

The Evident Virtues (and Vices) of the United Nations

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The United Nations is both an organization and an ideal. As a symbol, it stands for the continuing hope that countries can reach consensus on the legal and political standards they are willing to enforce—to sustain international security in a state system, and individual human security within failing states. As an organization, the United Nations provides a venue for reaching agreement, and an often frustrating apparatus for implementing decisions. It often lacks the efficiency we are accustomed to in well-run states. And in political disputes, the United Nations cannot guarantee consensus or compromise where great power relations are fractured or ill-tempered, or where there are fundamental disagreements between north and south. Few states volunteer to undertake robust measures of enforcement on behalf of the organization. And even in more routine matters of execution, adequate accountability and efficiency are often wanting, proving anew that it is hard to develop the common ethos and cultural understandings characteristic of well-tempered nation states. It does not take the oil-for-food program, the gaping absence of a code of judicial ethics for international judges, the problem of maintaining adequate military discipline among peacekeepers, or the ill-considered proposal to give narcotics cases to the International Criminal Court, to teach that one must take care in deciding which tasks are within the competence of a tag-team administrative structure.

Amidst all of this hope and disappointment, it

is well to remember the origin of the idea of the “United Nations.” It dates to a time of desperate and violent struggle. There was nothing wishful or pacific about its founding and pledge. The moniker stems from the time and occasion when democracies realized that only force in the service of idealism could save the free world from fascism. In the Atlantic Charter of 1943, the moniker of the “United Nations” was used to cement the pledge that each ally would remain true to the collective effort of the world war against the Axis—seeking the unconditional surrender of Germany and Japan, and eschewing any separate peace or advantage. Though now startling to our post-war sensibility, the United Nations Charter negotiated in 1945 continued to speak of Germany and Japan as “enemy states”—a reference that even now has not been removed, because of the difficulty of reopening historical documents and arrangements.

Following military victory in Europe and the Far East, with the unconditional surrender of the Axis powers, the United States and its allies chose to champion the creation of a formal post-war United Nations organization. The hope was to extend the wartime alliance and gain a reliable form of collective security. The haunting lesson of the past lay in the collapse of the League of Nations following the First World War, in particular, the League’s flaccid failure to counter the expansionist adventures of Japan, Italy, and Germany. America’s conspicuous absence was seen as one contributing cause in

the League's powerlessness (aided by the exhaustion of European powers and the continent's reluctance to admit that the 'war to end all wars' had not succeeded in the cause).

The United Nations Charter was negotiated in American locales—at San Francisco and Dumbarton Oaks in Washington, D.C.—and the first meetings were held in Lake Success, Long Island. The gift of waterfront real estate in Manhattan by the Rockefeller family (tellingly, the site of an abandoned *abattoir*) helped to cement America's immediate relationship to the organization. In the political dynamics of a newly internationalized democracy such as the United States, it mattered a great deal that the early meetings of the General Assembly and the Security Council were held in New York, rather than in the neutral remove of Geneva, amidst Europe's post-war wreckage.

The original conception of the United Nations' security guarantees may seem wildly ambitious in retrospect. The Security Council was designed to embody a concert of great powers, leavened by the south. The original Council had a mere eleven members—six seats for non-permanent members (regionally distributed, elected at two year intervals), alongside permanent seats and a complete veto of action enjoyed by the five major powers (the United States, United Kingdom, the Soviet Union, China, and France). It was initially supposed that the United Nations would be able to deploy combat forces seconded to its immediate disposal, lent by member countries under so-called Article 43 agreements, as well as air assets under Article 45. The responsive chord that this scheme initially struck in the United States Congress may now seem surprising. In 1945, the United Nations Participation Act authorized the President to negotiate an Article 43 agreement, making American troops available to the Security Council without any additional Congressional vote on the particular mission. By contrast, in the earlier fight over the League of Nations, Congressional control of the use of American troops was a deal-breaking issue, as it would nearly become again in the

1990s in the Contract with America.¹

The founding moment could not last, of course. In practice, the Security Council now limits its decisions to supplying the legal aegis for the use of force by volunteer nations interested in a particular mission. To be sure, the permanent members of the Council feel a particular burden to help support military missions, but so often, a felt necessity dies for lack of state volunteers—whether the need for several hundred peacekeepers to stabilize the Central African Republic, or Europe's current reluctance to go into Darfur. The Council can authorize the use of force, under Chapter 7, to meet any threat to international peace and security, or breaches of the peace. It can address situations extending far beyond the customary law of self-defense, including countering the acquisition of weapons of mass destruction by unreliable regimes, and far beyond Article 51's recognition of a right of self-defense against armed attack. Collective measures may include robust peacekeeping, peace enforcement, and economic sanctions enforced by naval blockades. But contrary to the expectations of 1945, the actual execution of each mission remains wholly dependent on the kindness of others—on "COWs" or coalitions of the willing. The United Nations is not a world-wide NATO. It cannot demand the contribution of forces by member states, as we saw in the controversy over Bosnia and the safe areas. It is merely the legal chapeau for volunteer states willing to assume a collective burden. Even at the conclusion of the Cold War, U.N. Secretary-General Boutros-Ghali's elegant white paper on an "Agenda for Peace" could not regain consensus for the original scheme.

In the original Charter conception, the Permanent Five superpowers wielded extraordinary blocking power through their veto in the Council. The General Assembly was excluded from the immediate issues of war and peace. Article 12(1) of the Charter forbade even General Assembly "recommendations" on issues of international security when the Security Council was "seized" of the matter. But

history has a way of rewriting documents. In the Cold War, with limited chance of reaching Security Council agreement, the United States itself came to seek other methods for authorizing enforcement action. After the invasion of South Korea, Secretary of State Dean Acheson solicited approval for the U.N. police action from the General Assembly as well as the Security Council, inventing an exception to Article 12(1) under the “Uniting for Peace” resolution, on the ground that the Council was blocked from fulfilling its function.

Sixty years later, the General Assembly’s heated drive to obtain an advisory opinion against the Israeli “fence” or “wall” from the International Court of Justice—even in the midst of the Security Council’s commitment to the Roadmap process and the Gaza withdrawal—shows how the division of labor has fared. With decolonization, the membership of the General Assembly ballooned. By the late 1960s (and all the more, in the 1970s), neither the United States nor any other northern power could command an automatic or even probable majority in the General Assembly. There is thus a continuing potential contest for political and legal power between the two organs. The Israeli “fence” decision will not be the last time the General Assembly seeks an ‘emergency’ advisory opinion from the International Court of Justice, to use a particular account of law to bolster a political campaign. It is well to take note that the Court is an institution deeply skeptical of any role for defensive military power in the interstate system. The outcome of the Serbian suit against NATO allies for the Kosovo air campaign, challenging the legality of humanitarian intervention under the Charter, is not foreordained.

The fundamental architecture of the Cold War was never reflected in the U.N. Charter. International relations realists could indeed chide superpower legalists for the fallacy of *post hoc, ergo propter hoc*. The relative stability between the superpowers maintained by nuclear deterrence and long-term containment could not be directly attributed to U.N. collective machinery,

even if an event such as the Cuban Missile Crisis saw declamatory announcements take place in the Council. NATO and the Warsaw Pact lacked any formal relationship to the United Nations. Each alliance instead claimed authority as a permissible instrument for collective self-defense under customary international law and Charter article 51. Some issues never were brought to the Council in any serious way—including conflicts in the Western Hemisphere, which the United States considered a matter for the Organization of American States, under the Monroe Doctrine, and conflicts involving major powers such as India.

But the United Nations made other contributions to Cold War containment. First, the allure of the West for the developing world depended in large part on the West’s ethical and political commitment to decolonization and independence for formerly subject peoples. The abandonment of empire by the British, French, and the Portuguese required (and requires) continued assistance to fledgling economies and new governments. The transition to effective independence was initially championed and aided through the United Nations development program and the trusteeship council. Nation-building continues as a major vocation for the United Nations—including such things as technical assistance on rule of law issues through the High Commissioner for Human Rights; aid to children through UNICEF; and bolstering medical care delivery through WHO and the U.N. Coordinator for HIV/AIDS.

Equally crucial has been the U.N.’s emergency assistance to internally displaced persons in civil wars and conflicts, delivered by the High Commissioner for Refugees—who has stepped into the breach by operating beyond the agency’s technically limited mandate for cross-border refugees. Many countries prefer to deliver their aid via a U.N. pass-through, through voluntary donations to the budget of U.N. agencies. And much of the U.N.’s assistance is in fact delivered by subcontracts to non-governmental organizations, such as the International Committee of the Red Cross and

Medicins San Frontieres, who often stay in an area of conflict after everyone else has left.

The transition to effective independence was also aided by U.N. assistance in security matters, albeit on a less-than-titanic scale, through the deployment of “peacekeepers” in conflict situations. These were a new form of field personnel who looked like a hybrid between faithful observers ‘bearing witness’ and a colonial *gendarmerie*. In the classical form, peacekeeping troops were to be deployed according to three foundational principles: minimal use of force, consent by the parties, and neutrality. Peacekeepers were to be used only where there was a “peace to keep,” patrolling a boundary or cease-fire line in order to report violations and discourage spoilers. The only use of force was to be in the immediate self-defense of the peacekeeping units. Certainly there was no expectation that the mission objectives could be advanced through combat action, except perhaps in repelling an individual spoiler. Missions were deliberately equipped with light arms only, in order to avoid being drawn into combat, often with the belief that heavier armaments would be provocative. Their continued presence depended on the consent of the parties, and international troops were to remain neutral between the sides, even when one side was the aggressor. After Bosnia and Rwanda, this “neutrality” came to be seen as morally problematic, and the limitation to light arms helped to bring the disasters of Srebrenica and the genocidal attacks of Rwanda. Yet even now, the United Nations has a corporate ethos that is skeptical of the need for (or propriety of) robust security measures. The tragic death of Sergio Vieira de Mello in Baghdad was, in a sense, another sign of the organization’s difficulty in coming to terms with the environments in which they often have to operate. Sir Brian Urquhart reports a classic line from the Congo peacekeeping mission in the mid-60s—as the U.N. peacekeepers traveled on a train towards Katanga province, with a United Nations flag draped across the locomotive, Sir Brian (then a young aide to Ralph Bunche) was surprised to hear a local

leader ask “Quel tribu sont les Nations Unies?”

Peacekeeping in the Cold War was seen as a mission for smaller (and preferably neutral) countries, in order to buffer conflicts that might otherwise escalate and draw in the superpowers. In the absence of any Charter provision, Canada’s Lester Pearson and America’s Ralph Bunche suggested reference to a fictive “Chapter 6 1/2.” (That spirit of practical adaptation and “cadenzas” beyond the text has characterized Charter interpretation ever since). Peacekeeping forces buffered potential superpower confrontations in the Sinai and the Congo, as well as handling the Cyprus crisis of the 1960s and 1970s that threatened the unity of NATO. At the conclusion of the Cold War, in a spurt that challenged U.N. capacity, large-scale peacekeeping missions were used to settle long-running surrogate conflicts in Angola, Mozambique, and Cambodia, as well as conflicts in Bosnia, Somalia, and Haiti. Alas, the moral challenge of Rwanda was abandoned, after the experience of the Somalia shoot-out that killed 18 Army Rangers. Though not recognized at the time, our retreat was another casualty of al Qaeda’s activity in the Horn of Africa.

Though the foundational security principles of balance of power, deterrence, and containment had no direct reflection in the U.N. Charter, another contribution to stability has been in attempting to thwart the proliferation of weapons of mass destruction. The U.N.-sponsored nuclear non-proliferation treaty of 1970 sought to limit the spread of nuclear weapons to “have-not” states, in exchange for the promise of existing nuclear states that they would draw down their arsenals. Alas, the diffusion of technology is probably too powerful for any inspection regime to easily deter, and the break-out of Pakistan and India was tremendously detrimental, along with the black market activities of Dr. Khan and Kim Jung Il. The NPT also may have embodied a wishful belief that the “peaceful” uses of nuclear energy could be disseminated without the spread of weapons-grade material from spent fuel.

With the success of decolonization, and the

creation of dozens of new states in Africa and Asia, the United Nations exploded in size from its original membership of 51, to the current count of 191 flags flying on First Avenue. States enjoy sovereign equality under international law, and the General Assembly has no system of weighted voting. This means that the United Nations increasingly has become a 'southern' institution. The United States and its European allies lost any dominance in the General Assembly by the late 1960s, and there followed the sometimes unpleasant confrontations of the 1970s. Market economies are now sufficiently attractive to make some of these disputes seem antique. But there were serious disputes over controlling the media (in a 'new world information order'), seeking mandatory north-south transfers in a 'new world economic order,' devising a transnational code for corporate behavior (still a live issue in the Subcommittee on Human Rights in Geneva), and limiting exploitation of some resource bases such as the seabed floor through regulatory regimes that would set aside a stated share for poorer states. Each of these concerns still finds some reflection in U.N. debates, but the emphasis now is on seeking voluntary behavior, rather than seeking mandatory regimes.

The impracticality of these suggestions should not disguise the fact that a major vocation of the United Nations continues to be assistance to the new countries of the south in the attempts noted above to build the rule of law, a stable regime of human rights, support for public health, and environmental protection. (The United Nations' work in devising development plans for southern economies gains fewer admirers, and the question is often asked whether these functions are not better assumed by the World Bank. A surprisingly large proportion of the United Nations' regular budget each year goes for economic and sociological studies). The successful transition in South Africa is also widely believed to owe something to the symbolic efficacy of multilateral sanctions against that regime. Sanctions have continued to be a favorite tool to express moral disapproval

of pariah regimes.²

Decolonization brought an expansion of Security Council membership in 1965 from 11 to 15 members. Of the permanent members, only China initially favored the expansion, but all permanent members ratified the proposal to amend the Charter once it passed the General Assembly. The membership of the United Nations has grown by more than 70 countries since that time, and there are renewed calls for "reform" (meaning expansion) of the Council. The non-permanent membership is currently distributed in a regional *modus vivendi*. Two non-permanent seats are filled by Latin America, two by the WEOG group (Western Europeans and others, including Australia, New Zealand, Canada, Turkey, and the United States), one seat by Eastern Europe, and five seats by Africa and Asia.³ Within each region, political importance, troop contributions, and the prestige or reputation of particular ambassadors in New York affect the results of these contests. (U.N. elections are almost always organized by region. This helps to account for such surprises as the Libyan chairmanship of the U.N. Human Rights Commission. In its internal politics, the U.N. is an aggregate of regions. There is no universal talent hunt for the best leader for each task).

A renewed program of further Council expansion has been driven by Japan and Germany. The southern regions also want permanent "regional" seats. Japan and Germany account for 25-30 percent of world GDP, and as such, they are the second and third largest contributors to the regular U.N. budget. Yet both countries have been shy to send troops for U.N. enforcement operations, a reticence reflected in Article 9 of the Japanese constitution and the German constitution's requirement of specific Bundestag approval of each deployment. Germany's commitment to the ISAF operation in Afghanistan is a remarkable change, to be sure, yet Germany is also downscaling its armed forces. A permanent "European" seat has also been proposed for the Council, to represent the EU's common foreign and security policy.

This has been met with the criticism that Europe is already over-represented and that France should then give up its permanent seat.

The 1965 expansion made no great difference in the power balance or work process within the Council. But the current round of debate on further expansion entails other worries, beyond the desire to be more “democratic.” Further expansion from 15 to 25 could hobble closure in debating urgent issues (each country wishes to deliver real or pro forma remarks, and each peacekeeping mission must come up for renewal at six-month intervals). And new members may have highly skeptical attitudes towards any use of armed force, even in humanitarian intervention against genocide or bloody civil conflicts. A package deal on Council expansion was stymied in the late 1990s by the inability of the regions to decide who was “first among equals” on each continent—Nigeria vs. Kenya vs. South Africa, or Chile vs. Argentina vs. Brazil, or Indonesia vs. India vs. Pakistan. There is a renewed initiative this year, chaired by the Permanent Representative of Liechtenstein, but one would have to be skeptical about any different outcome. It is clear that southern countries will not agree to any permanent membership for Germany and Japan without expansion of their own representation as well. Nonetheless, the election of a new Secretary-General in 2005 could make a difference. At the conclusion of Kofi Annan’s tenure, the informal rotation system for candidates will presumptively turn to Asia, and one of the likelier candidates for Secretary General is Razali Ismail, the foreign minister of Malaysia, who strongly pushed for Council reform in 1997 when he chaired the General Assembly. Yet there is also the dilemma of Israel. WEOG has excluded Israel from full membership in its regional grouping, and Israel is also excluded from the Middle East group. (Israel remains the only country in the world that has been effectively disqualified from serving on any major U.N. body by this hidden process of regional exclusion).⁴

A simpler reform effort for the Council

could consist of amending the Charter rule that forbids countries from serving two terms in a row. Major contributors of troops or funds, such as India, Pakistan, Brazil, or Italy, as well as Germany and Japan, thus might serve consecutive terms.

Human Rights and Human Security

The United Nations also has addressed issues of human rights, the environment, and international health. International law is increasingly addressed to matters of “transnational” interest, that affect national governance in a number of countries, as well as the “soft” security interests of individuals. The role of nongovernmental organizations in developing constituencies for these ideas is central, as well as in providing the research and studies that support norm-setting activities. Compliance with these standards is aided by the importance that “lawfulness” has for most democratic governments and democratic publics. Yet there are challenges, because the distinction between international and domestic governance is increasingly blurred, and local communities still value autonomy and may have variant views.

Due to its central importance (and its value as a case study), let me focus on standards of international human rights. In the fifty years since the 1948 Universal Declaration of Human Rights, the United Nations has been singularly active in proposing human rights treaties on civil and political rights, economic and social rights, the elimination of racial discrimination, protection of child soldiers, rights of the child, and women’s rights. In countries lacking a democratic constitutional tradition or reliable judicial review, the international human rights treaties can provide a sea anchor—providing the legal language in which a democratic opposition can voice its complaints and seek some immunity from retaliation. The growth of regional human rights regimes could provide a long-term substitute, but there is still only makeshift machinery in Africa, and Asia has been reluctant to create any human rights commission or court.

There are problems in implementation and norm-setting that should not be ignored, to be sure. The author is presently serving on the U.N. Human Rights Committee, meeting 9 or more weeks per year in New York and Geneva, monitoring compliance with the International Covenant on Civil and Political Rights. We require countries to file a comprehensive report on their implementation of human rights at regular intervals, although we are unable to deal with more than perhaps 15 country reports in a given year. We have tried to figure out a way to evaluate countries that fail to file their reports for years at a time (we have now reviewed two such absentees). We are aware that it is difficult for poor countries to muster the money and professional assistance needed to report in detail on the implementation of human rights in their courts, prisons, and ethnic conflicts. We lack any way, at present, to broadcast over the internet the key conversations with country delegations on their reports; we are confined to a dry set of “concluding observations” and Geneva lacks any effective press coverage of these events. Yet countries wishing to gain access to international financial institutions or to regional groupings care intensely what the recommendations say, and they can give important leverage to reform-minded constituencies within or outside the government. At the last session, we had productive conversations with Namibia, Serbia and Montenegro, the Central African Republic, Belgium, and Liechtenstein. The United States is overdue in its report, and will likely have to file a report by the end of the year, in response to current concerns about terrorism.

So, too, in hearing individual petitions and complaints under the First Optional Protocol of the Civil and Political Rights Covenant, we often fail to dispose of petitions in any timely way, with delays of 3 to 7 years after initial filing. Often we lack a case file that contains the written opinions of the courts below, whose rulings we measure *de facto* against the Covenant, and we have no capacity for oral argument by the parties. There is even, some would argue, occa-

sional failures to embrace the necessary collective tasks of governance, such as the problems of creating and enforcing an immigration policy.

Certainly, one also has to be aware of the temptation felt by some to “progressively develop” human rights law and treaty provisions in ways that would surprise most of the treaty parties. The Committee’s assertion in General Comment 24 of a right to disallow state party reservations and exceptions to the treaty, even those offered as a condition of treaty ratification, has been the subject of some criticism. And in committee jurisprudence, one can see some attitudes that are not yet universal. For example, Europe’s abolitionist view of the death penalty has been reflected in a characteristic pattern of committee review of trial procedures in which no room has been made for the common-law idea of harmless error. (Japan, the United States, the Caribbean, and most of Africa, might take a different view of this standard of review).

So, too, some countries may challenge the Committee’s recent view that the Covenant on Civil and Political Rights governs all actions by a government, whether at home or abroad, with the possible exception of active conflict on the battlefield. The proper relationship between human rights law and international humanitarian law (also known as the law of armed conflict) is something that the Committee has yet to work out, and our relative expertise in the former and lack of working knowledge of the latter may prove problematic at times. The problem of overlapping mechanisms—for example, the role of the International Committee of the Red Cross versus the Human Rights Committee—and the key role of state practice in forming the customary law of armed conflict, are also aspects that we may not be well-positioned to address. But international lawyers in many fields are confounded by the prospect of overlapping jurisdictions and the proliferation of legal voices. And no one would deny that the law of armed conflict is importantly informed by the developed standards of human rights.

Certainly the treaty-monitoring committees have been more rewarding than the self-serving

politics of the Human Rights Commission, a 53-member assembly which meets in Geneva each spring. There is concern that the Commission's so-called "Resolution 1503" process—choosing countries for special scrutiny in light of "gross and systematic" violations—has been captured by some of the world's most unattractive regimes. The Commission's failure to renew the mandate of a Special Rapporteur for Equatorial Guinea, the failure to sanction Cuba for declining to allow a visit by Special Rapporteur Christine Chanet of France, and other predictable preoccupations, have led to an increasing sense that this is not the right modality for pursuing the serious work of human rights.

Outgoing Human Rights Commission chairman Ambassador Mike Smith of Australia has proposed that the Commission's work (to be distinguished from the Human Rights Committee!) could be improved by cutting down on the burgeoning number of thematic and country special rapporteurs. Candidates of respected stature could more easily be recruited, and an adequate budget provided for country visits and support staff. Special rapporteurs on disappearances and torture have done admirable work. But like all bodies that develop by accretion, it is easier to manufacture titles and functions than to assure real impact. It is hard to change the ethos of a limited membership body that has become crudely political. One may wonder whether the United Nations might gain more traction in offering technical assistance to countries that want to change, e.g., Namibia, rather than hosting a high-tempered shouting match each year.

The appointment of a new High Commissioner for Human Rights, Justice Louise Arbour of Canada, gives some opening for change. Justice Arbour, who formerly served on the Canadian Supreme Court and as prosecutor of the Hague war crimes tribunal for the former Yugoslavia, has shown in the past an unusual capacity to choose her battles and muster consensus. It is a hard political environment in which to operate at the moment, though. There is limited sympathy for the

United States at the moment. And U.N. officials often feel constrained by the tastes of their member states. American diplomats often remark that to sell a proposal, one must find another country to avoid U.S. sponsorship.

Other Security Issues

On the security side, the United Nations has lately been the venue for helpful standards, including treaties to extradite and punish terrorist attacks against aircraft, terrorist bombing, and the financing of terrorism. New prescriptive standards have also been generated through Security Council action. For example, following the September 11 attacks, Security Council resolution 1373 created a far tougher standard of state responsibility for acts of international terrorism—warning that any assistance to an international terrorist group through financing, intelligence, logistics, asylum, or materiel, was forbidden. This extended the theory of responsibility used to displace the Taliban regime in Afghanistan, after it sheltered al Qaeda. So, too, a Council resolution has called for states to enact internal legislation to deter the smuggling of WMD precursors, and calls for cooperation in this respect. This gave a great boost to the successful U.S.-sponsored maritime "Proliferation Security Initiative" against the black market distribution of WMD, emphasizing joint action and flag state consent, rather than bold claims about the law of self-defense.

Still, there are areas where states will continue to differ on standard-setting in security matters. This has been the core of the American concerns about the International Criminal Court. There are areas of good faith disagreement on *jus in bello*, or *how* a war is fought. For example, could NATO aircraft legitimately target electrical grids, ports, or oil depots, in the effort to persuade Slobodan Milosevic to abandon his ferocious ethnic cleansing in Kosovo? And there are serious issues of *jus ad bellum*, or *when* a war can be fought. Was it "aggression" contrary to the U.N. Charter to engage in humanitarian intervention in Kosovo? Would it have been unlawful to use force in Rwanda to

protect the Tutsis, if the Council had blocked a Chapter VII resolution? Was the International Court of Justice right in condemning the American counter-attack against Iranian oil platforms in the Persian Gulf, after Iranian speedboat and missile attacks on U.S. warships? And of current real concern, would the United States and the United Kingdom have to wait for Security Council authorization before sending any peacekeepers to Darfur? International law develops in part through state practice, and there is a real-life concern that U.N. bodies and their independent experts may not take adequate account of the realistic security dilemmas faced by nation states that are responsible for the safety of their populations.

The United States, Europe, and Russia have much to gain by seeking political consensus and avoiding counter-productive intramural conflict. We need to leverage our power in meeting security and humanitarian crises, whether in Darfur or Northeast Asia. This can be done through great power diplomacy. But the “shapeless table” of the United Nations often provides a useful venue for agreement, as a place of permanent negotiation that can avoid the delay of Alphonse and Gaston, and as a place that cred-

its the legitimate voice of developing countries and the south. Yet the virtues of multilateral action can only be harvested after frank realism about how the institution operates, where its faults are evident, and where our normative views may legitimately differ.

1 The Senate’s “Mild Reservationists” were at loggerheads with President Wilson over the issues of the Congress’s constitutional power to authorize the use of force and the Congress’s power of appropriation.

2 Nonetheless, economist Gary Hufbauer has argued convincingly that economic sanctions are of limited general value. The post-conflict environments of Iraq and Haiti have shown that sanctions may be harder on civilians than the discrete use of military force.

3 Per General Assembly Resolution 1991 A (XVIII), 17 Dec. 1963.

4 Even now, WEOG has objected to full membership for Israel in the WEOG caucus in New York, and has excluded Israel entirely in the Geneva WEOG caucus, thus banning that country from discussions of human rights and refugee issues. Continued resistance is said to come from France and Sweden, and formerly, from Greece. The author has been told that it would take a concerted effort at the level of the President to change the situation.