

American Unilateralism Reconsidered

A Research Program on US Participation in Multilateral Treaties

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Paper to be presented at the Annual Convention of the International Studies Association (ISA), March 26-29, 2008, San Francisco

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1. Introduction: The Confusing Debate about the “Unilateralist Turn”

US foreign policy during the presidency of George W. Bush has brought the question of American „unilateralism“ into the center of attention. A number of blunt rebuttals of multilateral endeavors have produced an outcry in the US and abroad. Examples include the termination of the Anti-Ballistic Missile Treaty (ABM), the „unsigning“ of the International Criminal Court, and the rejection of the Kyoto Protocol as well as alleged violations of international law in the case of the Iraq invasion and the treatment of enemy combatants. Combined with a „unilateralist“ rhetoric of administration officials – former Undersecretary of State John Bolton has called opting out of the ICC and the ABM the “proudest moments of his career” – these policies have led many observers to conclude that US foreign policy has taken a „unilateralist turn“ (Ikenberry, 2003a; Patrick and Forman, 2002; Skidmore, 2005).

And yet, evidence for a „unilateralist turn“ remains patchy at best. While several prominent cases of „unilateral“ policies have caught the spotlight, the notion that these incidents represent a radical departure from the past is called into question by the fact that US policy toward multilateral institutions has always been „ambivalent.“ One need only point at the fate of the League of Nations, and even in the aftermath of World War II and throughout the Cold War period, American policy was often at odds with multilateralist projects and institutions (Kaufman, 1990; Luck, 1999; Malone, 2003; Patrick, 2002). Thus, the question arises what exactly makes recent US foreign policy different from that in a more distant past.

The countless contributions to the debate have so far failed to provide a conclusive answer. We argue that this is due to two central shortcomings of existing research on the subject: confusion over definitions, and selective research designs focusing on largely anecdotal evidence rather than systematic measurement.

A large part of the problem is that there is no agreement on the meaning of multilateralism. Like many concepts and social science, such as “globalization” or “sovereignty,” multilateralism and unilateralism are rather elusive concepts. Yet, there seems to be less

awareness of the lack of clarity that surrounds the multilateralism/unilateralism dichotomy. Commentators seem to assume they know what they mean, when they readily assess US unilateralism or even a “unilateralist turn” without much explanation. The laundry lists of instances of “unilateral” behavior provided by some analysts (e.g. Malone, 2003) do little to increase clarity. Critics of US policy often imply that “multilateralism” can be seen as a deviation from a more desirable norm of “multilateralism”, but then fail to provide a multilateral standard, against which the claim of unilateralism is made. It is not clear what constitutes the kind of multilateralism many commentators are calling for.

The wide range of actions cited as examples of “unilateralism” make conclusive assessments difficult. The 2003 US invasion of Iraq is a case in point: It was widely regarded as an example of American “unilateralism”, yet American officials pointed out that a “coalition of the willing” including around 35 states can hardly be called unilateral. At the heart of this disagreement lie different interpretations of the meaning of “multilateralism”.

Another example is the American failure to sign on to multilateral treaties, which has often been criticized as “unilateral” behavior (e.g. Boniface, 2001; Dumbrell, 2002; Malone and Khong, 2003b; Monten, 2007). In their defense, US officials and commentators point out that according to international law – the very foundation of multilateral relations among states – the decision to join a treaty is strictly voluntary. Even the termination of the ABM treaty was made according to the rules laid out in the treaty text. Another counterargument is that the US rejection of a multilateral treaty can hardly be called unilateralism if only a small group of states *do* support it (Van Oudenaren, 2003). The point of this discussion is not to take sides, but rather to illustrate how different understandings of multilateralism lead to different conclusions.

The second key shortcoming of the current debate is a decided lack of systematic analysis. Many authors limit themselves to citing anecdotal evidence either for or against the claim of a

“unilateralist” turn, focusing disproportionately on a few prominent examples, such as the Iraq war or the conflict over climate change. Given the multiple meanings of the term and the ambivalence of US policy itself, it is not surprising that proponents of contradictory positions in the debate both find ample support for their viewpoints in rummaging through the large mixed bag of recent US foreign policy blunders and accomplishments. Yet without spelling out definitional standards and systematically weighing evidence for and against their claims, such analyses do not bring the debate closer to a meaningful conclusion.

While there are a number of studies that take a more systematic approach, these are mostly limited to analyzing US unilateralism in specific areas of foreign policy, such as human rights, security, or trade. A number of edited volumes bundle these insights and attempt to provide a broader picture (Ignatieff, 2005; Karns and Mingst, 1990; Malone and Khong, 2003a; Patrick and Forman, 2002). But even those more comprehensive collections still select individual policy areas and cases for their analyses, and often lack theoretical coherence across the various case studies.

This paper takes a first step toward address the shortcomings of the debate over the US “unilateralist turn”. Its point of departure is that the confusion surrounding the meanings of “multilateralism” and “unilateralism” is a principal reason why the protagonists in the debate – both at the academic and at the policy level – so often talk past each other. In order to bring some analytical clarity to the debate, we survey existing discussions of both terms in the literature, and show how different interpretations lead to different standards of measurement. We do not argue that any definition is inherently superior to another one, but through our discussion identify the sources of common misunderstandings and disagreements.

Building on this definitional discussion, we address the second shortcoming of the current debate – its penchant for anecdotal and selective evidence – by outlining a comprehensive research program for systematically measuring US unilateralism through an analysis of US

policy toward *multilateral treaties*. While this approach brackets other important aspects of the debate on US unilateralism – for instance questions related to the unilateral use of force – we argue that a study of US policies toward multilateral treaties presents a unique analytical opportunity for systematic and quantitative measurement, including comparisons over time, across issue-areas, and with other states, and can thus generate more meaningful findings with respect to the ongoing debate than previous discussions of a US “unilateralist turn”.

The paper is structured as follows: In section two, we provide a systematic overview of the different meanings associated with the terms multilateralism (2.1) and unilateralism (2.2) and explain why the inconsistent use of terminology is problematic. In section 3, we propose an understanding of multilateralism/unilateralism tailored more specifically to a study of US policy toward multilateral treaties. In section 4, we present some preliminary empirical evidence on the US role with regards to international treaties, and a detailed future research agenda.

2. Understanding what we talk about: Defining “multilateralism” and “unilateralism”

2.1 Multilateral(ism): Numbers, principles, policy orientations

We begin with a discussion of “multilateralism”, because this term has been more thoroughly theorized, and because as we will argue, its definition is essential to developing a precise definition of “unilateralism”.

We can broadly distinguish different understandings of “multilateralism” according to two (cross-cutting) criteria: numerical versus qualitative definitions, and definitions of multilateralism as an observable behavior among states versus multilateralism as a normative orientation or policy preference of individual states.

In its broadest numerical meaning, the adjective “multilateral” applies to any form of policy coordination or cooperation among three or more states, as opposed to “bilateral” cooperation between two states (Keohane, 1990: 731). Some interpretations explicitly or implicitly pose a

higher threshold of numbers, referring to “multilateral” cooperation only when it involves large numbers of states.¹ The adjective can apply to both *informal* cooperation and *formalized* institutions or organizations (“multilateral institution/organization”).² This latter, formalized form of multilateral cooperation constitutes the focus of our research program as set out in section 3.

When used in a numerical sense, the noun “multilateralism” generally denotes an ensemble or pattern, rather than individual instances, of multilateral activities. Robert Keohane, for instance, defines multilateralism as “the *practice* of coordinating national policies in groups of three or more states” (Keohane, 1990: 731, emphasis added). The noun can also refer to a historical trend toward increased use of multilateral cooperation, or formal multilateral institutions.³

Moving beyond the numerical definition, “multilateral” and “multilateralism” can also be understood, according to John Ruggie’s influential definition, as a qualitative attribute of state relations, an “institutional form that coordinates relations among three or more states on the basis of generalized principles of conduct” (Ruggie, 1993: 11).⁴ This means that the same rules are valid for all states participating in the coordinated effort. As a consequence, fundamental goals such as welfare and peace are conceived as “indivisible”, implying that the economic and security problems of one state affect and concern the community as a whole. Finally, states will cooperate based on an expectation of “diffuse reciprocity”, without expecting specific “quid pro quo” concessions from specific other states in return. Ruggie’s

¹ Theories of “multilateral negotiation”, for example, implicitly assume large numbers to be a characteristic of multilateralism, as they focus on complexities of negotiations among numbers of actors (Hampson and Hart, 1995; Jönsson, 2002). For a criticism of interpreting multilateralism in terms of large numbers, see Van Oudenaren (2003).

² According to the understanding employed here, “institution” refers to a set of rules regulating behavior. A *formal* institution can include both *treaties* without specific organizations attached and *organizations* with budgets, staff, and headquarters (such as the UN, NATO, or the WTO). For a useful discussion of definitions, see Simmons and Martin (2002).

³ See Ruggie (1993: 13) for a criticism of the tendency to “equate” multilateralism with the universe of international organizations or diplomacy.

⁴ Ruggie explicitly delineates his definition from a “nominal” understanding of multilateralism, understood as cooperation among three or more states. This “nominal” definition is related to our “numerical” definition, but that the “large number” threshold we discuss above is not a feature of Ruggie’s nominal definition.

definition has been adopted by many other scholars (e.g. Caporaso, 1993; Ikenberry, 2003a: 534; Malone and Khong, 2003b: 2).

Understood as a principle of state relations, multilateralism can be distinguished from other organizing principles such as bilateralism or imperialism, irrespective of the *number* of states involved. The principle can manifest itself on different levels of the international system, ranging from very specific institutions of limited scope to an international order in an encompassing foundational sense. In both Ruggie's conception and the slightly modified versions of other theorists, multilateralism as a qualitative attribute can characterize international orders, regimes, or organizations (Ruggie, 1993: 12-3). In other words, it is possible to distinguish "system" and "contract multilateralism" (Ikenberry, 2003a: 534-5).

A multilateral "order" or "system" contains the constitutive principles governing overall state relations, for instance economic openness or collective security. A multilateral "regime", or "contract multilateralism", refers to specific treaties and institutions translating these general principles into concrete rules for specific issue-areas, for instance trade or the environment. As an attribute of multilateral *organizations* – institutions with staff, headquarters, budget and other physical assets – multilateralism refers to principles of equality and reciprocity in the organization's decision-making and enforcement procedures (more on this in section 3). This distinction of different levels also implies that like the numerical definition, multilateralism as a qualitative attribute can apply to both informal manifestations of these principles as well as formalized institutions (e.g. Ikenberry, 2003a: 547 note 9; Martin, 1993; Ruggie, 1993).

It is important to understand that the abstract principles of multilateralism – generalized principles of conduct, indivisibility, and diffuse reciprocity – have different implications at different levels of the system, and that the degree of multilateralism can vary separately at all levels. This means that an organization with lower standards of multilateralism can exist within an order firmly based on multilateralism or vice versa. For instance, NATO's

collective defense system is characterized by indivisibility, and can thus be viewed as expression of a (Western) multilateral order, *and* a specific multilateral regime, even though its *organizational form* – granting disproportionate power to the US – does not reflect multilateralist principles (Weber, 1993).

Comparing numerical and qualitative definitions, none is *per se* more inclusive or exclusive. Under a numerical definition, institutions with a large number of participants may qualify as multilateral, but their decision-making rules may not meet the multilateral standard under a qualitative definition. Conversely, some institutions may meet the criteria of a qualitative understanding in terms of the principles they express or their organization, but might not have enough participants to fulfill a certain quantitative threshold. No definition is inherently superior, but it is important to clearly *distinguish* them. It is striking that Ruggie’s definition is widely cited in the scholarly debate, but that most authors nevertheless *employ* a numerical definition in their analyses.

While both the numerical and qualitative definitions discussed above refer to a certain type of *relations among different states*, multilateralism is also frequently understood as a *policy orientation* of individual states. This is reflected in the distinction between the adjectives “multilateral” and “multilateralist”. While “multilateral” refers to a course of action in coordination with others or in accordance with multilateral principles, “multilateralist” expresses a general preference for multilateral behavior. The latter interpretation is the one that underlies – if often implicitly – discussions of “US multilateralism”.

Some authors, for instance, refer to multilateralism as a *belief* in the advantages of multilateral action held by policy-makers (Caporaso, 1993: 55). Since such beliefs have consequences for behavior, an observable pattern of foreign policy decisions in favor of multilateral cooperation is also characterized as multilateralist. For instance, US foreign policy in the post-war period

has been described as multilateralist in terms of both guiding beliefs and actual behavior (Ruggie, 1993: 24-31).

Multilateralism as policy orientation should not be viewed as opposed to a numerical or qualitative definition, but as a cutting across both definitions: This means that if one speaks about “multilateralism” as a US support, the multilateral “object” of US support can be conceptualized in a numerical or a qualitative way. Based on a numerical definition, US multilateralism would be a policy in support of any cooperation with a group of other states. Depending on which level of formalization we want to include, such cooperation can range from informal policy coordination to formal treaties and organizations; the latter is generally emphasized more in accounts of US multilateralism (Foot et al., 2003; Ikenberry, 2003b). If, however, multilateralism is a qualitative attribute of state relations, not all instances of US support for multilateral activities should be characterized as “multilateralist”, or we should carefully distinguish US support for numerically multilateral regimes from support for multilateral organizing principles.

Table 1: Definitions of multilateralism

	Numerical	Qualitative
Multilateral	Informal cooperation and formal institutions comprising more than three (or large numbers) of states	Informal cooperation and formal institutions that are open to everyone and “fair”
Multilateralist	Preference or support for informal cooperation and formal institutions comprising more than three (or large numbers) of states	Preference or support for Informal cooperation and formal institutions that are open to everyone and “fair”

Furthermore, for both numerical and qualitative definitions alike, we can distinguish different *forms* of US support for multilateral objects. Both US support for new multilateral initiatives (see next section) and US support for existing multilateral institutions are often cited as indicators of US multilateralism. With regard to established institutions, US multilateralism can refer to compliance with multilateral rules, a US propensity to address important

substantive problems by working through multilateral institutions, and support of institutions' own agendas. All these different forms of support have been described as aspects of US multilateralism in historical and contemporary overviews.

The preceding discussion of different meanings of “multilateralism” might seem quibbling at first sight, given that the US has historically often supported multilateralism in its various different meanings at the same time. However, it is essential to understanding the great confusion in current debates about whether or not the US is becoming more “unilateralist”, since accusations of “unilateralism” are always based on a specific understanding of “multilateralism”, which is almost never spelled out clearly – or if spelled out, is often not in line with the understanding actually *applied* in the empirical analysis.

2.2 Unilateralism: The Absence of Multilateralism or Going It Alone

Unlike “multilateralism”, “unilateralism” by definition always refers to the policy orientations and actions of *one* state, which is signaled by the prefix “uni-”. Yet definitional clarity is by no means greater than regarding “multilateralism”. This is because “unilateralism” always implicitly assumes a certain “multilateralist” standard from which “unilateralist” behavior is thought to *diverge*, and is thus defined “ex negativo”.⁵

If we understand “US multilateralism” as referring to US support for any multilateral cooperation effort in the numerical sense, then unilateralism is simply a US tendency to “go it alone”, to tackle policy problems on its own rather than in cooperation with other countries (Malone and Khong, 2003b: 3; Patrick, 2002: 2). If we want to employ a more restricted numerical definition that covers only multilateral cooperation efforts with a certain degree of formalization, US “unilateralism” is defined as US opposition to formalized multilateral institutions. Finally, if we want to pose a high threshold of numbers to qualify institutions as “multilateral”, US policy can only be called “unilateralist” when it opposes multilateral

⁵ This definition by way of contrast becomes even clearer when „unilateralism“ is paraphrased as or equated with “US ambivalence toward multilateral institution” or similar expressions (e.g. Patrick, 2002).

cooperation initiatives supported by large numbers of other states. The numerical definition underlying our analysis as set out in section three is a restrictive one, focusing on both formalized and global multilateral treaties.

Finally, if we conceive multilateralism as US compliance with the qualitative principles of multilateralism, we can classify as “unilateralist” any US policy or proposal that departs from generalized principles of conduct, including from indivisibility or diffuse reciprocity, for instance in negotiations about the decision-making procedures of specific organizations, or in delineating broader principles of collective security or economic openness.

As with definitions of “US multilateralism”, US opposition to multilateralism can take on different forms, regarding both new and established multilateral institutions. US opposition to new multilateral treaty initiatives (see section 3), violations or denunciations of treaty obligations, the failure to support the agendas and activities of established multilateral organizations themselves, or to “act through” multilateral organizations in tackling new problems, can be and are often classified as “unilateralist” behaviors.⁶

Our distinction of different meanings of unilateralism – which mirror different underlying conceptions of multilateralism – helps to understand the disagreements about individual instances of alleged “US unilateralism” that were cited in the introduction, as well as the broader disagreement about whether or not we are seeing a “unilateralist turn” in US foreign policy.

For instance, in the case of the Iraq war, critics challenged denounced the US decision to invade the country as “unilateral” because it was not authorized formally by the competent multilateral body – the UN Security Council – and because it was no seen as reflecting the basic principles of the system of collective security that underlies the UN Charter and existing international law governing the use of force. These challenges are based on a *formal* and

⁶ For a typical list of unilateralist policies that covers all these dimensions, see, e.g. Malone (2003).

qualitative understanding of multilateralism. By contrast, US supporters of the invasion rejected the charge of “unilateralism” based on the fact that the US acted in a “coalition of the willing” including about 35 states. They thus employed a both numerical and informal definition of the term.

The controversies surrounding US failures to sign up to treaties supported by large majorities of other states or even explicit treaty “terminations” of such treaties – such as the “unsigning” of the International Criminal Court Statute – can also be understood more clearly by reference to our definitional discussion. US officials argue that such policies are not “unilateralist” because they are in line with the Vienna Convention on International Treaty Law, which states that treaty participation is voluntary. This argument is based on a qualitative interpretation of multilateralism at the *organizational* level of the system: The Vienna Convention *is* a multilateral treaty that establishes equal rules for all participants regarding the role of treaties in international relations, and US actions are arguably in compliance with these rules. Nevertheless, the same US actions *can* be seen as unilateralism according to different interpretations of the term: Firstly, they can weaken the qualitative multilateralism of the overarching international *order* expressed in the specific regime. For instance, in the ICC case, the US “unsigning” undermines a treaty designed to establish a system of global collective responsibility for the prosecution of atrocities. Secondly, the failure to sign up to or the termination of treaties supported by large majorities of other states – such as the ICC – constitutes unilateralist policy in a *numerical* sense.

Another good example of the inherent tension between different definitions is the nuclear Non-Proliferation Treaty (NPT). US support for this treaty, particularly its strong and successful lobbying for its indefinite extension in 1994, has been cited as a positive example of continued American “multilateralism” (Bajpai, 2003). This claim is, however, only accurate in a numerical sense: The NPT clearly is a treaty with wide international acceptance. However, in a qualitative sense it is the formalization of a profoundly discriminatory regime,

because it creates different rules for states that are already in possession of nuclear weapons and states that are not. In this understanding, it is not a convincing instance of US “multilateralism”.

3. Multilateralism, unilateralism and international treaties

3.1 Why focus on international treaties?

Dealing with all conceivable dimensions of “US unilateralism” in a comprehensive manner is beyond the scope of this paper and of the research program it sets out. In the following sections, we focus on one particular form of multilateral cooperation, namely international treaties. There are two principal reasons for this choice, one substantive and one methodological. *First*, US policy vis-à-vis international treaties has been at the center of numerous acrimonious international controversies, and is often cited in support of the claim of a “unilateralist turn”, as the Bush administration has drawn particular criticism for its hostility toward a number of multilateral treaties. *Second*, it is an institutional form particularly well suited for structured comparison as well as quantitative analysis. Multilateral treaties and agreements cover a whole range of issues and policy fields. Their large number allows for comprehensive, quantitative analyses, thus providing a context for the most high profile cases and compensating for the inherent selection bias that results from analyzing only controversial treaties. Such analyses permit the researcher to look for patterns, to compare different issue areas, time periods and states. Furthermore, the varying institutional designs and forms of international treaties – for instance different degrees of formalization, institutional depth, inclusiveness, and rights and duties assigned to participants reflects – permit detailed assessments of the degree to which *qualitative* multilateral principles are realized in different areas and times. The explicit and written form of treaty documents and the large and accessible “paper trail” left by treaty negotiations facilitate the analyses of these qualitative attributes and of individual state positions on them.

In the following two sections, we refine our general definitional discussion of “US multilateralism” and “US unilateralism” with regard to international treaties. Since we understand “US multilateralism” as support for an “US unilateralism” as opposition to various forms of multilateralism, this discussion proceeds in two steps. First, we discuss the multilateral “object” of US support or opposition, and second, in what *forms* the US can support or oppose multilateral treaties.

3.2 What does multilateralism mean with respect to treaties?

According to a *numerical* definition, multilateral treaties are those that meet or exceed a certain threshold in the number of participants without regard of the rules of the treaty. The minimum threshold is three parties, but depending on one’s research question it is also possible to set the threshold at a higher level, for example at thirty states.⁷ The crucial point is that the only criterion to define a treaty as multilateral is the number of the participants. Accordingly, unilateral behavior would be defined as opposition to such treaties, or as a general preference for addressing issues unilaterally, bilaterally, or in coalitions below the threshold of multilateral characterizes unilateralist behavior.

According to a *qualitative* definition, only treaties that meet Ruggie’s criteria of generalized principles of conduct, indivisibility and diffuse reciprocity would qualify as multilateral. In this context, it is important to note that treaties can reflect multilateral principles at different *levels*. Firstly, they may constitute concrete formalizations of a larger international order with multilateral characteristics, for instance a collective security system or an open economic order.

Secondly, the multilateral character of a given treaty is reflected in the rules governing who can and who cannot become a member of a treaty: Only if the treaty is open in principal to *all* members of the international system can we speak of a truly multilateral agreement which is

⁷ Some treaties like the Chemical Weapons Convention or the Rome Statute of the International Criminal Court have provisions that they only enter into force, once a certain number of states have ratified them.

aimed at establishing equal rules for all states, and conceives of the goods to be achieved by the treaty as fundamentally indivisible. By contrast, treaties that exclude certain states from membership based on regional or functional criteria – from the G8 to the European Union – are not multilateral at this level.⁸

Thirdly, if multilateral treaties result in the creation of multilateral *organizations*, these organizations' competences, decision-making procedures and enforcement rules are important determinants of their multilateral character. Unequal decision-making powers, such veto rights and weighted voting in the UN Security Council or the IMF, enforcement through specific reciprocity as opposed to general or diffuse reciprocity, and similar institutional features can thus be characterized as deviations from multilateral principles. Furthermore, a higher degree of institutionalization and stronger enforcement mechanisms generally work in favor of qualitative multilateral principles. The international system is characterized by large power discrepancies between states with regard to military, economic, and diplomatic resources. The stronger an organization established by a treaty, the more this unequal playing field is leveled. Treaties that provide a great deal of flexibility, minimal organizational capacity and weak enforcement mechanisms work to the advantage of more powerful states and provide a lower degree of generalized principles of conduct. The more decision-making, adjudicating, monitoring, and enforcement capacities are delegated to a centralized body like a Secretariat or and Executive Committee, the more the organization has the potential to achieve generalized principles in its actual work.

In sum, international treaties can meet – or fail to meet – *qualitative* definitions of multilateralism at different system levels, and the degree to which they do at a given level can vary *independently* from other levels: A treaty may express a multilateral order without having multilateral membership rules, and vice versa. This means that treaties can diverge in

⁸ Note that the rules governing membership are not identical with actual treaty membership. As we argue elsewhere, the number of states that end up acceding to a treaty is a *numerical* criterion for multilateralism.

different ways from the ideal type of an agreement that is perfectly multilateral at *all levels*. The qualitative definition thus establishes a continuum of treaty types, rather than a dichotomous distinction between multilateral and non-multilateral treaties.

3.3 What does support for/opposition to multilateral treaties mean?

In the previous section, we have focused on discussing the nature of the multilateral treaties that are to be regarded as potential benchmarks of “US unilateralism”, without specifying exactly the different types of attitudes the US can take toward these multilateral objects. According to our earlier definition, the US can take a supportive (multilateralist) or obstructive (unilateralist) stance toward multilateral treaties. But such a multilateralist or unilateralist stance can be manifested in two different degrees with respect to any given treaty: First, the US can exhibit multilateralist or unilateralist preferences in the *negotiations* over the treaty. Second, multilateralism or unilateralism is expressed – more strongly – in the eventual US decision about whether or not to *participate* in the treaty.

In the negotiating process, US stances can be characterized as “multilateralist” to the degree that the US takes the position of a “leader” or “vanguard” in pushing for a particularly strong and ambitious treaty. By contrast, unilateralism is expressed in a “laggard” stance, or US attempts to “water down” the substance of the treaty.

The second level at which the US can take multilateralist or unilateralist stances toward a treaty concerns its actual *participation* or *non-participation* in it. This is arguably a stronger expression of multilateralism or unilateralism than positions taken in the negotiations: If the US takes a laggard position toward a treaty, it nevertheless still remains open to participation; conversely, a US leadership stance during the negotiations does not guarantee eventual US participation in the treaty. US “participation” in a treaty can refer to signing international agreements, or it means ratification and accession to a treaty. Some existing studies focus on signatures as the key indicator of US treaty participation (Denemark et al., 2007), whereas

others focus on ratification (Moravcsik, 2005).⁹ Since the US has historically signed a number of treaties, but has failed to ratify them or done so only with a great time lag, this distinction should not be taken likely.¹⁰

The distinction between different degrees of support for or opposition to multilateral treaties, importantly, cuts across numerical and qualitative definitions of multilateralism and unilateralism. When analyzing US negotiating positions, it depends on our definition what exactly makes these positions “unilateralist”: If we employ a qualitative definition, we should classify as unilateralist any US demands that run counter to qualitative multilateral principles, as explained in section 3.2, for instance requests for special voting powers or exceptions. If we use a numerical definition, however, such demands are not *per se* unilateralist, because even a weak agreement can perfectly fulfill the numerical criterion of a multilateral treaty. More unilateralist in a numerical sense are instances of US “laggard” positions which are relatively isolated, that is, US attempts to block certain features of an agreement that are supported by a wide majority of other participants in the negotiations.

In the same vein, if we assess US unilateralism based on its participation in multilateral treaties, we have to choose the treaties we include into our analysis according to our underlying definition of multilateralism (see above). Under a numerical definition, US non-participation in any treaty that crosses a certain membership threshold (be it 3 or 30) is unilateral. US is thus arguably policy *more* unilateral, the higher the number of other treaty members. For example, a great deal of emphasis has been placed on the fact that the US together with Somalia is the only state that has not ratified the UN Convention on the rights of the Child. With respect to the ICC, it was similarly emphasized that the US was one of only seven states to have voted against the International Criminal Court. According to a qualitative

⁹ By signing a treaty the US signals its intent to become party to a treaty. When it deposits its instrument of ratification, a move subject to advice and consent of the US Senate, the treaty becomes legally binding according to international law.

¹⁰ One reason for this divergence is the US political system with its high obstacles to treaty membership. According to Art. 2 of the US constitution ratification requires a majority of two thirds in the Senate.

definition, however, the decisive criterion should be US participation or non-participation in treaties that express a multilateral order, or are characterized by multilateral membership rules or decision-making procedures.

The different conceivable definitions of US multilateralism/unilateralism with respect to multilateral treaties are summarized in the following table:

Table 2: US policies toward new multilateral treaties

Type of US behavior Degrees of support	Multilateralism (numerical)	Multilateralism (qualitative)	Unilateralism (numerical)	Unilateralism (qualitative)
Negotiating stance	US “leader” stance in support of a strong treaty	US “leader” stance in support of multilateral treaty characteristics	US “laggard” stance in opposition to a strong treaty	US “laggard” stance in opposition to multilateral treaty characteristics
Treaty participation	US participation in treaties with more than three members, or a larger number of participants	US participation in treaties with multilateral characteristics	US non-participation in treaties with more than three members, or a larger number of participants	US non-participation in treaties with multilateral characteristics

The preceding discussion has made clear that in evaluating the degree of “unilateralism” of a certain US action, or US foreign policy as a whole, it is key to take into account the *relational* nature of the concept. Both a numerical and a qualitative definition of unilateralism only make sense in relation to the position of *other* states. US non-participation in treaties – which can be multilateral by numerical or qualitative criteria – implies that there at least some other states who *are* willing to sign up to it, according to the numerical definition the total number of other members is also important. Characterizing the US as a laggard – again in a qualitative or numerical sense – presupposes that other states are pushing for an agreement that the US tries to weaken or prevent.

This relational nature of “unilateralism” is critical to the argument made by some authors that the alleged unilateralist turn of US foreign policy is really – at least in part – an artifact of changing multilateral preferences on the part of others. For Instance, John Ikenberry argues that increasing US hostility to multilateral treaties reflects the rise of a “new multilateralism”

after the end of the Cold War which grants less special privileges to the great powers than post-war multilateral institutions (Ikenberry, 2003a).¹¹

A particularly prominent reference point to US unilateralism is *Europe*. The European Union has made the promotion of a multilateral world order a cornerstone of its European Security Strategy (2003), and conflicts over multilateral treaties have often been cited as a grave challenge to the traditional transatlantic partnership (Boniface, 2001; Daalder, 2003; Mowle, 2004; Risse, 2003). The negotiating stances and treaty participation patterns of European states thus constitute a particularly promising point of reference for evaluating the diagnosis of a unilateralist turn in US foreign policy.

4. Operationalizing US Unilateralism

We've started out by noting that the debate about American unilateralism has two major shortcomings: confusion about the meaning and definitions of unilateralism and the lack of systematic empirical research about US unilateralism. Naturally, a clear understanding of the terms is a prerequisite for developing methods for empirical research. Even though the discussion of definitions can clear some of the fog surrounding the unilateralism controversy in its own right, the categories created have to be reviewed in the light of empirical research.

Building on the definitions established in the previous chapters, we proceed to propose a research design for an empirical analysis intended to address what we see as major shortcomings of the existing literature. One central concern is to develop measures for unilateral behavior that take into account the relational nature of unilateralism. Instead of choosing between a numerical and a qualitative understanding of multilateralism/unilateralism, we chose to employ both to increase the analytical leverage of the study.

¹¹ For similar arguments, see Davenport (2002) and Krisch (2003).

At this stage we are not able to present comprehensive data or final results. Our research for this article has exposed several practical difficulties with collecting the relevant data. Nonetheless we will some preliminary findings to illustrate our approach and present support for its usefulness.

For the reasons laid out in the previous chapter, we will concentrate on international treaties for collecting our empirical data. Since we are interested in recent developments, more specifically claims of a unilateralist turn in the past two decades, we take the foundation of the UN as a cut-off point and only look at treaties that were established after 1945.

A first useful step is to quantify US membership in treaties. As we've explained in Chapter 3.3., it is important to distinguish between signature and ratification. Gathering both the number of treaties signed and ratified, respectively, allows for more possibilities of theorizing about the reasons of unilateralism at a later stage. It might also be interesting the number of treaties signed to those ratified over time.

4.1 The relational nature of treaty support

As stated before, US treaty participation (whether operationalized through signature or ratification) has to be measured relative to something. Because the total number of treaties has increased steadily – perhaps exponentially – in the last decades, an increase in the absolute number of instances of US treaty participation does not tell us much about US unilateralism in the sense of our definitions. One obvious answer to this problem is to set the number of treaties the US ratifies in relation to the number of treaties it could potentially accede to, i.e. all treaties open to US membership. It would then be possible to find out the ratio of treaty membership to overall number of treaties, a measure that is much more meaningful for assessing unilateralism.

The previous chapter introduced two different ways to assess support for treaties by distinguishing between degrees of support. We will thus *first* examine whether the US participates in a treaty and *second* whether its position in the negotiations was that of a leader

or a laggard. Within these two categories we can further distinguish between indicators based on numerical and qualitative definitions of multilateralism/unilateralism.

In the first case, assessing unilateralism is straightforward. Participation is an instance of multilateral behavior non-participation a case of unilateral behavior. The ratio tells us something about the relative level of unilateralism. However, the distinction between a numerical and a qualitative definition affect the choice of the treaties we include in our survey. Generally four different variants are conceivable:

- A) Proceeding from a numerical definition of multilateralism mandates taking into account all treaties that exceed a certain quantitative threshold of *actual* treaty members.
- B) In contrast, on the base of a qualitative definition it is possible to further limit the number of treaties taken into consideration. Proceeding from the criterion of indivisibility that characterizes a multilateral order, one would restrict the treaties under investigation to global treaties open to all states. That excludes with membership based on reason or other discriminatory attributes. In addition to satisfying a fundamental criterion of qualitative multilateralism, such a restriction also has practical methodological advantages, enabling us to compare states with each other with regard to the ratio of treaty participation. Regionally or functionally restricted treaties create the problem that the number of treaties states can accede to is not constant for all. For example, it would be difficult to compare treaty participation between the US and European states, if the baseline against which actual participation is measured, were not the same, as would be the case if differing regional agreements were included.
- C) An additional narrowing down of the treaty pool considered results from introducing additional criteria for qualitative multilateralism. Limiting the treaty pool to those

treaties based on generalized principles of conduct, i.e. grant their participants the same rights and duties leads to a significant reduction of treaties considered.

- D) Finally, we can look at the number of bilateral treaties and treaties that remain under the threshold of a multilateral treaty (sometimes referred to as instances of “minilateralism”) and compare their number to the total number of treaties.

In addition to participation, we can look at the second measure for support/opposition, which is whether the US played the role of a laggard or leader with regard to treaty design:

- A) In accordance with a numerical definition this would entail establishing the number of cases, in which the US was a laggard hindering negotiations in comparison with other states. Any case, in which it took an obstructionist role, can be counted as an instance of unilateralism.
- B) A qualitative definition would require looking at the positions the US held with regard to the rules established by the treaty. Unilateral behavior in this case would be the attempt to establish rules that deviate from multilateral principles, such as unequal treatment of participants of the treaty.

4.2 Assessing trends of US behavior over time

Investigating trends in US behavior and testing the claim of a unilateralist turn requires comparing these numbers across time. By tracing these measures across the years we get a good sense of the overall development. If a unilateralist turn did indeed take place, it should show up in the data. It is further possible to compare different periods, enabling us to test theoretical hypotheses about the impact of historical events, domestic developments in the US or changes in the international system on treaty participation. Depending on the research interest, one could for instance look at correlations with party leadership in administration and Congress. It would also be possible to test existing claims about the impact of historical turning points, such as the end of the Cold War or the terrorist attacks of September 11.

4.3 Conclusion

In this paper, we have criticized some of the shortcomings of the literature about “American unilateralism” and suggested ways to address them. Some of the difficulty with conducting satisfactory empirical research has to do with the time-consuming demands of data collection. Even concentrating on formalized multilateral treaties, one cannot rely on an established data sets. Treaties are deposited in different bases and constructing a comprehensive data set is arduous. But this is only part of the problem. The other reason why the existing literature is so unsatisfactory is that not many contributors have thought hard enough about what unilateralism means. In this sense, Ruggie’s observation that scholars “have paid little explicit and detailed analytic attention [...] to a core feature of current international institutional arrangements: their multilateral form” (Ruggie, 1993: 5-6) still holds true 15 years later. It is even more pronounced with regard to multilateralism’s counterpart, namely unilateralism. We hope to have contributed something to ameliorating this deficit with this paper.

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