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The United Nations of the Cold War: Contributions to the Post-Cold War Situation

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Abstract

This essay focuses on the developments that are most important for the current and future roles of the United Nations post Cold War. The U.N.'s involvement in the ending of the colonial system and in providing help to Third World economies establishes the basis for the present-day assumption that it is the responsibility of the world organization to shore up societies that collapse, or threaten to collapse, into disorder.

ESSAYS

THE UNITED NATIONS OF THE COLD WAR: CONTRIBUTIONS TO THE POST-COLD WAR SITUATION

*Inis L. Claude, Jr.**

The transient euphoria induced by the ending of the Cold War rested in part on a view that we might call the "Rip Van Winkle," or perhaps the "Sleeping Beauty," theory of the United Nations. This was the notion that the world organization had been dormant throughout the period of the Cold War but had now awakened and could, at long last, become the kind of organization described in its Charter and begin to function as its founders had intended in 1945. This line of thought incorporates fallacies about both the past and the future of the United Nations. The United Nations of the 1990's is not free to function in the manner contemplated by its creators; its activities will be determined not by its founding fathers but by its operating sons and daughters, and it will have to react to global conditions very different from those of 1945. Moreover, its future character will be profoundly influenced by what it had become by 1990. The United Nations had been drastically and, for the most part, disadvantageously affected by the Cold War, but it is simply not true that it had been reduced to inactivity. During those four decades, it had grown, changed, adapted, and developed in response to the needs, demands, opportunities, and circumstances of the time. A great many things of significance happened during the Cold War in, through, and to the United Nations. I should like to focus on the developments that are most important for the current and future roles of the world organization.

At the root of many of those developments lies the fact that the United Nations became a prominent instrument of the anti-

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colonial movement, used to encourage, promote, and confer legitimacy upon decolonization. The success of that movement, manifested in the rapid and near-total replacement of colonies by newly independent states, reflected the failure of the ideal of trusteeship that had figured in both the Covenant of the League of Nations and the Charter of the United Nations. Trusteeship purported to offer careful preparation for colonial emancipation, and it is one of the tragedies of twentieth-century international organization that such a scheme never really caught on, gained the confidence of potential clients, or produced the promised results. For better or for worse, the colonial peoples rejected gradualism in favor of Freedom Now, and the United Nations became a party to the creation of the so-called Third World of new states. Unfortunately, many of these entities were ill-prepared for independence, and their emergence accounts in considerable degree for the plethora of failed and uncertainly viable states that contribute so heavily to the global disorder of our time. The United Nations, having had some responsibility for the creation of these states, bears some responsibility for rescuing them from the chaos into which they all too frequently fall.

A direct consequence of decolonization was the entry into the United Nations of virtually all the new states, which gradually brought about the Third World's political control and ideological domination of the General Assembly and, through the Assembly, of many of the processes and programs of other organs. Naturally enough, this new majority formulated an agenda featuring the needs, values, and demands of its members, so that economic assistance and measures for promoting the economic development of Third World states became increasingly prominent parts of the U.N.'s activity. In some sense, the United Nations became an agency of post-independence trusteeship, as erstwhile colonial peoples, having refused to delay independence for preparation, sought post facto assistance in achieving the capacity for successful statehood. The U.N.'s involvement in the ending of the colonial system and in providing help to Third World economies establishes the basis for the present-day assumption that it is the responsibility of the world organization to shore up societies that collapse, or threaten to collapse, into disorder.

The United Nations of the period under discussion also be-

came an agent — indeed, the world's chief agent — of the ferment and the denial of collective legitimacy. Its organs, and particularly the General Assembly, came to be regarded as authoritative articulators of the community will, as sources of politically valuable pronouncements of multilateral approval and disapproval. Exploiting this development, member states avidly sought the blessing of the United Nations for themselves and invoked its curse upon their antagonists. Collective legitimization became a major function of the organization, in part because of the usual unwillingness and incapacity of the U.N.'s members to take strong and decisive action. The Cold War and deeply entrenched national dispositions to shy away from risky enforcement actions reduced collective security to collective delegitimization; aggressors were typically confronted not with multilateral resistance but with multilateral condemnation. The emergence of the collective legitimization function was also promoted by the decolonization movement, which found significant value in U.N. denunciation of colonialism and endorsement of efforts to overthrow it. As the Third World emerged, it used its growing voting power to make the United Nations its ideological ally, exploiting the organization's global acoustics to proclaim support for the myriad complaints and demands of new states. This development of the Cold War period is the major source of today's multilateralist emphasis, with its bias against naked unilateralism and its urge to seek the cover of U.N. authorization. It also contributes to the prevailing tendency to rely on declaratory, symbolic, tongue-lashing, wrist-slapping action as a pretense of but actual substitute for serious response to nasty situations. The fruit of collective legitimization is all too often the substitution of posturing for genuine confrontation of issues.

Today's international agenda is shaped by the New Interventionism: the tendency to attribute to the United Nations — and perhaps to states able to secure the approval or to avoid the disapproval of the United Nations — the authority and even the obligation to intervene in domestic situations that appear dangerous or offensive to the outside world. The roots of this tendency can be found not only in the United Nations of the Cold War era but also in the League of Nations. The constitutional documents of both the League and the United Nations provided for the exemption of the domestic jurisdiction of states from the purview of international bodies. As early as 1923, how-

ever, the Permanent Court of International Justice, in the Advisory Opinion concerning the Nationality Decrees Issued in Tunis and Morocco,¹ held that the fence dividing the fields of domestic and international jurisdiction was a movable one, subject to shifts brought about by the making of treaties. This acknowledgement that matters substantively domestic in nature may be, or may become, legally international concerns prefigured major changes in jurisdictional views in the period of the U.N.'s development. The Charter provided a license for international reaction to human rights abuses within states, and the United Nations has been persistently injected into domestic situations thought to have serious international repercussions. Increasingly, the United Nations has been used to proclaim standards of appropriate behavior for governments within their own territories, and to sponsor or approve interference when voting majorities become sufficiently indignant about violations. Campaigns waged in the United Nations against colonialism, apartheid and other manifestations of racism, and gross violations of human rights might be interpreted as having the effect not merely of shifting the jurisdictional fence but of dismantling it. Debate in the United Nations about domestic jurisdiction is today almost as passé as debate in the United States about states' rights; while the wisdom or feasibility of U.N. intervention in particular cases may be questioned, the organization's authority to intervene is seldom seriously at issue. If the United Nations is now the victim of excessive expectations and over-burdening, the fault lies partly in this erosion of limitations on its jurisdiction.

Finally, let me note the invention of peacekeeping, a U.N. political function unknown to the Charter. Its real beginning was the improvisation of the United Nations Emergency Force ("UNEF I") to help the parties disentangle themselves from the Suez fiasco in 1956,² and it was given definition and theoretical elaboration by Secretary-General Dag Hammarskjöld in 1960.³

1. Advisory Opinion No. 4, 1923 P.C.I.J. (ser. B) No. 4.

2. See *Summary Study of the Experience Derived from the Establishment and Operation of the Force: Report of the Secretary-General*, U.N. GAOR, 13th Sess., Agenda Item 65(c), Annex, at 8, U.N. Doc. A/3943 (1958) [hereinafter *UNEF Summary Study*] (discussing accomplishments of UNEF I).

3. See *Introduction to the Annual Report of the Secretary-General on the Work of the Organization*, U.N. GAOR, 15th Sess., Supp. 1A, U.N. Doc. A/4390/Add. 1 (1960) (stating Hammarskjöld's conception of peacekeeping).

Peacekeeping entails the deployment in trouble spots, with consent of the parties, of military or, occasionally, civilian police contingents contributed by acceptably neutral states and operating under U.N. command and control. Its mission is to help those parties maintain a tenuous peace — not to fight, or to prevent fighting, but to assist parties who realize assistance is required to avoid the degeneration of their relationships into violence. Peacekeeping is a neutralizing role that can be played only by an agency and its agents in whose commitment to impartiality the parties have confidence. If the Cold War largely prevented the development of the political functions assigned to the United Nations in its Charter, it inspired and facilitated the formulation of the peace-keeping function. In the post-Cold War era, this notable political innovation has given rise to the proliferation of U.N. missions of various kinds, undertaking diverse tasks. Unfortunately, a general tendency has developed to label all such operations as peace-keeping missions, even though many of them might more accurately be described as peace-making, peace-enforcing, humanitarian aid-giving, or even war-fighting operations. There is an urgent need for all concerned to introduce honesty, clarity, and precision into the characterization of the functions assigned to U.N. operations, eschewing the indiscriminate use of the peace-keeping euphemism. The confusing mixture of functions and labels in the current series of U.N. operations stems ultimately from the relatively simple origins of peace-keeping in the midst of the Cold War.

This is not, of course, the complete story of the United Nations in the years of the Cold War, but enough has been said to demonstrate that the world organization was by no means dormant during that period. One may evaluate some aspects of this record positively, and others negatively, but one cannot deny that it included developments that have a major impact on international relations today and on the present and future roles of the United Nations.