed."[76]

moral skepticism
Denial that morality does or should influence actors' behaviors.

Moral skepticism, then, in the analysis of domestic as well as international politics, can be and often is taken too far. Nations do pursue values, such as economic justice, protection of human rights, and the spread of democratic political arrangements. Some of the rhetoric by national political leaders who strive for those goals is, to be sure, hypocritical. But "it is only a prejudice that these [goals] are mere masks for self-interest; neither citizens nor governments see such goals that way."[77]

Even if we grant that international political actors are genuinely influenced by moral standards, it may still be a waste of time to discuss seriously those standards and their application to moral problems. Individuals adhering to **moral relativism** insist that "moral judgments are just mere opinion, concerning which there is no point in arguing, as there is no point in arguing about any matters of taste or personal predilection."[78] Others reject extreme moral relativism partly out of reluctance to accept the conclusion implied by such relativism that all foreign policies and international political acts must logically be categorized as amoral, or equally immoral; that, for example, it is impossible to distinguish, morally speaking, between Hitler's attack on Belgium in 1940 and the decision by Belgium's leaders to resist that attack. Many feminists agree with idealism's criticism of realism and embrace moral issues as important in global politics. Some feminists, however, believe that morality is relative and dependent on, or constructed by, cultural contexts. In other words, they recognize the importance of morality but emphasize its variability across cultures. Other feminists see some morals and values, such as women's rights, as universal. Still others reject the idea that the debate over human rights should revolve around the extremes of cultural relativism and universalism, arguing that "universalism and relativism are not mutually exclusive categories but rather different ends of a continuum. . . . In defining and promoting international human rights, the challenge is to assert and defend the universality of basic rights while recognizing that the formulation and application of rights claims will depend in part on the social and cultural context in which rights claims are asserted."[79]

moral relativism
Belief that moral judgments have no objective basis.

POLICY CHOICES

Should Traditional Laws of War Apply to Enemy Combatants in the "War on Terror"?

ISSUE: The treatment of prisoners in the U.S.-led "war on terror" has been subject to intense debate, both internationally and within the United States. Article 3 of the Geneva Conventions prohibits humiliating and degrading treatment of prisoners and grants them all judicial guarantees seen as indispensable by civilized societies. The administration of George W. Bush asserted that the Geneva Convention does not pertain to detainees suspected of terrorism and of having connections to Al Qaeda and the Taliban in Afghanistan. Soon after the terrorist attacks of September 11, 2001, Vice President Cheney asserted that "we . . . have to work . . . the dark side. . . . We've got to spend time in the shadows in the intelligence world. A lot of what needs to be done here will have to be done quietly, without any discussion, using sources and methods that are available to our intelligence agencies, if we're going to be successful. That's the world these folks operate in, and so it's going to be vital for us to use any means at our disposal . . . to achieve our objective."[1] The terrorists suspects, held for indefinite periods and without standard legal safeguards, are confined at U.S. military bases in Guantánamo Bay, Cuba (GITMO), in Afghanistan, and in CIA detention centers in undisclosed locations. The United States also extended GITMO procedures to U.S.-controlled prisons in Iraq and has rendered (handed over) suspects to be held in prisons in other countries, some known for human rights violations. These practices have generated widespread condemnation, especially by European and Middle Eastern countries and human rights NGOs. The UN Panel on Torture has called for the closure of GITMO and expressed concern over secret detention centers and rendition to countries with poor human rights records.[2] In the United States, the Supreme Court and Congress have challenged Bush administration policies on treatment of terror suspects.

Option #1: Traditional laws of war are inadequate to effectively deal with terrorism and the treatment of suspected terrorists.

Arguments: (a) International law was constructed for conventional warfare and does not apply to this new, stateless enemy. It is vague on what defines torture and "humiliating and degrading treatment," as expressed in the Geneva Convention. What is humiliating or degrading to one culture or individual may not be to another. (b) Aggressive interrogation may reveal critical information about pending attacks, such as those of 9/11. (c) The threat of harsh treatment may deter individuals from joining terrorist causes, or prevent some terrorists from engaging in more aggressive and dangerous acts.

Counterarguments: (a) International law protects all agents in wars; even illegal and irregular combatants have minimal rights under widely agreed-upon conventions.

The Ethics of War and Nuclear Deterrence

Geneva Conventions
International humanitarian laws dealing with treatment of wounded or captured soldiers and civilians under enemy control.

War may seem like the breakdown of international law and moral standards in global politics, but there are legal standards applied to the purpose and conduct of war, and many times these standards are obeyed. Indeed, the laws of war are the oldest and most developed. Under the **Geneva Conventions** (1949), for example, soldiers have the right to surrender and become

International law is clear on what constitutes humans rights violations, and U.S. efforts to define torture as only involving "organ failure" are unacceptable. (b) Information derived from torture is notoriously untrustworthy, as people will say anything to end their suffering. U.S. military manuals have long viewed prisoner abuse as ineffective for gathering quality intelligence. (c) Engaging in torture simply reinforces the negative attitude many hold of the United States, thus resulting in more recruiting and intensified resolve of potential enemies.

Option #2: The United States must embrace international law and respect the fundamental rights of detainees.

Arguments: (a) International laws, such as those against torture, are the pinnacle of humanitarianism, and abiding by them shows the United States to be a leader of international morality. U.S. commitments to democracy based on civil and political rights are undermined and seen as hypocritical when repressive techniques are employed. (b) Undermining the Geneva Conventions is not in the U.S. interests as it puts its own military personnel at risk of torture if captured in future conflicts. Abiding by international law continues the norm of reciprocity; ignoring it weakens centuries-old customs that regulate the conduct of war. (c) Violating international law tarnishes the U.S. image in the world and generates condemnation from important allies. The United States loses the battle for hearts and minds when human rights violations are associated with U.S. practice, such as with the photos of abuse in the Iraqi Abu Ghraib prison.

Counterarguments: (a) International law loses the moral high ground when it protects immoral actors and tactics, such as those associated with terrorism. Furthermore, state rhetoric never matches reality, particularly in times of crisis; other states have pursued similar policies in asymmetrical conflicts in which enemy combatants do not follow conventional tactics of warfare. (b) Harsh interrogations of members of terrorist groups does not put our troops in jeopardy as these enemies typically do not take prisoners and, in any event, are unlikely to abide by international law themselves. (c) National interests should drive U.S. policies, not international norms that infringe on state sovereignty and hinder efforts to protect a state from threats to its people.

References:

1. Vice President Dick Cheney, in a television interview on NBC's "Meet the Press" on September 16, 2001, quoted in *Human Rights Watch*, "Getting Away with Torture? Command Responsibility for the U.S. Abuse of Detainees," http://www.hrw.org/reports/2005/us0405/, accessed January 3, 2007.
2. Tom Wright and John O'Neil, "U.N. Panel Backs Closing Prison at Guantánamo," *New York Times* (May 19, 2006).

prisoners of war (POWs). As POWs, they are expected to be treated humanely, and the International Red Cross/Red Crescent has the right to provide food and medical supplies and to keep track of POWs and refugees during wartime. The Conventions also establish rules for the protection of civilians in areas covered by war and in occupied territories. As of 2006, more than 190 states were parties to the Conventions. Today, there is considerable debate over how these agreements relate to suspects of terrorism. The Policy Choices box

summarizes some of the issues involved in U.S. treatment of detainees in the "global war on terror."

Additional protocols to the Geneva Conventions have declared that the right of actors in international and noninternational conflicts to choose methods of warfare is not limited. The protocols prohibit the use of weapons that cause superfluous injury or unnecessary suffering. Indeed, some acts of war are not acceptable, according to the international community. In 1948, the United Nations adopted the **Genocide Convention,** which declares that any acts intended to destroy, in whole or in part, a national, ethnic, racial, or religious group as such are crimes punishable under international law. Most states have signed the Genocide Convention.

Genocide Convention Treaty declaring illegal any acts intended to destroy a national, ethnic, racial, or religious group.

After World War II, the victorious allies tried German and Japanese leaders and military officers for **war crimes** through international tribunals. More recently, Yugoslavian, Rwandan, and Liberian leaders and officials have been indicted by UN war crime tribunals. The former leader of Yugoslavia, Slobodan Milosevic, was imprisoned in 2001 and put to trial for crimes against humanity:

war crimes Violations of international law governing conduct of warfare and treatment of soldiers and civilians during conflict.

> "The creation of the UN war crimes tribunals for the former Yugoslavia in 1993 and Rwanda in 1994 stemmed from the worldwide revulsion over the documented evidence of widespread killings of civilians and other human rights violations in those two conflicts. The tribunals were the first courts ever created by the United Nations to try individuals for war crimes: the victorious Allies had conducted the trials of German and Japanese officials after World War II."[80]

In 1998, 120 states took the prosecution of war crimes a step further when they voted to create an **International Criminal Court (ICC),** a permanent tribunal with powers to try acts of genocide, crimes against humanity, and war crimes. The court is composed of eighteen judges from different countries and a prosecutor with the power to initiate cases and is located in the Hague, the Netherlands, also home to many UN war crimes tribunals and the UN's International Court of Justice. The International Court of Justice handles disputes only between states; the ICC hears cases against individuals. The ICC is not part of the UN organizational structure. It receives its funding through contributions from states, international and nongovernmental organizations, corporations, and individuals. The court has jurisdiction only over crimes committed after July 1, 2002, when it came into force. National courts have priority to try their citizens of crimes, but the court has jurisdiction when states are unwilling or unable to do so. The ICC came into existence in 2002, when the necessary sixty states ratified it. While some hail the creation of the ICC as "the biggest legal milestone since Hitler's henchmen were tried at Nuremberg,"[81] there is strong opposition to the court, particularly from some of the major states (see the Policy Choices box). There is considerable doubt about its effectiveness and legitimacy given this opposition.[82]

International Criminal Court (ICC) Permanent tribunal that tries individuals accused of genocide, crimes against humanity, and war crimes.

POLICY CHOICES

Should States Support the International Criminal Court?

ISSUE: At the Rome conference where the ICC was created, seven states voted against it: China, Iraq, Israel, Libya, Qatar, Yemen, and the United States. The United States would eventually sign the treaty on December 31, 2000, the last possible date for signature, but later it formally withdrew its support (in May 2002). Russia and China also are opposed to the court. By late 2006, 102 states were parties to the ICC.

Option #1: States should sign, ratify, and support the International Criminal Court.

Arguments: (a) The ICC will have a positive influence on international society as it will uphold the commitment to the protection of human rights and provide a means of accountability to international norms. (b) The ICC will act as a potential deterrent to future transgressors—from heads of state and commanding officers to militia recruits—and, through deterrence, lower the need for costly interventions. (c) The ICC is needed because states are often unwilling or unable to prosecute their own citizens or leaders who commit heinous crimes.

Counterarguments: (a) The ICC is unlikely to fare any better than the World Court and UN Human Rights Commission in the extension of international law, especially since it lacks connection to established international organizations. (b) There is no evidence that the ICC will exert a deterrent effect. Individuals most likely to commit flagrant human rights violations are probably the least likely to feel the effect of international norms or moral convictions. (c) States, with established policy and judicial systems, are the best place to pursue credible justice and should not abdicate that responsibility to an international body.

Option #2: States should not support the ICC and instead should support the prosecution of war crimes, genocide, and crimes against humanity through existing, alternative mechanisms.

Arguments: (a) States will be the target of politically minded prosecutions of their leaders and military personnel; ICC safeguards against abuse of the prosecutorial system are inadequate and vague. (b) When domestic will is lacking, the international community can respond to international crimes through the UN Security Council, consistent with the UN Charter, or through ad hoc international mechanisms such as the international tribunals for the former Yugoslavia and Rwanda. (c) Any such permanent body is likely to be more inefficient than tribunals specific to the violations. The ICC is inflexible and unable to incorporate novel solutions.

Counterarguments: (a) The court has an extremely narrow jurisdiction, and judges and prosecutors must abide by strict guidelines, thereby making prosecutions based on political agendas highly unlikely; not signing means no input into the management of the ICC. (b) Ad hoc tribunals can serve only "selective justice." Why were tribunals established for the former Yugoslavia and Rwanda but not for Cambodia, for example? A permanent court administers justice more consistently. (c) Ad hoc efforts at international justice do not facilitate enduring cooperation. By not signing, states send a clear message to the international community that narrow self-interest is more important than global values and cooperation. Establishing a pattern of international commitment will undoubtedly promote better solutions to problems that transcend state boundaries.

just war Set of principles for judging conditions for when states can resort to war (*jus ad bellum*) and for the conduct of war (*jus in bello*).

Most of the laws concerning war are consistent with the **just war** tradition, based on writings of Saint Augustine of Hippo in the fifth century and Saint Thomas Aquinas in the thirteenth century:

> Just War is the name for a diverse literature on the morality of war and warfare that offers criteria for judging whether a war is just and whether it is fought by just means. This tradition, thus, debates our moral obligations in relation to violence and the use of lethal force. The thrust of the tradition is not to argue against war as such, but to surround both the resort to war and its conduct with moral constraints and conditions.[83]

Hugo Grotius, a scholar in the seventeenth century and often considered the "founder of international law," helped codify just war ideas into modern international convention. Just war principles are divided into the categories of *jus ad bellum* (laws on the use of force) and *jus in bello* (laws in war). The most important principles are listed in Table 9.2.

There is little doubt that nuclear weapons and the doctrine of nuclear deterrence create what is probably the most profound moral dilemma

TABLE 9.2

Just War Principles

Principle	Definition
Jus ad Bellum	
Right authority	Only a legitimate authority has the right to declare war.
Just cause	We are not only permitted but may be required to use lethal force if we have a just cause.
Right intention	In war, not only the cause and goals must be just, but also our motive for responding to the cause and taking up the goals.
Last resort	We may resort to war only if it is the last viable alternative.
Proportionality	We must be confident that resorting to war will do more good than harm.
Reasonable hope	We must have reasonable grounds for believing the cause can be achieved.
Relative justice	No state can act as if it possesses absolute justice.
Open declaration	An explicit formal statement is required before resorting to force.
Jus in Bello	
Discrimination	Noncombatants must be given immunity and protection.
Proportionality	Military actions must do more good than harm.

Source: Adapted from Mona Fixdal and Dan Smith, "Humanitarian Intervention and Just War," *Mershon International Studies Review* 42 (1998): p. 286.

that has ever faced the human species; they also bring into focus with special clarity the more general ethical issues surrounding the use of military force. No matter what the goal to be achieved or the principle defended, the use of nuclear weapons in pursuit of that goal or in defense of that principle entails the possibility that the world will be destroyed. "If it can be shown that a nuclear war is likely to destroy the end(s) for which it is waged, it can have neither political nor moral justification."[84] If no cause can justify the risk of ending life on the planet, then it is important to ask whether it is possible to defend, on moral grounds, a policy of nuclear deterrence that is by definition based on the threat to launch a nuclear attack, which in turn could lead to the demise of the human race.

Just war principles are certainly violated by states, but they do serve as the foundation for moral judgments and are often applied to contemporary conflict. For example, in the case of the 1991 Gulf war, "the Iraqi case . . . serves to remind us that . . . there are . . . some significant moral balances to be struck. . . . The Gulf War was a big one and the harm done has to be measured against the good achieved."[85] At least one prominent scholar of the morality of international wars concluded that the 1991 Persian Gulf War was ethical because Iraq's attack on Kuwait was so unacceptable: "The boundaries that exist at any moment in time are likely to be arbitrary, poorly drawn, the products of ancient wars. . . . Nevertheless, these lines establish a habitable world. Within that world, men and women . . . are safe from attack; once the lines are crossed, safety is gone."[86] There was more debate over the justness of the U.S.-led intervention in Iraq in 2003. In an editorial appeal in the *New York Times* in March 2003, former U.S. president Jimmy Carter cited just war principles, arguing that the war was not just for the following reasons: all nonviolent options were not exhausted; aerial bombardment inevitably cannot discriminate between combatants and noncombatants; there was no evidence that tied the September 11 terrorist attacks to Iraq, which might justify violence proportional to that injury; there was no legitimate authority sanctioning the effort to change the regime; and the outcome of the war would not likely be a clear improvement over what existed. Others disagreed, although the main disagreement was whether the war met these principles, not over whether just war principles should be applied to the conflict.[87]

Such a weighing of the costs and benefits may seem a natural way of resolving moral dilemmas, but there is an important philosophical tradition that rejects such an approach. Deontological theories insist that the morality of an act may be independent of the consequences of that act—that certain acts (or actions based on rules) are inherently good or bad, regardless of their consequences. In this view, actions either conform to valid moral rules—for example, "We ought always to tell the truth," in which case they are moral—or they do not, and so are immoral. These rules are valid independent of whether they promote the good.[88] In other

words, according to the deontological point of view, an act is moral if it is based on valid moral principles; it is the rule on which the act is based, rather than the consequences of the act, to which one must look in order to evaluate its morality.

This stance might seem on the surface a stereotypical "head in the clouds" position that only a philosopher could love. But philosophy is full of surprises. Imagine that a police station is surrounded by a mob of people who are convinced, wrongly, that a man inside the station is responsible for the rape and murder of their friend's wife. They send a message into the station stating that if the man is not turned over to them, so that he may be dealt with in some traditionally agonizing manner appropriate to the occasion, they will set fire to the station, killing everyone inside. What is the moral decision for the commander of the station? If the man in question is surrendered, one innocent person will die. If the request to turn him over is denied, many innocent people inside the station seem destined for certain death. Would it be morally right to sacrifice the life of an innocent man to save the lives of many equally innocent people?

Perhaps not. So maybe it is *not* so self-evident that, as utilitarians argue, "our actions . . . are to be decided upon by determining which of them produces or may be expected to produce the greatest general balance of good over evil."[89] In the case of nuclear deterrence, deontologists argue that the waters are even muddier than in the example because the consequences of deterrence are so difficult to discern.

The Ethics of Intervention: Human Rights Versus States' Rights

Universal Declaration of Human Rights UN agreement that commits states to promote respect for human rights and freedoms.

One moral issue that has come to the forefront of global politics and international law is human rights. All members of the United Nations have signed the **Universal Declaration of Human Rights,** first adopted by the General Assembly in 1948. "Underlying the evolution of human rights principles was a clear link between good governance and the maintenance of international peace and security. It was believed that the aggressive foreign policies of the Axis powers [in World War II] were caused by the militaristic nature of their political systems" which abused human rights.[90] The UN Universal Declaration commits states to promote respect for human rights and freedoms, including the right to life, liberty, freedom from torture and arbitrary detention, equality before the law without any discrimination, freedom of movement across countries, individual property rights, freedom of opinion and expression, and the right to work, education, and an adequate standard of living. Yet when the declaration was adopted,

> virtually all governments said the standards were not legally binding upon them. At that time, no specific human rights

> violations, apart from slavery, genocide, and gross abuses of the rights of aliens, were effectively proscribed. Virtually all states shielded themselves happily behind Article 2(7) of the UN Charter arguing that human rights was strictly an internal affair for the state concerned. While a UN Commission on Human Rights was set up, governments entirely dominated its work. . . . When the drafting of the two International Human Rights Covenants was finally completed, in 1966, it took another decade before a mere thirty-five states ratified them and brought them into operation. Thus, the UN's initial foray into the human rights area was far from promising."[91]

Numerous governments violate the human rights of their citizens. Some governments stay in power without elections, against the apparent wishes of the majority of people in the country. Other governments simply follow unwise policies, economic or otherwise, that perpetuate needless suffering among their citizens. In a just world, governments that do such things should be subject to the corrective and beneficial influence of people outside the borders of the country being victimized. In principle, a lot of problems and abuses of human rights in many countries could be solved by outside intervention.

But interference in the internal affairs of sovereign states is, for moral purposes or otherwise, against one of the most important principles of international law. The *principle of nonintervention* "is the most important embodiment of the modern idea that states should be treated as autonomous entities; it is also the main structural principle of a conception of the world, dominant since the mid-seventeenth century."[92] According to most interpretations of international law, states should be left alone. Interference in their internal affairs is not permissible, even for their own good. Outsiders are permitted to intervene only to protect a government against outside interference.

Some philosophically oriented analysts of international politics find this right of states to be free of outside interference an intolerable limitation on the range of moral concern. One argument asserts, for example, that only "legitimate states should be free of interference from outsiders."[93] Another posits, in a similar way, that "unjust institutions do not enjoy the same *prima facie* protection against external interference as do just institutions."[94] And on the surface, there seems no good reason that government leaders should be able to perpetrate all manner of crimes against people under their rule and hide behind the international legal principle of nonintervention.

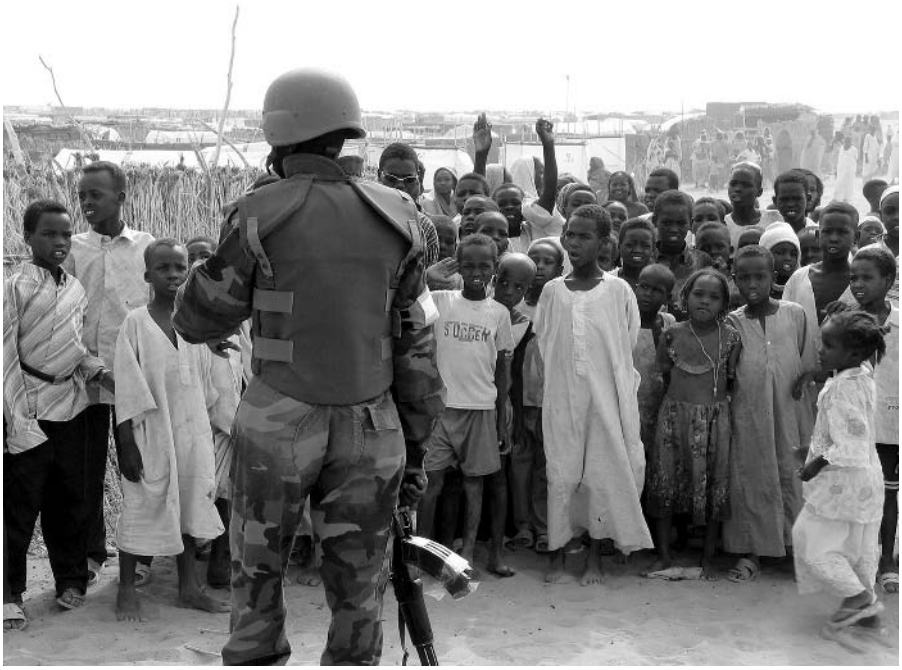
The idea that states can use sovereignty as justification for human rights violations has lost much of its credibility. Indeed, "the view that human rights violations are essentially domestic matters, while still put forward in an almost ritual manner from time to time, receives very little credence from the international community."[95] In the contemporary era,

several analysts have noted that one reason interventions have become more acceptable (especially after the Cold War) "is the increasing acceptance of the protection of individual rights as an international norm."[96] Many of the UN peacekeeping missions, discussed earlier in this chapter, "have had explicit human rights responsibilities. UN operations in Haiti and Rwanda even had primarily human rights mandates. Operations in Somalia and northern Iraq also included a human rights dimension. The tasks of these peacekeeping forces have included monitoring the activities of the police and security forces, verifying the discharge of human rights undertakings in agreements ending civil wars, supervising elections, encouraging authorities to adopt international human rights instruments and comply with their international humans rights obligations, and providing human rights education."[97]

humanitarian interventions Threats of use of force against a state accused of perpetrating or allowing human rights violations.

Indeed, after the Cold War, there have been numerous humanitarian interventions, within and outside of the UN framework. **Humanitarian interventions** involve "the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied."[98] But despite the changing views that intervention for the protection of human rights may be appropriate, there exist many dilemmas over the use of humanitarian interventions. Legally and politically, the right of states to violate sovereignty remains controversial, even if state sovereignty is no longer seen as absolute.[99] Despite the UN Security Council's call for action to end the humanitarian crisis in Darfur, for example, the Sudanese government has successfully resisted UN peacekeeping forces for a long time with the argument that this would violate its sovereignty. Ethically, some utilitarians question whether the consequences of any military intervention are worth human rights abuses short of genocide.[100]

The difficulties of resolving internal conflicts through outside intervention and state-building efforts (discussed earlier in this chapter and in Chapter 7) raise questions about the effectiveness of humanitarian interventions. Even if the international community has the resolve and resources to deploy forces quickly enough to prevent an escalation of humanitarian abuses and to stay long enough to resolve underlying conflicts, humanitarian interventions may not be that useful and may have unintended consequences.[101] One analyst of the Rwandan genocide argues, for example, that the prospect of outside intervention may create "perverse incentives for weaker parties in such conflicts to escalate the fighting and thereby exacerbate the suffering of their own people, because they expect or hope to attract foreign intervention. Thus a policy of intervening to relieve humanitarian emergencies that stem from internal conflicts may unintentionally increase the number and extent of such emergencies—a classic instance of moral hazard."[102] This analyst concludes that prevention



Part of a limited humanitarian intervention, a soldier from the African Union Force stands in front of Sudanese children in Darfur.
(Beatrice Mategwa/© Reuters/ Corbis)

of severe human rights crises is a much more effective strategy than is humanitarian intervention.

Part of the change in how the international community views human rights has been due to the attention to this issue brought by transnational networks of nongovernmental organizations such as Amnesty International and Human Rights Watch (discussed in more detail in Chapter 4).[103] The United Nations has also become more focused on human rights. Although its Human Rights Commission was created in 1946, "the United Nations continued to build its human rights machinery through the 1990s—in particular, with the creation of the high commissioner post in 1993. In addition, the UN broadened the human rights agenda by creating two special war crimes tribunals and moving to incorporate human rights initiatives in peacekeeping operations."[104]

Women's Rights

Almost certainly the most pervasive human rights abuses in the world involve women, who constitute half of the world's population and are subjected to discriminatory policies and violent acts in virtually all countries. Women are "beaten in their homes by intimate partners; raped and otherwise sexually assaulted by law enforcement personnel while in their custody; raped in refugee camps by other refugees, local police or the military; and targeted for sexual violence based on their low social status."[105] According to the World Health Organization, women between the ages of

Map: Women's Rights, Atlas page 27

fifteen and forty-four are more likely to die or be disabled as a result of violence than from cancer, malaria, or traffic accidents.

Another human rights issue involves discrimination against women, even before birth. In China, the government's population policy limits families to one or two children. "That makes parents fearful of 'wasting' their quota on a girl."[106] Ultrasound scanners make it possible to detect the gender of a child before birth. It is estimated that some 1.7 million unborn girls are identified in this way each year in China and subsequently aborted. In other words, as a result of government policy, something on the order of 12 percent of female fetuses are aborted or otherwise unaccounted for in China every year. Similar patterns can be found in other Asian countries, such as South Korea and India.[107] Economist Amartya Sen estimates that 100 million women are "missing" in **female deficit** countries, that is, countries whose female populations are smaller than they would be under "normal" circumstances; 44 million and 37 million of these missing women are in China and India, respectively. "The phenomenon of missing women reflects a history of higher mortality for females and a staunch anti-female bias in health care and nutrition in these countries."[108]

female deficit Situation in countries with female populations smaller than they would normally be.

In the post–Cold War era, the international community has witnessed rape as a tool of war in the Balkans and in Africa, trafficking of girls and women in Asia, and the establishment of the Taliban in Afghanistan. Under Taliban rule in Afghanistan, the most extreme case of female subjugation under Islamic law, "women must don a 'burqa,' a dark robe with only a small, heavy mesh opening to see through, before venturing out of the house. . . . The many Afghan women whose fathers, husbands or brothers have died in the country's ongoing civil war live under virtual house arrest. They are even denied a view of the outdoors, as the windows of houses where women must live must be painted over to prevent them from being seen from the street."[109] The Taliban defended these policies as consistent with their culture and religion. The debate over respect for differences in culture versus the universality of women's rights has been an important one on the global agenda, as well as within the feminist perspective.

Consider, for example, the millions of African girls, and some girls in Asia and the Middle East, who are subjected to female circumcision, as it is called by its proponents, or female genital mutilation, as it is called by its opponents:

> Genital mutilation has been inflicted on 80 to 100 million girls and young women. In countries where it is practiced, mostly African, about two million youngsters a year can expect the knife or the razor or a glass shard, to cut their clitoris or remove it altogether, to have part or all of the labia minora cut off, and part of the labia majora, and the sides of the vulva sewn together with catgut or thorns.[110]

From one point of view, this might be considered a private matter, a culturally based custom of no legitimate interest to outsiders. Alternatively, one might argue that it may not be accepted even in cultures

where it is practiced since "a small number of African and foreign women devote their lives to fighting genital mutilation. But unless they get major help and attention, their struggle may take more generations."[111]

What should be done about widespread mistreatment and abuse of half the world's population? The United Nations is moving toward action in this realm of human rights abuses. The World Health Organization, a functional organization of the United Nations, has announced its intention to put an end to female circumcision. The United Nations also adopted in 1979 a **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),** which had been ratified by 183 countries by early 2006. The United States is one prominent state that has refused to ratify the convention. Often described as an international bill of rights for women, the convention defines discrimination as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." States that accept the convention agree to a number of policies to eliminate discrimination against women in a variety of forms.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Agreement by which states commit to the principle of legal gender equality and to end various forms of discrimination against women

The post–Cold War years have seen a number of important international forums and agreements on women's human rights:

> At the World Conference on Human Rights [in Vienna in 1993], the international community recognized that women's rights are human rights, affirming that the human rights of women are universal, inalienable, and indivisible. Further, for the first time in UN history, the Vienna Programme of Action stated clearly that violence against women, whether in public or private, constitutes a violation of human rights. A year later, at the International Conference on Population and Development (Cairo, 1994) the protection of women's human rights was extended to include women's rights to reproductive and sexual decision making. The World Summit for Social Development (Copenhagen, 1995) affirmed that equality between women and men is critical to achieving social development, and that this cannot happen in the absence of human rights—including women's human rights. The culmination of these efforts came with the Fourth World Conference on Women (Beijing, 1995), the largest world conference in the history of the UN, where a strong commitment to women's rights as human rights formed the very foundation of the Beijing Platform for Action.[112]

In addition, in 1998 the International Criminal Tribunal for Rwanda designated rape as a war crime for the first time in history.

Ellen Goodman, an American syndicated columnist, argues that these collective efforts suggest that "global mistreatment of women is no longer a cultural issue."[113] That conclusion is probably premature. Two African

women employed in the United States as a lawyer and a college professor, respectively, "take great exception to the recent Western focus on female genital mutilation in Africa." They go on to note that the U.S. State Department has required African governments to report on the incidence of genital mutilation and that influential lawmakers have called for discontinuation of financial aid to governments that do "not address this issue in the manner dictated by the West." "We do not believe," these African women conclude, "that force changes traditional habits and practices. Superior Western attitudes do not enhance dialogue or equal exchange of ideas."[114] The headline for their *New York Times* article is, "The West Just Doesn't Get It." In a similar vein, the director of the East Asian and Pacific Bureau of the Ministry of Foreign Affairs of Singapore has argued that "the diversity of cultural traditions, political structures, and levels of development will make it difficult, if not impossible, to define a single distinctive and coherent human rights regime that can encompass the vast region from Japan to Burma, with its Confucianist, Buddhist, Islamic, and Hindu traditions." "Asians," he continues, "do not wish to be considered good Westerners," and he concludes that "the self-congratulatory, simplistic, and sanctimonious tone of much Western commentary at the end of the Cold War and the current triumphalism of Western values grate on East and Southeast Asians."[115]

It can certainly be argued with some legitimacy that the main concern of this spokesperson from the Ministry of Foreign Affairs in Singapore is to "delegitimate international efforts to address the abuses that particularly characterize his own government and its regional allies: detention without trial and denial of press freedoms."[116] But Americans too are capable of arguing that international standards of morality are inapplicable to special problems they face. "The U.S., no less than [other] countries . . . claims the right to pick and choose which rights to defend and international laws to uphold."[117] President Clinton, for example, when faced with refugees from Haiti trying to reach Florida, claimed that international law governing treatment of political refugees does not apply to the United States. The U.S. policy of forcing Haitians to return to Haiti without a hearing to determine their eligibility for political asylum violates an international legal requirement that they be given such a hearing. Furthermore, "although most nations have banned the death penalty, [Americans] refuse to acknowledge international law on this issue claiming, in effect, our culture gives us the right to go our own way."[118]

So persistent claims in favor of the right of states to be free of interference from outsiders, buttressed by cultural differences regarding what is moral or ethical, make it difficult to enforce the rights of women in countries where they are obviously and harshly discriminated against. Canada adopted an interesting approach to dealing with this problem. It accepted as a political refugee a woman from Saudi Arabia who argued that her opposition to discrimination against women in her homeland put her at risk.[119] One advantage of that approach is that it does not involve direct

intervention in the affairs of another sovereign state, certainly not with military force. And it is conceivable that if additional countries adopted Canada's policy, thus increasing the right of exit for women from countries whose female citizens want to leave, this could increase their bargaining power in domestic political processes focusing on women's rights. In distinct contrast, when Fauziya Kasinga left her native Togo in 1994 and immigrated (illegally) to the United States rather than submit to genital mutilation, she awaited hearings for more than a year during which "she endured body searches, shackles, and poor sanitation at a federal detention center."[120]

Women's rights can also be enhanced if those rights, and violence against women, continue to be treated as development issues (discussed in Chapter 11). And the status of women can be further improved if they are specifically given increased support by the policies of governments and international agencies like the International Monetary Fund and the World Bank. Finally, international campaigns in the United Nations and affiliated organizations, complemented by the efforts of transnational organizations such as Amnesty International, to make women's rights a high-priority human rights issue may in the long run improve the political, legal, economic climate, and conditions for the world's female population.

An Emerging Legal Right to Democracy

It is clear that human rights is a controversial concept on which to base decisions about which governments are legitimate targets of outside intervention. Would democracy perhaps better serve that purpose? Governments elected by their own peoples in fair, competitive elections could be assumed to be legitimate and entitled to run their internal affairs as they see fit. Undemocratic governments could justifiably be subjected to outside intervention. "From the point of view of persons nonvoluntarily subject to a regime, and unable effectively to express or withhold their consent to it, [there is] little moral difference whether the regime is imposed by other members of their own community or by foreign governments."[121]

There does in fact seem to be an emerging international legal right to democratic governance. "Democracy," according to an analysis in the *American Journal of International Law*, "is on the way to becoming a global entitlement, one that increasingly will be promoted and protected by collective international processes." According to this argument, objections to antidemocratic coups in Russia and Haiti in 1991 by leaders from other governments officially registered in such international organizations as the United Nations and the Organization of American States reflect a "new global climate" that has resulted in a "transformation of the democratic entitlement from moral prescription to international legal obligation."[122] This new legal norm has the obvious potential to be abused by more powerful countries for their own selfish purposes against weaker countries. Indeed, there is a growing unease regarding the United States' promotion of democracy and its association with regime change

and military intervention.[123] Thus, while there does seem to be a clear trend in the international system toward equating democratic government with legitimate government, "there is no well-settled body of norms about acceptable forms of involvement in democratization across borders.[124] (See the Policy Choices box "Should States Intervene to Promote Democratization?" in Chapter 6.)

International Cooperation: Norms and Regimes

International cooperation in global politics can revolve around ideas that develop about what is right and acceptable, such as the emerging right to democracy, the growing belief that internal conditions are a legitimate arena for international concern, and the idea that the use of force is not legitimate unless for self-defense or to punish an aggressor. These ideas become reinforced through the behavior of states. States may obey laws and adhere to less explicit ethical principles despite the possibility that disobedience would bring immediate and obvious advantages. As the highly nationalistic German historian Heinrich von Trietschke, a fervent advocate of power politics, argued, "Honest and legal policies are also, ordinarily, the most effective and profitable. They inspire the confidence of other states."[125]

In other words, under some circumstances, cooperation is beneficial, partly because states will reward cooperation with further cooperation. In situations structured like the prisoner's dilemma game discussed in Chapter 8, cooperation pays for both players unless one player defects. Such defections can best be avoided if participants pursue a **tit-for-tat strategy.** That is, players can most reliably evoke cooperation if they cooperate on the first move and then do whatever the other player does on subsequent moves. In time, apparently, both players may realize that every defection is met by defection and every cooperative move is reciprocated.[126]

tit-for-tat strategy To evoke cooperation by matching another actor's gestures.

Such consistent cooperation can be the result of merely strategic calculations, but cooperative tendencies among players can be strengthened if they are based on norms, rules, or principles. If such norms, rules, and principles become clearly established and recognized by a sufficiently large number of important states in the international system, then a **regime** may emerge. "Regimes are sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations."[127] Regimes "may or may not be accompanied by explicit organizational arrangements."[128] In short, regimes, capable of evoking actors' expectations that foster orderly behavior, can be based on ethical principles, international law, or international organizations.

regime Set of principles, norms, rules, and procedures in a given area of international relations.

So, for example, there is a regime in the international system regarding the issue of nuclear nonproliferation that is based in part on an explicit treaty, the Nuclear Nonproliferation Treaty (discussed in Chapter 8). This treaty in effect makes proliferation illegal for its signatories, who also

cooperate in the effort to prevent the spread of nuclear weapons in ways specifically stated within the treaty. The nonproliferation regime also has an organizational basis in the form of the International Atomic Energy Agency, which implements procedures designed to detect the diversion of nuclear materials produced by nuclear power plants for the production of nuclear weapons.

But the norms or principles on which regimes are based are often less explicit, their content rather emerging and becoming clear as a result of states' actual practices and behavior. There is, arguably, a regime in the current international system regarding intervention for human rights and protection of democracy.

Realists see regimes as simply a reflection of state preferences, with little or no influence independent of states:

> The realist argument that national actions are governed entirely by calculation of interests . . . is essentially a denial of the operation of normative obligation [that is, obligation inspired by norms rather than enforced by coercion] in international affairs. This position has held the field for some time in mainstream international relations. But it is increasingly being challenged by a growing body of empirical study and academic analysis.[129]

Many point out that norms can be a powerful source of political behavior.[130] Even if individuals usually behave in essentially egocentric, self-interested ways, there are intriguing, anomalous exceptions. For example, why people bother to vote represents a long-standing puzzle for analysts of voting behavior, since a single individual's vote usually will not make a difference in a national election. It is also difficult to understand why Americans, for example, make contributions to the United Way Fund or public radio and television stations, why they risk their lives in time of war, and why they "do not always cheat when no one is looking."[131] One of the best-known advocates of social analysis based on the assumption that human beings are rational acknowledges, "I have come to believe that social norms provide an important kind of motivation for action that is irreducible to rationality or indeed to any other form of optimizing mechanism."[132]

If individuals are capable of sacrificing even their lives for ethical reasons, it does not seem so far-fetched to imagine that individual leaders may at least on occasion promote ethical considerations ahead of, though not necessarily against, the state's national interest when making government decisions.[133] Essentially, international norms "entail a collective evaluation of behavior by members of the state system in terms of what ought to be, as well as a collective expectation as to what behavior will be."[134] Constructivists (as discussed in Chapter 1) point out that what is right, wrong, appropriate, and even what is in a state's interest is the product of the collective social context of global politics. Because norms are not objective, they change over time as state behavior and collective evaluation change.[135]

The norm against slavery is a good example. "Probably the 'purest'—most moral, least self-interested—foreign policy action ever taken on behalf of 'human rights' was the British navy's suppression of the slave trade in the nineteenth century."[136] Slavery was for thousands of years considered an immutable aspect of human nature. But because of the opposition of the British, ultimately joined by many others, norms against slavery became so strong that it virtually disappeared altogether. The traditional, quite prevalent counterargument is that slavery disappeared only when and because it became unprofitable.[137] In this view, slavery's disappearance had nothing to do with moral progress and is therefore no indication that ethical principles influence the behavior of governments as well as individuals. Morality, according to one modern student of philosophy, requires "people to act in ways that do not promote their individual self-interest. . . . Living wholly by the principle of enlightened self-love just is not a kind of *morality.*"[138] If regimes are based on an entirely self-interested adherence to norms, their existence (disputable as even that turns out to be) does not constitute very good evidence of the potential impact of ethical principles.

But if slavery's (and the slave trade's) disappearance was a result of truly ethical behavior, then here is at least one important example of altruistic government behavior analogous to that found among individuals, such as voting, contributing to charities, and risking death for the sake of their country. And if moral progress or cultural change is capable of eliminating a social practice of such long standing as slavery, perhaps such progress also can eliminate another seemingly indestructible custom in the global political system: international war.

Norms Against War

Norms against war as an acceptable tool for states may also be evolving. "The major powers have not fought each other since 1945. Such a lengthy period of peace among the most powerful states is unprecedented."[139] As discussed in Chapter 6, democratic states have been unlikely to fight international wars against each other. The use of military force to collect international debts or establish colonies, so prevalent in the nineteenth and early twentieth centuries, has virtually disappeared, arguably because such uses of military force are no longer ethically acceptable.[140] Even in "a total war, states struggling for survival altered or transcended the expected use of particular forms of military power [such as chemical warfare, during the Second World War], in part because of intentionally constructed international prohibitions on those types of warfare."[141] One recent study of war concludes that after five thousand years, cultural and material changes may be combining to inhibit international war. "War," according to one prominent military historian, "seems to me, after a lifetime of reading about the subject, mingling with men of war, visiting the sites of war and observing its effects, may well be ceasing to commend itself to human beings as a desirable or productive, let alone rational, means of reconciling their discontents."[142]

Perhaps, in short, the world wars of the twentieth century, combined with the historical tendency of states to ignore international law, ethical principles, and norms, have led theorists of international politics to discount too heavily the impact of law and ethics on foreign policies and international politics. In 1989, while Soviet troops were still in Afghanistan, President Mikhail Gorbachev declared that the Soviet intervention in that country was a "sin."[143] This may have been the first time a major political leader has ever so categorized a military operation of his or her own government, especially while it was still in progress. It may be a straw in the wind along with more important indications, such as the recent absence of war between major powers or between democratic states, and the end of formal colonialism showing that we are entering an era in which the importance of ethical and legal prohibitions against the use of military force for settling disputes and resolving conflicts among nations will become increasingly apparent. "Despite confusion and uncertainty, it seems just possible to glimpse the emerging outline of a world without war."[144]

Norms Versus Power

How many states does it take to accept a norm for us to say that an international norm, or regime, has truly emerged? That is a difficult question with no clear answer, and one that undergirds many international debates in contemporary global politics. What if just one state, or a small group of states, is in violation of an international norm or refuses to sign a treaty that almost everyone else has signed and ratified? Generally, we would agree that norms do not have to be universally accepted to be significant in international relations, but what if that state is (or the group of states includes) one of the most powerful in the world? What if that state is the United States in the twenty-first century?

The United States has refused to sign or ratify important international treaties (see Table 9.3). "Even as the United States seeks to strengthen

TABLE 9.3

Major Multilateral Treaties That the United States Has Not Signed or Ratified

Convention on the Elimination of All Forms of Discrimination Against Women (1979)
Convention on the Rights of the Child (1989)
Convention on Biological Diversity (1992)
Comprehensive Nuclear Test-Ban Treaty (1996)
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction (1997)
Kyoto Protocol to the Framework Convention on Climate Change (1997)
Rome Statute of the International Criminal Court (1998)

Note: Major multilateral treaties are those with over 120 state parties.

the enforcement of international law for its own ends, it has often recoiled at the prospect that these norms might be enforced against it."[145] In doing so, it is asserting its sovereign right, but may be undermining the legitimacy of these specific efforts at multilateral cooperation, international law generally, and the international institutions that support these efforts. Just as the U.S. refusal to join the League of Nations after World War I may not have been the sole reason leading to the failure of collective security and the onset of World War II, U.S. isolation in these particular areas may not be the only obstacle to solving the problems they attempt to address. But it is clear that the pattern of violation of these international norms exhibited by the United States, given its hegemonic position in global politics, is of great concern to the rest of the world. In the international debate over the intervention in Iraq in 2003, many states saw the U.S. conviction to pursue the invasion unilaterally in the context of its previous policies to "go it alone." Part of the opposition to U.S. foreign policy toward Iraq, then, may have been a breakdown in the tit-for-tat reciprocal cooperation that underlies the development and maintenance of international norms. This may not be in any state's long-term interests. "As the world's sole superpower, the United States can defy international standards with little fear of immediate sanction; but other states will begin to question its motives in trying to strengthen important legal regimes such as those covering nuclear and chemical nonproliferation."[146]

SUMMARY

- Modern international organizations trace their origins to the nineteenth century, when the Concert of Europe was established by the Congress of Vienna and several international functional organizations were launched. After the First World War, the League of Nations was established in the hope that it would prevent such wars from recurring. The League failed to prevent the Second World War, but its temporary existence taught U.S. policymakers that the war happened because of failure to support the League, not necessarily because organizations like the League, or the United Nations, are inherently ineffective.
- A major purpose of the United Nations is to establish a system of collective security guaranteeing that any victim of aggression in the international system will receive support from the collective weight of the entire international community. There are several logical or theoretical grounds for expecting it to be difficult to create an effective collective security system. "Aggression" is not easy to define, and even if a definition can be agreed on, its application to concrete cases can be controversial. Precommitments by some nations to other nations in the form of alliances are, strictly speaking, inconsistent with a system of collective security, since the world community must be ready to resist aggression by any state in the world. In addition, all states have a powerful

incentive to let other states carry the burden of resisting aggression in any given case. The Cold War also hamstrung the efforts of the United Nations at collective security since both sides possessed the power to veto the enforcement of Chapter VII by the Security Council.

- For all these reasons, over the years the United Nations has invested a lot of time and energy in peacekeeping, as opposed to collective security. Peacekeeping involves intervening militarily in trouble spots of the world to separate antagonistic factions for long enough to allow stable relationships to be restored. Peacekeeping and peacemaking ventures have proliferated in the post–Cold War world, sometimes, with controversial effects, as in Rwanda and Somalia. Peacekeeping activities reached a peak in 1993 and 1994. After these experiences, the United Nations seemed set on scaling back peacekeeping operations, but recent missions, such as in East Timor, are quite ambitious.
- The United Nations attempts to promote peace in other ways beyond peacekeeping and collective security. These include mediating between disputes and addressing the underlying social and economic factors that contribute to conflict. The future of the United Nations will include debates about its budget and its structure.
- Continual violations of international law commonly lead to the conclusion that it is so weak and ineffectual that it does not really exist. But high crime rates within states do not lead to the conclusion that domestic law does not exist. In fact, most states obey most international laws most of the time. In part, this occurs because cooperation pays; that is, states can benefit from a reputation for being trustworthy and law abiding.
- It is commonly asserted that ethics and moral principles are irrelevant to international politics. But even realists and other moral skeptics do not adhere to such a categorical position. Even when cooperation breaks down and war ensues, international law and moral standards are applied, largely based on ideas from the just war tradition.
- Nuclear weapons create profound moral dilemmas because their use in defense of ethical principles or other values could destroy the world, or at least kill millions of people instantly. Deontological analysis of such dilemmas insists that ethical choices must be based on sound moral principles rather than on calculations regarding the empirical impact of those choices. In defense of this position, it must be admitted that it is, at best, very difficult to estimate the impact of, for example, nuclear deterrence policies or a decision to resist the Iraqi annexation of Kuwait.
- According to basic principles of international law, states should be free of interference in their internal affairs. However, the corrupt and oppressive policies of some governments against their own citizens create continuing temptations for the international community to ignore or

circumvent legal prohibitions against intervening in the domestic affairs of other sovereign states. Indeed, the post–Cold War system has seen a shift away from states' rights and toward human rights, including those that are codified in the UN Declaration of Human Rights, signed by most states.

- The most pervasive human rights issue in the world at present involves discrimination against the female population. Recent years have seen a number of developments in which women's equality is seen as a part of human rights. Some argue that an emerging norm countenances international intervention on behalf of democracy when dictatorships threaten to emerge, or when existing dictatorships suppress democratic aspirations.
- Cooperative tendencies on the part of states can be enhanced if cooperation is based on established norms and recognized principles. If those norms and principles become sufficiently well established, they provide the basis for regimes. The impact of regimes is at least potentially substantial. An antislavery regime in the nineteenth century, for example, eliminated a practice long thought to be indestructible. There are some signs, such as the absence of war among democratic states, the absence of war between major powers since the Second World War, and the demise of formal colonialism, that norms against the use of violence in international politics are becoming more effective.

KEY TERMS

collective security 293
UN Charter 296
Security Council 296
General Assembly 296
Secretariat 296
International Court of Justice (World Court) 298
peacekeeping 300
peacemaking 303
state-building 306
positive peace 307
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