The practice of political manipulation

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Otto von Bismarck is widely credited with keeping Germany on a course for peace from 1871 to 1890 by being a “brilliant diplomatic tactician” who outmaneuvered powerful domestic and international opposition to implement his preferred policies. Many historians believe that Jean Monnet pushed European integration towards his preferred path through the strategic use of rhetoric without ever even holding elective office. Stories abound in which savvy politicians or activists strategically engineer a situation to their own advantage; leaving their less accomplished opponents to lick their wounds. It should not be contentious to suggest that the ability of leaders to skillfully manipulate their environments matters for the outcomes we care about in international politics. It is much trickier to systematically study such political manipulation, coined “heresthetics” by William Riker. As Riker writes:

Heresthetics is an art, not a science. There is no set of scientific laws that can be more or less mechanically applied to generate successful strategies. Instead, the novice heresthetician must learn by practice how to go about managing and manipulating and maneuvering to get the decisions he or she wants. Practice is, however, difficult to engage in, especially since one must win often enough to become a political leader before one has much opportunity to practice.

This chapter examines the practice of political manipulation (heresthetics) in the context of collective bargaining in international organizations (IOs) and specifically the UN General Assembly (UNGA). The study of heresthetics has focused on domestic legislatures in which agenda control, strategic voting, and the manipulation of dimensions (for example, issue linkage) have been identified as categories of manipulation. Such practices are also prominent in the UNGA and other international organizations, even though the strategic context differs markedly.

There are three advantages to taking international practices seriously in studying the use of political manipulation in global collective bargaining.

First, practices create informal norms that structure the collective bargaining process in similar ways to those of formal institutions. In virtually any interesting strategic dilemma there are multiple equilibria with vastly differing implications. Formal institutions, such as voting rules and committees, can impose structure that steers the decision-making process towards some solutions rather than others. Yet, in the global context these institutions are generally weak. Shared expectations about how the process of bargaining works, or what rhetoric is acceptable, can focus the bargaining process on particular solutions. It is not novel to suggest that cultural analysis may aid strategic analysis in this regard. The focus on practice is especially useful because of its attention to background knowledge, because it weaves together discursive and material worlds and, most importantly, because it stresses that there are patterns of rhetoric and actions that create path dependency. These patterns shape beliefs that actors have about each other.

Second, an international practices approach highlights that political manipulation can be performed in more or less competent ways. The strategic approach dictates that if attempts at political manipulation exhibited obvious regularities and became routine, they could easily be learned and counteracted. In this sense, the transformative potential of political manipulation depends on one side being better at it than their opponents. Gaps in heresthetic abilities are a regular feature of most political settings and are frequently stressed by diplomatic historians and practitioners in accounts of important achievements. Yet, rational choice theorists are traditionally reluctant to attribute explanatory value to superior skill, fearing that such accounts lend themselves to ex post rationalizing, even if they often seem reasonable empirically. The practice approach offers a more systematic way to think about this issue by stressing the acquisition of background knowledge and understanding as integral elements of competent performances. For example, it suggests that political manipulation is a practice that can be learned. The self-determination case stresses how the few former colonies with experience in UNGA bargaining strategically redefined the decolonization issue in ways that didn’t satisfy many former colonies, but that was more successful than other attempts at dealing with the issue that were not consistent with UNGA practices. Similarly, while many developing countries were outmaneuvered into accepting intellectual property rights (TRIPS) as part of the 1994 WTO agreement, they subsequently learned (with the assistance of Western-based NGO networks) to strategically use agenda-setting and issue linkages in order to curtail the impact of the TRIPS agreement. Thus more or less predictable temporal and cross-sectional variation in competence may help account for outcomes.

Third, understanding practices of political manipulation in given contexts aids the interpretation of collective agreements. Despite the evasiveness of precise

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5 See, for example, Greif, 1994. 6 Sell and Prakash, 2004.
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scientific laws about political manipulation, one can discern patterns in the types of practices that skilled herestheticians employ in a given context. The types of agenda or dimensional manipulations that are going to be effective depend on the norms and rules that operate in a given institutional context. The practice of political manipulation in the UNGA constitutes a distinct “community of practice” from other areas of world politics, thus pointing to a “parallel existence of practices.” This implies that rhetorical strategies that may work in the UNGA may not be successful elsewhere (and vice versa). Conversely, textual interpretations of UNGA resolutions are often misleading about their actual purpose. For example, there are strong norms of universality in the United Nations. Thus, many resolutions are cloaked in universal language even if their actual purpose is much more limited, leading to frequent accusations of hypocrisy. Understanding the strategic imperatives that led to the universal language can aid our understanding of where and how we can expect consistent application.

These theoretical points are illustrated with an analysis of the political history of the adoption and application of one of the most significant resolutions the UNGA has adopted: the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples. Scholars have tended to view the Declaration and the ensuing UNGA decolonization regime either as a “normative victory” or as “organized hypocrisy.” I argue that an understanding of the heresthetics underlying the creation and application of the resolution can shed light on discrepancies between the normative ideals captured by the rhetoric of the resolution and the systematic deviations of those principles in practice. The main herestheticians were representatives from the former colonies that had experience with the UNGA’s political process. They skillfully exploited exogenous shocks in order to get an outcome they had long desired but had been unable to achieve. Yet, despite the universal and liberal language of the resolution, its intended area of application was limited to the specific problem of decolonization, not to broader issues of self-determination for minorities. Indeed, while the resolution’s principles have been consistently applied to the former problem, their broader application has been wildly inconsistent.

Collective choice and manipulation in IOs

The actors that populate the international system are enormously diverse with respect to their material interests and capabilities, their moral and ethical commitments, their ideological convictions, their political institutions, and their cultural attachments. Yet, the fates of these actors are also inherently interdependent. Hence, conflicts are inevitable and so are demands for coordinating interactions. IOs are in large measure attempts to meet these demands. The theoretical study of collective choice reminds us that aggregating heterogenous individual preferences

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7 Adler and Pouliot, Chapter 1 in this volume. 8 Jackson, 1993, 124. 9 Krasner, 1999.
into a collective choice is an arduous process with many possible outcomes even given a set of fixed voting rules and preferences.\textsuperscript{10} One interpretation of such results is that collective decision-making produces only transitory results and is in continuous disequilibrium.\textsuperscript{11} A more common interpretation is that further structure is needed to induce stable outcomes.\textsuperscript{12}

Structure in this context refers to the processes that create transitive social orders.\textsuperscript{13} In the domestic politics literature, formal institutions take pride of place as structures that can induce equilibrium. For example, most legislatures have division-of-labor arrangements that delegate agenda control to committees and rules that restrict the introduction of amendments. Structure can also stem from restrictions on preference orderings. For example, the structure of a political situation differs between situations where actors are divided along a single dimension (for example, left–right) and situations where multiple dimensions of contestation are involved. Moreover, there may be informal norms that help structure how outcomes are achieved in a given legislative setting.\textsuperscript{14} Similar structures are present in IOs. IOs have committees, procedures for introducing amendments, and may even be dominated by one-dimensional contestation.\textsuperscript{15} IOs also tend to develop distinct informal protocols and assumptions that organize the process of reaching collective agreements. For example, it is widely recognized that the United Nations has a unique New York culture\textsuperscript{16} that structures how agreements are reached; even warranting an “Insider’s Guide to the UN.”\textsuperscript{17}

Political manipulation is the process of using or shaping the structure of a decision-making environment to one’s advantage. Structural features of a collective choice environment are not neutral: they provide some actors with better opportunities than others. Yet, some actors are also better at skillfully manipulating the formal and informal institutions of a collective decision-making environment to get what they want. Riker focused on three ways that actors manipulate outcomes. The first is agenda manipulation: controlling what issues are and are not considered, how the alternatives are framed, how they are and can be amended, and how they are pitted against each other in votes. The importance of agenda manipulation and gate-keeping is widely recognized in

\textsuperscript{10} For example, Arrow, 1963. Later theorems that further document the existence of cycles in majority voting mechanisms are commonly referred to as “chaos theorems” (see McKelvey, 1976, 1979, and 1983). The difficulties in aggregating preferences and the existence of cycles have been known at least since Condorcet, who formulated a famous voting paradox associated with majority rule.

\textsuperscript{11} This interpretation of the instability of the political process is most commonly associated with Riker, 1980.

\textsuperscript{12} See, for example, Shepsle, 1979; and Shepsle and Weingast, 1981.

\textsuperscript{13} Morrow, 1988, 77.\textsuperscript{14} See, for example, Asher, 1973; and Helmke and Levitsky, 2004.

\textsuperscript{15} Voeten, 2000.\textsuperscript{16} Smith, 2006.\textsuperscript{17} Fasulo, 2004.
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So far, I have stressed the similarities between domestic legislatures and IOs. Yet there are also notable differences. The most important one is how actors within the IO literature.\(^\text{18}\) It is also generally understood that this activity requires both background knowledge and skill.

Second, actors can vote strategically. Strategic voting means that actors do not vote for their sincerely preferred alternative but for the alternative that is likely to generate the best outcome, given expectations about how others may vote. There is ample evidence for strategic voting in the context of IOs.\(^\text{19}\) The ability of actors to vote strategically depends on the information they have about the expected behavior of others, which is likely to come from past practice and skilled leadership.

Third, actors can redefine a situation by manipulating the dimensions of an issue. An example of this is issue linkage, another topic that has received ample attention in the literature.\(^\text{20}\) It may also involve reducing the dimensionality of conflict. For example, the framers of the self-determination issue removed the right of former colonies to nationalize industries and moral assessments of colonialism from the resolution. This did not necessarily reflect their preferences but was done to broaden the coalition.

The novelty here is not to suggest that agenda-setting, strategic voting, and manipulation of issue dimensions matter but to study these activities as a practice, a performance that can be executed in more or less competent ways. Many actors try to strategically manipulate agendas but these attempts often fail. For example, the USSR strategically raised the stake on the self-determination issue by having Nikita Khrushchev personally introduce a resolution directly to the plenary session of the Assembly. Yet, the resolution failed. In the narrative, I suggest that this was so because while the language of the resolution was obviously strategically chosen to appeal to the former colonies, it failed to abide by the informal norms of UNGA resolutions. Khrushchev, a UN outsider, did not utilize the structure of the decision-making environment well. Instead, a number of experienced delegates from former colonies skillfully redrafted the bill in UNGA language. They also altered the dimensionality of the situation by removing all language that referred to the Cold War conflict, thus making the issue only about self-determination of former colonies. Moreover, they voted strategically by casting their ballots against amendments to the resolution that condemned colonialism in stronger terms, a decision that was particularly difficult for many former colonies less attuned to the strategic context of the UNGA.

The practice of political manipulation in the UNGA

So far, I have stressed the similarities between domestic legislatures and IOs. Yet there are also notable differences. The most important one is how actors within

\(^\text{18}\) See, for example, Pollack, 1997; Sell and Prakash, 2004; and Carpenter, 2007.

\(^\text{19}\) See, for example, Frey, 1984; Garrett, 1992; and Voeten, 2001.

\(^\text{20}\) See, for example, Tollison and Willett, 1979; Haas, 1980; and Davis, 2004.
IOs relate to their external environments. In domestic legislatures the external environment matters, in that it provides incentives for re-election or possible veto points (for example, the presidency and the courts). Yet, the issues in IOs are typically different. First, decisions in most IOs are not directly enforceable. This is certainly true for the UNGA, which adopts non-binding resolutions. Consequently, the actual effect of resolutions is thought to be minimal unless they are adopted by near-unanimity, despite the fact that the formal voting rule is majority rule. Second, IOs usually do not have sole jurisdiction over an issue. Generally, other multilateral or unilateral courses of action should be taken into account when discussing alternatives. As such, the literature on collective decision-making in international politics identifies coercion as imposing structure on bargaining processes. For example, Voeten offers a model in which bargaining in the Security Council is structured through formal rules (veto power), coercion (the asymmetric availability of outside options), and the assumption that competition takes place in a one-dimensional policy space.

Such structural constraints shape UNGA decision-making in important ways, but they do not fully determine outcomes. This point is crucial for scholars who wish to make sense of UN resolutions. The analogy with Bourdieu’s discussion of the juridical field is useful here. Bourdieu criticizes both formalists, who view the law as a self-contained system that is autonomous from its social and political environment, and instrumentalists, who conceive of the law as a mere tool in the hands of the powerful. Formalists fail to appropriately acknowledge the influence of those who exercise power outside the legal domain while instrumentalists do not account for the unique qualities that separate legal practice from other social activities. Similar critiques can and have been uttered against scholars of the United Nations. For example, Stanley Hoffmann observed that:

It has always been a problem that specialists of international politics dealing primarily with the diplomatic and strategic scene dismissed the UN from their analyses, whereas lawyers and political scientists specialized in the study of the UN’s political functions tended to lock themselves up, so to speak, within the UN and to look at the world outside only dimly, as it was filtered into and through the UN.

22 Young (1978) distinguishes three mechanisms that help resolve conflicts of interests in international politics and are thus part of the structure of the international system: institutionalized bargaining, coercive diplomacy, and organized warfare. Morrow (1988) points out that coercion essentially covers the latter two mechanisms since warfare is the result of the failure to achieve goals through coercive diplomacy.  
24 See also Brunnée and Toope, Chapter 5 in this volume.  
26 Hoffmann, 1998, 179.
This is indeed a serious problem. Outsiders who analyze the effects of UN resolutions without understanding the process by which such resolutions come about are usually quick to dismiss them as ineffective and hypocritical given that the high-sounding principles expressed in the resolutions are frequently violated. Yet, some of the language of UN resolutions is a product of political manipulation that reflects internal UN norms and should be interpreted as such. For example, the UN self-determination regime was based on a political bargain that solely applied to the issue of granting independence to former colonies. Yet, the structure of the situation dictated that the actual text of the resolutions revealed more universal aspirations. Many scholars have pointed to the hypocrisy of the self-determination regime by highlighting how these universal principles were not consistently applied in non-colonial cases. Yet, as I will show, the regime was consistently applied to colonial cases, with important consequences, and thus should not be dismissed as irrelevant. Understanding how to interpret the resolution, however, requires comprehension of the practice of political manipulation that helped create it.

It is also an error to become so caught up in internal processes that one no longer recognizes that the UNGA is but a small part of the international political universe. In the same way that legal insiders “have an easy time convincing themselves that the law provides its own foundation,” UN insiders tend to see a world that is shaped by piles of UN resolutions that build upon each other to logically constitute a body of reference for action. Consequentially, UN insiders are often frustrated that what appears logical from an internal perspective is not accepted in the broader realm of international politics.

It is beyond the scope of this chapter to provide a full anthropological accounting of the habits and routines of UN delegates. I wish to focus here on three characteristics that effective UN resolutions tend to have, that are reasonably well understood, and that help illuminate the disjuncture between the rhetoric of UNGA resolutions and their applicability outside the UN context. The first two, an aspiration to be neutral and universal, are shared with the juridical field. These aspirations may stem from a broader desire to become a “Parliament of Men,” as Paul Kennedy put it. Neutrality is a core principle that underlies many UN efforts. For example, scholars have argued that the desire to be perceived as neutral prevents the United Nations from being effective in peacekeeping, which sometimes requires a party to take a stand. Universality is also a fundamental founding principle of the United Nations. As I suggested above, at times resolutions are packaged in universalist language even if the actual political coalition that supports a resolution does not support a universalist interpretation of it. Both neutrality and universality are

also linked with the necessity for near-universal support for resolutions to be effective. Indeed, as the case will illustrate, the UNGA adopts many resolutions that depart from neutral and universal language but those are almost never adopted with near-unanimity and never approximate the status of customary law, as did the self-determination resolution. Thus, for herestheticians who care about the effect of resolutions rather than their symbolic value, universal and neutral language is invaluable.

A third feature is that the language of effective UN resolutions tends to be much more liberal than many of the resolution’s supporters would accept outside the UN context. This feature caters to the need for support from the United States and other Western states with the ability to affect outcomes outside the UN arena. This was especially important for self-determination, which needed to be accepted by the colonial powers and/or the states that had leverage over those powers. The underlying imperative is that liberal democracies have greater difficulties voting against resolutions that unambiguously advance liberal internationalist principles than similar resolutions that do not. The need for liberal language does, of course, not imply that the actors who advocate these resolutions for other reasons also intend to abide by the liberal language. Indeed, the disjuncture between the liberal nature of many UN resolutions and the illiberal practices that are sometimes maintained in their name frequently invites accusations of hypocrisy. Yet, liberal internationalist language can become a powerful symbolic tool for actors to achieve what they want in the UN context.

Skillful diplomats recognize that effective UNGA resolutions have these features. By skills I do not just mean overall diplomatic skills but an understanding and appreciation of how things work at the United Nations. The narrative contains some anecdotal examples of this but there is also some general (albeit old) research into this matter. For example, Alger showed with a pre-test and a post-test among UNGA delegates that participation in the UNGA changed notions about how the institution actually operates and how one’s country’s goals can be achieved in this institution. Keohane argued that most delegates are aware that “accomplishing their objectives depends on some compatibility with dominant values of the Organization.” A more recent example is John Bolton, who was sent to the United Nations with a clear intent to break its culture of decision-making but who, by most accounts, was not particularly successful in achieving US goals.

The processes that reproduce these practices are not immediately obvious. Delegates are diplomats trained and socialized into their national Foreign Service bureaucracies. They are only temporarily assigned to the United

32 Hurd, 2005. 33 Ibid. 34 Alger, 1963. 35 Keohane, 1969, 868. 36 Among others, Bolton argued that: “There is no such thing as the United Nations. There is only the international community, which can only be led by the only remaining superpower, which is the United States.” Bolton quoted in “Hawks Sit Out Phoney Peace While War Machine Rolls On,” The Observer, January 12, 2003.
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Nations and usually have little autonomy. As such, the UNGA is an unlikely arena for socialization, and even if socialization occurs it may not matter much. For example in the self-determination case, the US delegation appeared persuaded by the 1960 Declaration and publicly applauded its adoption, but President Eisenhower decided against voting in favor of it.\(^{37}\) Yet, this example also hints at an interesting disconnect between what occurs inside and outside the institution that could reflect a distinct way of doing things inside the UNGA.

Self-determination: ideas, power, and political manipulation

Most of the literature on self-determination falls within a constructivist framework and focuses on understanding the ideational transformations that led to the rejection of colonialism as an acceptable form of rule.\(^{38}\) For example, Jackson argues that two simultaneous games of sovereignty have emerged within international society.\(^{39}\) Next to the old, “hardball” game, a new, softer, game evolved that deals exclusively with assigning formal authority and is governed by the rule of law, not by power politics. This game has created sovereign rights for ex-colonies regardless of their level of or prospects for empirical statehood, and has led to the appearance of “quasi-states,” states that would not have been able to guarantee their independence in the old hardball game.

According to Jackson, the emergence of this new game represents fundamental institutional change shaped by liberal ideas that originated in the West but quite surprisingly came to benefit the third world. The “final normative victory”\(^{40}\) came with the adoption of the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples. The Declaration is widely regarded to be a constitutive principle of the international system\(^{41}\) and has been heralded in this literature as the “consummation of the global expansion of the Westphalian constitution of international society,”\(^{42}\) the “New UN Law of Self-Determination,”\(^{43}\) and as the “second Charter” of the United Nations.\(^{44}\) According to Thomas Franck, very few norms have had as dramatic an impact on the international system.\(^{45}\)

A limitation of this and other accounts of ideational revolutions in sovereignty\(^{46}\) was that the rules of the “new game of sovereignty” did not match the

\(^{37}\) More generally, members of the US UN mission tend to value the United Nations and the views of the majority in the United Nations more highly than other State Department members (Bleichman, 1968).

\(^{38}\) See, for example, Crawford, 2002; and Philpott, 2001.


\(^{41}\) See Brownlie, 1988, 5; Cassese, 1995, 320; Crawford, 1979, 101; Farer, 1968; Gros Espiell, 1977; and Higgins, 1994.

\(^{42}\) Philpott, 2001, 153.  \(^{43}\) Pomerance, 1982, 12.

\(^{44}\) Jackson, 1990, 70.  \(^{45}\) Franck, 1988, 743.

\(^{46}\) See, for example, Crawford, 2002; Philpott, 2001; Reus-Smit, 1997; and Zacher, 2001.
liberal views from which it supposedly stemmed. Just as many Western states had long embraced human rights only as long as these did not apply to colonial peoples, most former colonies now championed human rights with the sole purpose of ridding the world of colonialism. As Louis Henkin put it: “Human rights was being used as a political weapon against colonialism or economic imperialism, not to enhance the rights of all persons against all governments.”

This led to what Jackson calls an “ironic and unintended outcome” of the rule-based regime: that many peoples are trapped within illiberal regimes that deny or neglect human rights. I argue that labeling this outcome “ironic” and “unintended” follows directly from a failure to understand the process that led to the 1960 Declaration. There is no evidence that the architects of the 1960 Declaration intended to create a liberal self-determination regime, the text of the resolution notwithstanding.

Critics argue that the process of affirming legitimate rule is better characterized as one of “organized hypocrisy,” in which deviations from norms are persistent across both time and space. It is certainly true that the self-determination regime has not been consistently applied when evaluated against the lofty principles that it proclaims. As argued above, I claim that it only constrains future actions to the extent that these applications fit the political purposes of the coalition that established it. Thus, we can expect hypocrisy, but in predictable circumstances.

Bargaining over self-determination

Entry onto the international scene

Although the antecedents of the self-determination concept can be traced to the American Declaration of Independence and the French Revolution, its appearance as an operative political principle in the international arena dates from the Bolshevik Revolution and Woodrow Wilson’s efforts to reshape Europe at the end of the First World War. The ideals advanced by Lenin and Wilson contained insurmountable disparities. Lenin thought of self-determination as an unconditional right to secession that was logically linked to the socialist revolution: “Just as mankind can achieve the abolition of classes only by passing through the transition period of the dictatorship of the oppressed class, so mankind can achieve the inevitable merging of nations only by passing through the transition period of complete liberation of all the oppressed nations, i.e. their freedom to secede.”

To Wilson, self-determination meant the right of a people to freely select a government, stating that “[e]very people has a right to choose the sovereignty

47 Henkin, 1965, 513.  
48 Jackson, 1990, 49.  
49 Krasner, 1999.  
50 See, for example, Crawford, 1979; Carr, 1951; and Hechter and Borland, 2001.  
51 Lenin, 1969.
under which they shall live." He initially referred to it as a right that potentially applies to all peoples but later, under the influence of the British as well as his own Secretary of State Robert Lansing, relegated the idea of self-determination for "underdeveloped peoples" to a rather distant future. Even during the Paris Peace Conferences, Lansing criticized Wilson’s conception of self-determination (or, rather, self-government) calling it dangerous and unrealistic.

He referred to it as "a phrase that is simply loaded with dynamite," and argued: "In the end it is bound to be discredited, to be called the dream of an idealist who failed to realize the danger until too late to check those who attempt to put the principle in force. What a calamity that the phrase was ever uttered! What misery it will cause!" Lansing, December 1918, as quoted in Cassese, 1995, 25, n. 32.

This practice changed only slightly during and right after the war. Winston Churchill stated that the provisions regarding self-determination in the Atlantic Charter were restrictively aimed at "the States and nations of Europe under the Nazi yoke." A small breakthrough came when the self-determination of peoples was mentioned in the UN Charter as a principle based on which nations should develop "friendly relations." However, self-determination was formulated as one of the many lofty desiderata of the United Nations and

52 Wilson, 1927, 187.  
54 He referred to it as "a phrase that is simply loaded with dynamite," and argued: "In the end it is bound to be discredited, to be called the dream of an idealist who failed to realize the danger until too late to check those who attempt to put the principle in force. What a calamity that the phrase was ever uttered! What misery it will cause!" Lansing, December 1918, as quoted in Cassese, 1995, 25, n. 32.  
55 Lansing, 1921 quoted in Pomerance, 1976, 10.  
56 See Cassese, 1995, 26; and Pomerance, 1982. For example, the Treaty of Versailles transferred territories to Poland and Czechoslovakia, the treaty of peace with Austria allocated South Tirol to Italy, and banned Austria from joining Germany, all without a democratic process.  
57 This view was confirmed by the League of Nations committees on the Åland Islands question. Hannum, 1990, 29.  
58 He made this statement in the House of Commons, Session 1940–1941. Quoted in Stettinius, 1949, 244.  
59 Chapter 1, Article 1.2.
did not impose any legal obligations on member states, nor did it imply a right to secession for minorities, independence for colonial countries, or the right to choose leaders through democratic procedures.\textsuperscript{60}

The weak formulation of the self-determination concept in the Charter came despite efforts by the Soviet Union to include a fully-fledged right to independence for colonial peoples. The USSR continued its attempts to include such a provision in UN Covenants, but initially failed to assemble broad support. Only three countries outside the Soviet bloc – Yugoslavia, Colombia, and Pakistan – supported a Soviet amendment to the 1948 Universal Declaration of Human Rights (UDHR) that proposed an explicit provision to apply the self-determination principle to colonial peoples.\textsuperscript{61} In 1950, the Third Committee rejected a Soviet proposal to the same effect.\textsuperscript{62} In 1952, Egypt successfully amended a narrowly phrased proposal by the Soviet Union, and the UNGA adopted an article to be included in international covenants of human rights that used the general phrasing: “all peoples have the right to self-determination.”\textsuperscript{63} Yet, support was far from universal: the amendment passed with 36 affirmative votes, 11 no votes, and 12 abstentions. The divisions were squarely along Cold War lines. Brazil, for instance, voted against it, and Argentina, Colombia, Costa Rica, Honduras, Uruguay and Venezuela abstained. All Western countries, except for Greece, voted against the provision, stating that evidence of viable empirical statehood should precede legal independence.

\textbf{The 1960 Declaration}

By the early 1950s, the debate on issues of self-determination had not reached down to fundamental methods and practices but rather clung to “noble utterances on behalf of high-sounding principles which would not be translated into responsible action by any of the states whose delegates make the speeches.”\textsuperscript{64} During the 1950s, however, an increasing number of colonies gained independence and became members of the United Nations after the end of the Cold War membership deadlock. Total UN membership grew from sixty in 1950 to ninety-nine in 1960. In 1960 alone, seventeen new nations joined. By this time, one-third of the voting members of the UNGA had achieved independence after 1945. The newly established voting power of former colonies, combined with the growing perceived illegitimacy of colonialism in many Western societies, created a window of opportunity to bring the issue of colonialism to

\textsuperscript{60} See Cassese, 1995, 37–43; and Pomerance, 1982, 9–10.

\textsuperscript{61} United Nations General Assembly Official Records 3/930 (A/784), December 10, 1948 (8;34;14).


\textsuperscript{64} Eagleton, 1953, 88–89.
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the forefront in the UNGA. An important additional motivation for the superpowers was that the allegiance of many new nations in the Cold War conflict was still up for grabs.

Nikita Khrushchev seized this opportunity on September 23, 1960, by requesting to add a Declaration on the Granting of Independence to Colonial Countries and Peoples on the agenda of the 15th session. Khrushchev personally attended much of the session, a highly unusual move. In a tactical maneuver, the USSR succeeded in allocating the issue directly to the plenary session, which guaranteed a much larger exposure than the slow and much less visible First Committee. The Soviet draft was not written in the neutral and universal language of the General Assembly and contained unadorned insults to the colonial powers and their motivations, as exemplified by the following excerpt:

For what purposes do those who refuse to renounce colonial rule wage murderous war against peoples? Why are the freedom-loving aspirations of the enslaved peoples suppressed? Sometimes it is said that this is done in the interest of the “civilization” of the less developed countries to prepare them for self-government. But this is a lie given the guise of truth . . . The main object of the colonial regime is in fact to secure enormous profits for big foreign monopolies, which have seized the key economic positions in the colonies and to extort their wealth by every possible means. Therefore, the entire economy of a colony is one of exploitation.

This language was clearly strategically aimed at swaying new member states towards allegiance with the Soviet bloc. Yet, many of the new states who had assembled in the Afro-Asian caucus feared that the intemperate language of the draft would result in a Cold War vote in which the Western and Latin American countries would vote in opposition to the Soviet draft. The Afro-Asian group therefore decided to form a working group with the thorny task of formulating an alternative draft proposal that would accommodate both the diversity of opinion within their own group and have a broader appeal than the Soviet draft. The committee in charge of drafting the new resolution consisted primarily of experienced UN members. In comparison to the original draft, the new Afro-Asian draft made no mention of specific deadlines for ending colonialism, did not demand the dismantling of foreign bases, and did not include any

66 The procedural issue was adopted by common consent on October 13, 1960. It was generally assumed that Western countries would have voted against the proposal had the vote been taken as scheduled on October 12. However, this meeting had to be adjourned prematurely when the Irish Assembly President was so angered by a denigrating comment from the Romanian delegate about Irish independence that he slammed his gavel down so hard that it broke (Kay, 1970, 153, n. 21).
68 The committee consisted of Guinea, India, Iran, Indonesia, Nigeria, and Senegal.
allegations against specific countries. These concessions were not equally appreciated by all, but were necessary for broad acceptance. As the Iranian delegate put it:

[M]any of the co-sponsors of this draft declaration who have suffered greatly from the ravages of colonialism would have preferred a more expressive text, including clauses condemning colonialism in its most culpable aspects. However, in order to rally all currents of opinion in the Assembly in favor of a text acceptable to all the Members of the United Nations, they have, in a spirit of conciliation, accepted phrases of a much more moderate nature.  

The Declaration was strategically rewritten in general liberal language that implied a broad concern with individual human rights, as suggested by its opening paragraph:

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,…

The operative articles of the Declaration, however, focus on the rights of an undefined “peoples.” Best known is the Article 2: “2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

Article 7, the last article of the Declaration, stresses that none of this grants anyone the right to interfere with the internal affairs of states: “7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.”

On December 14, 1960 the Declaration passed with 89 votes in favor, no votes against, and 9 abstentions, including those from the United States, the United Kingdom, and France. The US vote was long uncertain but President Eisenhower decided to abstain, apparently after a personal appeal from British Prime Minister Macmillan. The official reason given by both the British and the Americans was that the Declaration failed to mention the constructive

71 Ibid. Emphasis added.
72 Ibid. Those abstaining were: Australia, Belgium, Dominican Republic, France, Portugal, Spain, Union of South Africa, United Kingdom, and United States.
aspects of colonialism. Members of the US delegation allegedly stood up to applaud the passage of the resolution.\footnote{Ibid.}

On the same day, votes were taken on the original Soviet draft in two parts\footnote{The first vote was on the first three paragraphs of the draft that called for the immediate granting of independence to all colonial possessions and the elimination of foreign bases in the territory of other states. The motion was rejected by a narrow margin of 32 to 35, with 30 abstentions. The vote on the remainder of the Soviet draft, which included a vehement denunciation of the colonial powers themselves, was voted down with a slightly larger margin: 25 to 43, with 29 abstentions. All votes were taken on December 14, 1960 during the 15\textsuperscript{th} Session, 947\textsuperscript{th} Meeting of the UNGA.} and on two Soviet amendments to the Afro-Asian drafts.\footnote{The first Soviet amendment proposed a 1961 target date for the end of colonialism and was rejected by a vote of 29 to 47, with 22 abstentions. A second amendment to place the question of implementation on the agenda of the Session failed to get the required two-thirds majority (41; 35; 22).} All the Soviet proposals failed to get majority support. The final 1960 \textit{Declaration} was not the result of coercive efforts by powerful states. Nor can it be seen as the direct outcome of a moral campaign held by entrepreneurs from developing or developed nations for a norm that cascaded into broad acceptance by international society. Rather, it can only be understood as a strategic attempt by African and Asian countries to formulate the right to self-determination in a way that defined the right in a way that appealed to both camps in the Cold War conflict: the liberal language made it hard to reject for the Western countries and the inclusion of a right to independence anchored its appeal to the Soviet bloc.

\textit{Institutionalization}

The main obstacles for the “right of all peoples to self-determination” to become an effective constitutive rule were the development of rules of exclusion and the allocation of competency to an institution to determine whether or not the right applies. The adoption of Resolution 1541, the day after the acceptance of the \textit{Declaration}, addressed the first issue.\footnote{United Nations Document A/RES/1541 (XV), December 15, 1960.} This resolution introduced practical rules that effectively limited the application of the right to self-determination to units that are both “geographically separate” \textit{and} “ethnically and/or culturally distinct” from the country administrating them. This particular definition of a non-self-governing territory is a very specific interpretation of the Charter’s original definition: “territories whose peoples have not yet attained a full measure of self-government.” The new interpretation, which became known as the theory of “salt-water colonialism,” again reflected a compromise position within the developing world, where states were concerned that the self-determination regime would confer rights to ethnic minorities...
within their borders. It upheld the principle of absolute sovereignty within inherited frontiers, a principle also embodied in the 1963 Charter of the Organization of African Unity.\textsuperscript{78} Both the communist bloc as well as most Western nations abstained from voting on the roll call.\textsuperscript{79}

The second issue, assigning competency to an institution, was addressed during the 16\textsuperscript{th} Session by the installation of a Special Committee with the task to “make suggestions and recommendations on the progress and extent of the implementation of the Declaration.” Only France, the United Kingdom, South Africa, and Spain abstained from the vote to install this Committee.\textsuperscript{80} The new US government, led by President John F. Kennedy, supported the resolution and voiced willingness to actively participate in implementing the 1960 Declaration.\textsuperscript{81} The Committee was drawn up according to the so-called “troika” formula (another feature of UNGA practice), meaning that it had members from the West, the Soviet bloc, and the non-aligned states. Nevertheless, its make-up guaranteed a solid anti-colonial majority. From 1962 to 1966 the Committee covered no less than sixty non-self-governing territories.\textsuperscript{82} Moreover, it introduced a large number of anti-colonial resolutions to the plenary session.

The developing countries succeeded fairly well in consistently applying the rules of exclusion for purposes of agenda control. There were no resolutions on self-determination in Biafra, Kurdistan, Kashmir, or Latvia, but a very large number of resolutions on often tiny islands or groups of islands that obviously satisfied the salt-water criterion. Potential solutions for self-determination claims were also limited, with a strong predisposition towards independence. That non-self-governing territories wished to opt for independence was often taken for granted, even if the prospects for empirical statehood were small.\textsuperscript{83}

The inviolability of colonial frontiers was also upheld. There are only two examples where concerns for ethnic divisions overcame the protection of absolute sovereignty within inherited colonial frontiers. First, in separate UN-supervised plebiscites the people of the Southern Cameroons, under British administration, opted for integration into Cameroon, a former French colony, whereas those of the Northern Cameroons voted for a union with Nigeria.\textsuperscript{84} Along with the West, twelve African countries did not vote in favor of the implementation of the results of this referendum, partly because Cameroon had

\textsuperscript{78} Jackson, 1990, 153.

\textsuperscript{79} Only 2 nations voted against: Portugal and the Union of South Africa, 21 nations abstained.

\textsuperscript{80} Portugal did not participate in the vote. United Nations General Assembly Official Records, 16\textsuperscript{th} Session, 1066\textsuperscript{th} Meeting, November 27, 1961, para. 149.

\textsuperscript{81} Kay, 1970, 174–177.

\textsuperscript{82} \textit{Ibid.}, 795.

\textsuperscript{83} See Cassese, 1995, 74; and Pomerance, 1982.

\textsuperscript{84} The initial mandate for the referenda was given on March 13, 1959 (A/4095). The results were approved and implemented on April 21, 1961 (A/4737).
claims to the Northern Cameroons. Second, in 1962 the UNGA allowed Rwanda and Burundi to form separate states, even though they had been one formal colony. In both cases, claims of specific ethnic and linguistic groups within former colonies were honored. Such claims became increasingly less likely to be recognized. For example, the island of Fernando Poo was integrated into Equatorial Guinea, despite the fact that it had a distinct ethnic group, the Bubi, that it had rejected the option in a 1968 plebiscite, and that it had only become part of the formal colony of Equatorial Guinea in 1963. A similar case is the Comorian Island of Mayotte, whose population, in separate referenda and with large majorities, expressed its wish to remain associated with France. The General Assembly condemned the separate referenda conducted by France as violations of the national unity and territorial integrity of the Comoros.

The right to self-determination thus increasingly became a right for sovereigns as opposed to a human right. The most obvious exception to this rule were the numerous resolutions in which the Assembly condemned the Apartheid regime as a crime against humanity and a denial of the essential right to self-determination of the people of South Africa.

Countries from both blocs continued to use the self-determination issue for strategic purposes in the Cold War conflict. The West argued that the right to self-determination should also apply to the Baltic States and the Soviet satellite states in Eastern Europe. The USSR continued to attempt to link the issue with the socialist cause. For example in 1962, the USSR introduced an amendment stating that “peoples and nations have the inalienable right to the unobstructed execution of nationalization, expropriation and other essential measures aimed at protecting and strengthening the sovereignty over their national wealth and resources.” Similarly, in 1965 Western countries introduced a resolution demanding the cessation of the violation of human rights and the right to self-determination for the people of Tibet. This proved to be one of the more divisive applications of self-determination. The final resolution was adopted with a vote of 43 to 35, with 23 abstentions. The Western and Latin American countries voted in favor of the right of self-determination, and the developing

85 The final vote on the acceptance of the results was: 63;23;11.Togo voted against, Burkina Faso (Upper Volta), Central African Republic, Chad, Congo Brazzaville, Congo Leopoldville, Gabon, Ivory Coast, Madagascar, Niger, and Senegal abstained.
89 Some resolutions concerning Rhodesia and Namibia also fit this pattern, although they were often directed against the United Kingdom.
nations abstained or voted against. Clearly, this was a Cold War vote that had more to do with the question of Chinese membership of the United Nations than with an actual attempt to assure self-determination for the people of Tibet.

Many African and Asian states expressed their displeasure with these tactics. As the Nigerian delegate put it: "the Africans and Asians who have worn the shoe of colonialism, know best how and when it pinches."92 Increasingly, both the West and the East left the initiative on the drafting of resolutions considering self-determination to developing nations. The 1960 Declaration, as the first major, successful compromise between developing nations, served as the guideline for future resolutions and covenants. For example, the formulation of the Declaration was adopted in the 1966 International Covenant on Civil and Political Rights (ICCPR) and in another landmark UNGA resolution: the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States.93 Most resolutions that reaffirmed the 1960 Declaration, or that more generally referred to the right to self-determination as an inalienable right of peoples without referring to specific applications, were adopted with unanimity or near-unanimity, certainly after 1970. Yet, applications to non-obvious colonial cases continued to be controversial. Perhaps the best example is the Western Sahara.

Self-determination in the Western Sahara

The Western Sahara, previously known as the Spanish Sahara, represents one of the most politically complex cases of self-determination. Both Morocco and Mauritania put forth claims to part of the Spanish colony in which huge phosphate deposits had been discovered. Moreover, an Algerian-supported guerrilla insurgency by the region’s indigenous inhabitants, the nomadic Sahrawis, sprang up in the early 1970s. Regardless of its political complexity, the case was relatively straightforward from the standpoint of appropriateness. As affirmed by a series of UNGA resolutions dating back to 1966, the people of the Western Sahara had the right to self-determination, which was to be exercised through the holding of a referendum.94 The International Court of Justice (ICJ) ruled in 1975 that Morocco and Mauritania had no valid claim on the Spanish Sahara based on historic title and, even if they did, that contemporary international law accorded priority to the Sahrawis’ right to self-determination.95 This interpretation reaffirms practice since 1960.

94 United Nations Document A/RES/2229 (XXI), December 20, 1966, (105;2;8). Only Spain and Portugal voted against; Morocco and Mauritania voted in favor of this resolution.
95 See Franck, 1976, 711; and McWhinney, 1984, 29.
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The day after the publication of the ICJ’s advisory opinion, the Moroccan Government nevertheless announced a massive march from Morocco into the Spanish Sahara. The UN Security Council failed in ordering Morocco’s king to call off the march, essentially because of opposition from France and the United States. 96 Faced with the Moroccan march in times of domestic uncertainty due to Franco’s terminal illness, Spain decided to engage in tripartite negotiations in Madrid with Morocco and Mauritania and eventually sold the Sahara to these states. 97 Spain obtained a 35 percent interest in the Sahara’s phosphate industry and gained additional fishing rights off the Saharan and Moroccan coasts. In exchange, the Western Sahara was divided along previously agreed lines between Morocco and Mauritania.

This action changed the politics of the situation. No longer was it a clear colonial case. On December 10, 1975 the UNGA adopted two contradictory resolutions. The first, Resolution 3458A, reaffirmed the Sahrawis’ right to self-determination and called upon Spain to arrange a free and genuine act of self-determination under UN supervision. This resolution was adopted by a vote of 88 to 0, with 41 abstentions. The second, Resolution 3458B, basically recognized the tripartite agreement. It was, according to the Moroccan representative, “the only text among us which fully takes into consideration the realities and the specifics of the question of Spanish Sahara.” The vote on this resolution was extremely close: 56 to 42, with 34 abstentions. On the latter resolution, nations were faced with a classic conflict between principles and politics. The appropriate rule, as defined by numerous UNGA resolutions and the ICJ ruling, was confirmed by the unanimous finding of a 1975 UN Visiting Mission that called for a UN-administrated plebiscite on the question of independence. This unanimity was all the more remarkable because both the Iranian member and the Ivory Coast chairmen were under considerable pressure to report conclusions more favorable to the Moroccan cause. 98

How, then, did nations line up on the final vote? It would be mistaken to suggest that all Black African states were more willing to tolerate domination by fellow Africans than by white Europeans. 99 Only 9 non-Islamic African states voted in favor of the resolution, 16 voted against, and 5 abstained. Moreover, the annexation of the Western Sahara by Morocco and Mauritania was condemned by fellow African states as a violation of the right to self-determination. As the representative of Benin put it: “The right to self-determination has been weakened, watered down, treated with contempt and made inoperable by the

96 Franck, 1976, 714.
97 Morocco’s march began on November 5, 1975. King Hassan requested the marchers to return to their starting point on November 9. Negotiations began in Madrid on November 11 and agreement was reached on November 14. Franco died on November 20, but before his death he was already no longer capable of ruling due to illness, which created a power vacuum.
developments referred to in the draft resolution.” Moreover, POLISARIO, the Sahrawi guerilla movement, declared a government in exile, the Saharan Arab Democratic Republic, which was recognized as a full member of the Organization of African Unity (OAU) in 1984, prompting Morocco to withdraw from the organization. Many African states thus behaved indeed according to the standard for appropriate behavior.

There seem to be two main reasons why states voted in favor of the resolution. The first, and by far the most important, is alliance politics. The United States clearly falls into this category. Spain and Morocco were seen as being of vital strategic importance. Moreover, Morocco’s government was generally perceived as pro-American, whereas Algeria’s socialist government of President Boumedienne was not. The perceived strategic importance of Morocco is exemplified by the sale of a squadron of jet fighters to the country in February 1976; just three months after Morocco invaded the Western Sahara. Similar considerations were important for France, the United Kingdom, Germany, and the other European countries, which were especially concerned with appeasing Spain in the face of its domestic uncertainty. Alliance with Spain played a role in the decision of a number of, mostly dictatorial, Latin American countries such as Chile, Bolivia, Paraguay, and Uruguay to vote in favor of the resolution. Moreover, almost all Arab countries were aligned with Morocco in this period, and let alliance considerations take precedence over legal standards of appropriateness. Many of these states also left the OAU with Morocco in 1984, thus dealing the organization a severe blow.

Secondly, a number of countries that had territorial claims based on historic title voted in favor of the resolution. These countries hoped that the resolution would set a precedent, or at least provide ammunition for their own claims. Thomas M. Franck expressed these concerns: “The ‘settlement’ of the Saharan issue in favor of Morocco’s claim of historic title and the denial of self-determination to the Sahrawi people radically departs from the norms of decolonization established and consistently applied by the United Nations since 1960. This is bound to have an important significance for numerous other irredentist territorial claims.”

So, Guatemala hoped that the resolution would set a precedent for its claims on Belize, Cameroon with respect to parts of Nigeria, Indonesia with respect to East Timor, and Argentina with respect to the Falkland Islands. However, the particular way in which the UNGA dealt with the Western Sahara, and later with East Timor, does not reflect a change of the rules. It merely exemplified the limited applicability of existing rules. The original coalition that established the rules of the game was based on a limited objective: to end Western colonialism. Issues that fall outside of this scope are bound to be decided by the formation of different coalitions.

Conclusion

This chapter has accepted the challenge of foregrounding international practices within a strategic choice framework. Strategic approaches analyze how actors with well-defined preferences seek to achieve their goals through purposive actions whose effectiveness is conditional on the actions of others. One of the main problems that plagues studies of strategic choice is that in virtually any interesting strategic dilemma there are multiple equilibria, often with hugely differing implications. For example, in studies of interethnic cooperation there are almost always equilibria in which ethnic groups cooperate and in which all-out violence occurs. It matters greatly which equilibrium prevails. So it is in studies of collective choice, which have long been dominated by theorems about cycling and instability. Game theory provides some guidance in thinking about problems of equilibrium selection, but in the end it is insufficient.

It is not new to suggest that cultural analysis may help in this regard. Yet, most of this has focused on cultural values rather than practices. Chapter 1 in this volume defines practices as patterned actions that are embedded in particular organized contexts and are developed through learning and training. Understanding practices as a way of focusing or structuring complex collective bargaining processes may thus be especially important when bargaining takes place in institutional contexts where past practice exists and can thus shape expectations about how future issues are resolved. The UNGA is an ideal case for this.

Substantively, one of the most important points is that the practice of political manipulation in the UNGA has a distinct logic from political manipulation in other areas of world politics. It reflects a community of practice that is distinct but influenced by other communities of practice. This implies that strategies and strategists that are successful outside the UN arena may not work inside it. Successful UN resolutions reflect universal and liberal aspirations, not because all states that sign off on those resolutions share these aspirations but because resolutions that do not reflect them are unlikely to have any impact in world politics. The self-determination case suggests, however, that such resolutions may well have a more limited purpose and thus real effects. Indeed, there was a coalition that defended these more limited purposes vigorously even while they were inconsistent about the application of the universal principles embedded in the resolution. This is a warning against textual interpretations of UNGA resolutions (common among legal scholars), but it also points to ways in which to analyze how hypocrisy in the application of norms is organized.

A second substantive point is that the transformative potential of the practice of political manipulation depends on the existence of gaps in the heresthetic abilities of actors. Transformation can also occur when new actors learn how an
institution works and use their new-found skills to (partially) rectify past distributive injustices. The TRIPS example from Chapter 1 in this volume and the self-determination case both give examples of this. Learning is certainly not the only potential cause of gaps in heresthetical abilities. Yet it remains difficult to theorize more systematically about why some actors are simply more skilled in political manipulation than others.

The practice turn requires, almost by definition, attention to micro-level evidence and thick description. It is not always well suited for making *ex ante* predictions or even counterfactual analysis as there are too many moving parts. I cannot with any reasonable plausibility claim to show that the allocation of statehood would have evolved differently if alternative practices had prevailed at the UNGA or if a different institutional venue had been chosen for this purpose. This is a serious limitation of the practice approach that should not be underestimated. Yet, in analytic descriptions of past events (sometimes called “analytic narratives”), there is a natural way in which an international practices approach informs rational choice analyses of collective decision-making. Strategic choice models are centrally concerned with the beliefs actors have about what others are likely to do and what actions are available to them. Better information about such beliefs puts actors at a strategic advantage. In institutionalized contexts, these beliefs are likely shaped by practices, which in turn could help determine who prevails.

References


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