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The differences in US foreign policy towards the UN and ICC in Trump and Biden administrations

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Abstract: United States foreign policy has been the subject of numerous debates, articles, books, and policy research. This is a consequence of the overwhelming presence and dominance of the United States over the past decades on the international stage. One particularly interesting aspect of the US foreign policy is its relation with the United Nations. As one of the founders and most influential members of the United Nations, the United States' position is under a lot of scrutiny as it represents one of the main drivers of the UN policy. In this article, the author will investigate how the first year and a half of the Biden administration influenced US-UN relations. A special place will be given to the Trump administration's approach to the UN-US relation, but a historical context will also be given. The methodology used for data collection focused on US and UN documents and resolutions, as well as the most relevant and current international and national authors, that focused on particular elements relevant to the research. This kind of analysis requires a historical approach to legal research, which was utilized for comparative analysis in this article. One of the conclusions was that regardless of how unconventional and destructive the Trump administration was towards the UN, it did not disrupt the constant of the US-UN relations.

Keywords: United States, United Nations, Biden, Trump, Security Council, Withdrawal Doctrine.

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Introduction

The United States (US) has been playing a pivotal role in international relations as a “dominant constant” at least since the mid-20th century (Quinn, 2011, p.8), even before a clear dominance in the unipolar world after the 1990s. The United Nations (UN), on the other hand, as an international organization and international forum of particular significance and symbolism, often reflects relations between states, despite the fact that it does not necessarily represent an exact mirroring of the current state of international affairs in every aspect. This is one of the reasons why both position and voice in the United Nations are still an important part of the foreign policy of most countries. Other than the allegorical perception of the United Nations as an institutionalized embodiment of international relations, for “small” countries the importance of the United Nations is obvious since there are not many global forums where their voices can be heard (Novakovic, 2021). Big powers have different perception and goals within the UN. When it comes to dominant states, the question remains whether this kind of institution is helping or constricting them in their goals, since most powerful states, particularly the United States, do not have problems asserting their influence in bilateral relations.

However, it does not take a lot of effort to understand that the way in which the dominant state is using/engaging in the United Nations will condition its position and not vice versa. Following this idea, the United States played active and participative role within the United Nations even in the unipolar world. The UN as a forum can be used for keeping the dominant role – and United States administrations on most occasions understood this correlation and acted upon it. However, in order to maintain this dominant role and to be able to impose its will, the US (and any other country for that matter) has to demonstrate a willingness to participate in an adequate manner in the United Nations system in various ways but particularly in the financing of the UN. This is why the influence of most countries is directly correlated to their financial participation. According to the *Resolution adopted by the General Assembly on 24 December 2021*, scale of assessments for the contributions of Member States to the regular budget of the United Nations for 2022, 2023 and 2024: USA 22.000, China 15.254, Russian Federation 1.866, France 4.318, United Kingdom 4.375, Japan 8.033, Germany 6.111 (A/RES/76/238). While one can debate the disproportional influence of great powers and particularly the United States within the UN, it is hard to dispute the logic of one that contributes most (almost a quarter of the United Nations budget) should not have the most influence as well (Новаковић, 259, 2018).

Formally, US Congress has generally authorized funding to the UN system as part of the *Foreign Relations Authorization Acts*, and appropriated funds through

the Department of State and U.S. Agency for International Development (USAID) accounts in annual Department of State, Foreign Operations, and Related Programs (SFOPS) appropriations bills (CRS, 2022). The details of current Actual, Enacted, and Requested amounts can be found in the table below:

Table:²

	2020 Actual	2021 Actual	2022 Enacted	2023 Request
CIO²	1,473,806	1,505,928	1,662,928	1,658,239
CIPA³	1,526,283	1,456,214	1,498,614	2,327,235
IO&P⁴	358,000	387,500	423,000	457,200

While there is no doubt that many countries, particularly major powers, directly correlate UN influence with their contributions to the UN budget, it is not the only possible way to assess it (Hyde, 2022).

The complex and intense US-UN relation started with the predecessor of the United Nations – the League of Nations. Even though the United States were never part of the League of Nations, the US – particularly its president at the time Woodrow Wilson – was the main force behind the concept that brought the League of Nations to existence (Wilson, 2011). His impact was so profound that to the present day his presidency is most often associated with the League of Nations (Ambrosius, 2017). It is hailed as his biggest success and, at the same time, a substantial failure due to the above-mentioned fact that the United States never joined it. Reasons for the United States staying out of the League of Nations can be credited both to the internal politics and international policy of the United States at the time. In the early 20th century, the United States was still weighing whether it should strive towards positioning itself as a dominant international actor or refrain from exposure to the international arena in order to focus on internal policy and regional dominance. However, by the end of WWII, that dilemma was gone, and US's leading role was demonstrated through the orchestration of the creation of the United Nations, albeit with one major difference compared to the League

² Annual congressional budget justifications and SFOPS bills.

³ The Contributions to International Organizations

⁴ Contributions for International Peacekeeping Activities

of Nations. This time United States became a member of the UN, one of the five permanent members of the Security Council of the first truly international and global international organization. The United States participated in signing all major conventions during WWII that paved the path to the creation of the United Nations, including the Declaration by the United Nations, on January 1st 1942 (alongside the Soviet Union, United Kingdom, and China), the Moscow Declaration (Declaration of the Four Nations on General Security) in 1943, and it hosted two important conferences: the Dumbarton Oakes conference (Washington Conversations on International Peace and Security Organization) in 1944 and San Francisco Conference (United Nations Conference on International Organization) in 1945, where the United Nations Charter and the Statute of International Court of Justice were signed. However, these historical bonds and the longstanding prominent position of the US within the UN system proved not to be enough for every US administration to cooperate with the UN – and this was put to the extreme during the Trump administration.

Trump administration and multilateral diplomacy

Donald Trump's presidency has been rarely described in mild terms and middle-of-the-road manner – it has been mostly illustrated in a rather polarized fashion. On the one hand, Trump was often described as the “worst president ever” (Joyella, 2022). On the other hand, some polls depicted the opposite end of the spectrum with Donald Trump emerging as “the best president ever” in almost 50% of the responses (Brent, 2021). These extremes in portraying Trump's administration are a direct consequence of the unconventional way Donald Trump led both the internal and foreign policy of the United States during his presidency. This is also the reason why this contrasting delineation was not only active during Donald Trump's presidency but also remained similarly extreme in its aftermath, as evidenced by various polls (Cillizza, 2022). The controversial manner in which Donald Trump conducted internal politics was similarly contentious in foreign policy since his first days in office. At his inauguration Trump promised to “unite the civilized world against radical Islamic terrorism which we will eradicate completely from the face of the earth” (Garcia, 2017), adding that “we will seek friendship and goodwill with the nations of the world, but we do so with the understanding that it is the right of all nations to put their own interests first” (Time, 2017). Although every inauguration, particularly one so significant as the inauguration of the president of the United States, is known for its grandiosity both in festivities and promises, few could suspect that the sentence “understanding that it is the right

of all nations to put their own interests first” would lead to such bedlam in US foreign policy.

Not long after that promise, a series of moves and statements led to what Goldsmith described as “the greatest presidential onslaught on international law and international institutions in American history” (Goldsmith, 2017). It included numerous withdrawals and threats of withdrawing from international agreements and bodies (that will be later discussed in more detail). Despite political connotation or because of it, just a brief overview of major moves by the Trump administration regarding only multilateral agreements (disregarding more numerous bilateral ones) demonstrates a rather destructive approach that is often called the “*Withdrawal Doctrine*”. In the following sections, both Trump’s and Biden’s moves will be analyzed from the perspective of international law, particularly the United States’ traditional relationship with the United Nations and the International Criminal Court (ICC), without dwelling into political aspects that would require much more time and space, and might be a perfect topic for a potential follow-up article.

The Withdrawal Doctrine

Donald Trump has always been a rather controversial public and political figure in the United States and was constantly accused of some of the worst possible misdeeds (Relman, 2019). From his first days in office, Trump proved that his presidential term and political acts will be equally controversial. Not long after his admission to the Oval Office, he became notorious for rather abrupt political reactions, that included “threats to prosecute Hillary Clinton, and the firing of FBI director James Comey just to name a few, as a signal of fundamental disregard for both mutual toleration and procedural forbearance” (Bonikowski, 2017, p.124). While this behavior further antagonized his opponents in the country, support from his followers did not decline (Peters, 2018). Trump’s behavior had mixed effects on both international and national politics. The reputation of the United States in the world of international relations was damaged and it only continued to deteriorate during the Trump administration. During his presidency (from 2017 to 2021) the United States disregarded numerous obligations stemming from international agreements and withdrew or threatened to withdraw from a number of them. In the literature, this approach to international law and, more precisely, to international treaties was labeled as the “*Withdrawal Doctrine*” by Richard Haass (Haass, 2020). One can argue that Donald Trump (and the Trump administration in its entirety) simply did not perceive that multilateral agreements are a good method of conducting international relations. This can be seen from the infamous *Moratorium on New Multilateral Treaties* (that was never signed), which contains

some rather simplistic and narrow-minded statements. A good example is the one that states: “treaties are not appropriate matters for international agreements and instead can be used to force countries to adhere to often radical domestic agendas” (Fisher, 2017). The effect of the “Withdrawal Doctrine” was rather significant (although it did not last long), and it affected numerous treaties and agreements. Here is the list of major ones:

Only a couple of days after his inauguration, on January 23, 2017, Trump directed the Office of the U.S. Trade Representative to withdraw the United States from the Trans-Pacific Partnership (TPP).

On May 18, 2017, U.S. Trade Representative Robert Lighthizer announced major changes to the North American Free Trade Agreement (NAFTA), when he informed Congress of the White House’s intent to “modernize” the agreement. Following this move, on September 30, 2018, the United States, Canada, and Mexico settled on a number of changes to NAFTA, renaming it the United States-Mexico-Canada Agreement.

Particularly disturbing was the withdrawal from the 2015 Paris Agreement on climate, an agreement negotiated and heavily influenced by the Obama administration. Trump strongly criticized the agreement that united virtually the entire world behind the goal of limiting carbon emissions, since he was convinced that this agreement would have a negative impact on the United States economy. To this day, 193 states and the EU have ratified or acceded to the agreement, with only four countries not ratifying it (Iran, Eritrea, Libya, and Yemen). Trump declared the intention to withdraw from the Paris Agreement in the early days of his presidency, and the United States finally withdrew on November 4th, 2020 (McGrath, 2020).

U.S. Ambassador to the UN Nikki Haley announced on June 19, 2018, that the United States will withdraw from the United Nations Human Rights Council, citing “a chronic bias against Israel” and the human rights abuses of various sitting members, which include China and Venezuela (Deng, 2018).

On July 6, 2020, the Trump administration formally notified the United Nations that the United States will cut ties with the World Health Organization (WHO), which it helped founded, effective July 2021, saying it was “virtually controlled by China.” Trump also accused the WHO of misleading the world about the threat of COVID-19 under pressure from China. As a consequence, he announced the redirection of U.S. funding, the WHO’s largest source of financial support (PTI, 2021).

This withdrawal doctrine was accompanied by the alienation of traditional American allies on the international stage. While one can argue that occasional detachment is normal in international relations and that states generally tend to

fluctuate in their relations, some statistical data demonstrate that during Trump's presidency this alienation was more than just a normal fluctuation. Apart from being one of the five permanent members of the Security Council (and thus, the most influential United Nations members), the United States has long been hailed as the leader of the "free world". This was also reflected in the voting in the UN, where in most cases, other Western powers and countries in general, aligned in voting with the United States (Mosler, Potrafke, 2020, 3). However, voting in line with the United States by the G7 countries, NATO members, and other Western-block countries (primarily the UN WEOG member countries) had declined since Donald Trump took power. According to Mosler and Potrafke, econometric evidence suggests that the UNGA agreement rate of Western countries under Donald Trump "decreased by 4.4 percentage points and that absolute ideal point differences increased by a quarter of a standard deviation" (Mosler, Potrafke, 2020). Surprisingly, this alienation was not influenced by the ideological stance of governments within this group. It might seem that some governments, particularly ones within Western-allied countries from the left political spectrum will vote more often against the United States with Donald Trump at their helm. However, Mosler and Potrafke concluded in their research that there is no evidence of declining political alignment between the United States and Western allies, which was motivated by the ideological distance based on a classical leftwing/rightwing government ideology scale (Mosler, Potrafke, 2020).

While the policy of withdrawal reached a level of doctrine in the Trump administration, it was used by previous administrations as well. A good example of that practice is the withdrawal from the ICJ jurisdiction over the Vienna Convention on Consular Relations claims (Kirgis, 2005). The reason behind this withdrawal was not only the number of pending cases against the United States in that matter in front of the ICJ but also a clear inability to amend the situation on the field. Consequently, since it was obvious that a number of cases in front of the ICJ against the United States would just pile up, the decision was made to abandon Protocol in its entirety (Bellinger, 2019). However, while these instances of withdrawal existed in the past, they never reached the magnitude they had during Trump's presidency.

The United Nations and the United States administration – Trump vs Eisenhower

Donald Trump often described the United Nations in a derogatory manner, including labeling it as incompetent and considering it biased (Boger, 2018). While the style and language in which he characterized the UN (and other international

organization) and many other entities and persons can be further scrutinized, there is no doubt that the United Nations, as an organization is not at its highest point. Furthermore, this is not the first time that the United Nations is struggling to live up to the expectations of the international community it is serving. In the early 1950s, at the start of Dwight Eisenhower's presidency in 1953, the UN was also at a rather low point in its development and looked similar to the way it looks today. As dully noted by Nakasone and Schake, "Eisenhower also faced problems similar to those that plague both U.S. and global action today: a deadlocked Security Council, for one, and broad suspicion of U.S. motives due to the United States alliances with many colonial oppressors" (Nakasone, Schake, 2020). A similarity can be found even in the way the UN was perceived in both eras – as ineffective. President Eisenhower's administration called the Security Council "unworkable," and criticized fellow permanent-five members Britain and France for stymieing "rapid progress in this field" (Nakasone, Schake, 2020). Eisenhower, too, was daunted by the tall task of building coalitions for U.S. initiatives. His administration's review of U.S. participation in the UN arrived at all-too-similar conclusions to those of the Trump administration (Nakasone, Schake, 2020).

It is interesting to compare the ways, Eisenhower, on the one side, and Trump on the other dealt with similar situations regarding the UN and the role of the US within. In the case of Eisenhower, instead of neglecting the UN, he used its structure to accomplish US objectives. For instance, his administration capitalized on UNGA's one country-one vote feature, which is considered "an important means of pressure as well as public justification of [its] case." Eisenhower sought to bring Cold War-relevant matters before the UNGA, where he hoped to achieve "large majorities." This orientation towards more participation became a new way to bridge what Washington called the "paralysis" of the Security Council. This approach proved successful, and the Eisenhower administration was able to use the UN to advance U.S. interests since "Eisenhower brought forward a substantive agenda of U.S. policies that formed the basis of UN activity and helped develop institutional capacities the United States and the world now rely on: the International Atomic Energy Agency and the World Food Program, for example, both grew out of proposals made in Eisenhower's UN General Assembly speeches" (Nakasone, Schake, 2020).

Despite the above-mentioned similarities between the UN in Eisenhower's and Trump's time, there are also some substantial differences, not only in the eras but also within the United Nations itself. Dwight Eisenhower encountered a weak, embryonic form of the United Nations. However, just a few months after Eisenhower took office, in April 1953, undoubtedly the most influential and revolutionary personality in the United Nations' history, Doug Hammarskjold, became Secretary-

General. The United Nations, with him at its helm, became stronger and more influential than ever before and it remains perceived as the peak of the UN until the present day. Thus, Eisenhower and later John F. Kennedy had a partner they can work with and not (only) influence its politics. The longevity of Hammarskjöld's influence and strength of the United Nations was felt during Kennedy's administration as well, so Kennedy noted that "With all its defects, with all the failures that we can check up against it, it still represents man's best-organized hope to substitute the conference table for the battlefield. It has had its failures, but it has had its successes" (Kennedy, 1963). John F. Kennedy apparently understood the importance of international law, he participated in the solution of the Cuban missile crisis through U Thant's facilitation, and generally aspired to the strong United Nations, as he reiterated in his famous speech "Strategy of Peace" (Kennedy, 1963). On the other hand, the Trump administration, which had to deal with a rather politicized United Nations, chose to either coerce it into acting in a certain way or write it off entirely, instead of working to improve its capacity and competence. As the UN's most powerful and most influential member, the United States has the capacity and should have the interest to build this kind of UN, particularly since it would benefit their national interest directly. This structural influence on the working UN, as opposed to Trump's policy of derogating it, would undoubtedly lead to an even more increased United States relevance and influence as it was proved by numerous other US administrations – including the one of Trump's successor Joe Biden.

The Biden administration and the UN

After the election of Joe Biden, a major turn in the United States' policy towards the United Nations, and international obligations in general, was expected. However, the bar was put so low by his predecessor in this regard, that it is very hard to determine his stance and openness towards the international legal system through the comparison with the Trump administration. As was described by Boot, "by taking over at such a low point in our history, Biden is set up for success" (Boot, 2021).

As expected, Biden spent a big part of the first year of his term remedying the situation and isolation in the international arena left by Trump. On the first day in office, on January 20th, the United States rejoined the Paris Climate Agreement (Blinken, 19.02.2021). Biden also did not waste time reversing Trump's decisions to withdraw from the World Health Organization (Morales, 2021) and the U.N. Human Rights Council (Blinken, 14.10.2021), and he renewed funding without conditions. The administration expected this generosity would spark gratitude and support for needed reforms within those agencies. Things did not go as expected.

Since the first days of the Biden administration, it is obvious that he took a different course in the relationship with the UN and this is confirmed via the difference in the United Nations voting patterns. While in the Trump era voting patterns on Israel-Palestine were very clearly demonstrated in constant and automatic voting against the resolutions, Biden's administration abstained from voting on the United Nations resolution supporting Palestinian refugees' right to return to occupied territories. This shift might seem like simply a technical change (since the outcome is the same) but moving from a vote against the text to an abstention is a clear sign of the different manner in which the United Nations will be treated in Biden's administration.

While it is too early to judge Biden's administration since he is not even halfway through its term, it is also too naive to expect any major shifts in US politics toward the UN, compared to the previous US administrations, not including Trump's. Hence, the only certain bets are that a major shift to general US policy to the UN will not occur and that Biden's approach to the United Nations will be more similar to Eisenhower's than to Trump's.

Despite Biden's apparent different perception of foreign policy in general, but also a different (or better) understanding of international law and international institutions, it is hard to expect a significant shift in the United States' stance, apart from the change in the narrative itself. Donald Trump definitely presented an unorthodox figure in the United States policy in general, including US foreign policy. However, the effects of his outburst are almost non-existent in the long-term United States foreign policy, as will be demonstrated later.

International courts and U.S. foreign policy

The US is infamous for its constant debate regarding the role of international law in its legal system. Many aspects are under scrutiny in those discussions, including the rule of customary law and the rule of agreements, but the role of judgments of international courts takes a prominent space in this parley. A good example of that is the work of Eugene Kontorovich, a professor at George Mason University. In 2009 (at the time he was a professor at Northwestern University) he published the article "The Constitutionality of International Courts: The Forgotten Precedent of Slave Trade Tribunals" where he advocated against the United States' participation in the International Criminal Court. He based his view on historical arguments but also found an obstacle in the fact that it was not created in accordance with the United States Constitution and Bill of rights (Kontorovich, 2009).

This, rather far-fetched argumentation, particularly in today's world, is based on various historical events and diplomatic reactions to the United States foreign policy in the last two centuries. He particularly focused on the opposition, at the time, of part of the United States government to accession to international courts that prohibited the slave trade. This argumentation was diligently debunked by Jenny Martinez. Regarding slave-trade tribunals, she stated that "contrary to Kontorovich's assertions, the international slave-trade tribunals did not exercise criminal jurisdiction, but rather a type of civil in rem jurisdiction. This type of civil jurisdiction was well recognized in American admiralty law in the early nineteenth century and was extensively used in U. S. court cases involving the forfeiture of ships under domestic laws prohibiting the slave trade" (Martinez, 2011). She also focused on his other arguments and made several observations. First of all, she perceives that Kontorovich did not understand the nature of constitutional objections to membership in the international courts and that the main reason behind the reluctance to subject Americans to trial for American law in foreign countries was the fact that international law at that time still allowed slave trade (Martinez, 2011). Following the proposed logic, when the US ratified the treaty for the slave-trade courts in 1862, the law of nations prohibited the law of nations, and no objections to the participation of the US in those tribunals remained and they can be perceived as "precedent for the constitutionality of participation in international courts and tribunals as a means for interpreting and enforcing widely recognized norms of international law" (Martinez, 2011).

When it comes to practice, a negative stance towards international courts is a common denominator for all U.S. administrations – with Trump's administration again leading the way. In line with the withdrawal from various multilateral agreements as described in the previous chapter, John Bolton, the U.S. national security adviser, described the International Court of Justice as "politicized and ineffective" as he announced that the U.S. would review all international agreements that could expose it to binding decisions by the ICJ (Rampton, Wroughton, and van den Berg, 2018). However, even more interesting is the relation between the United States and another international court – the ICC. This interrelation will be in the focus not only because it is a very controversial one, but also because this is one of the very few institutions and international legal matters where Trump's administration demonstrated somewhat of a forbearing attitude, at least in the first few years.

This discussion not only reflects the negative approach to the ICC in theory but actually, it is much more one-sided in the practice of the United States foreign policy. It is best viewed in Marc Grossman's (at a time Under Secretary for Political Affairs), remarks to the Center for Strategic and International Studies in Washington, D.C.

on May 6, 2002. In this statement, he mentioned historical context, some general beliefs, but also five points on why the ICC is unacceptable to the U.S.

These points included several remarks. Primarily, it was emphasized that due to a lack of checks and balances, the ICC is in jeopardy of being abused and influenced in a manner that endangers the interests of the United States. As Grossman perceived, the problem was in the fact that the Court had been given powers without adequate constraints and the fact that US proposals to implement proper checks and balances were the reason why the US delegation did not vote for it (Grossman, 2004, 153).

A strong emphasis was put on the fact that the UN Security Council (where the U.S, alongside other permanent members has the biggest influence) does not have an appropriate role provided by the UN Charter, according to the United States' perception, while too much power is given to the judges and prosecutors of the ICC. This power is vested in them, primarily because they are not responsible to any state or institution other than to the ICC.

The US government justified its lack of cooperation with the ICC with the fact that this jurisdiction was not accepted by the US itself. Furthermore, the mandate of an international organization to prosecute American citizens cannot exist since it does not have the above-mentioned consent by the US government and this mandate was not verified by Security Council (Grossman, 2004, 153).

The Trump and Biden administrations and the ICC – a continuation of the United States policy

The international court system and international law, in general, puzzled Trump throughout his presidency and he generally, unlike his predecessors, refused to cooperate with most of the major international organizations. However, the relationship and general stance towards ICC is not surprising for the United States administration since the turbulent and negative stance toward ICC is constant in the United States foreign policy.

Since the very day of the foundation of the ICC, the relationship between this international judicial institution and the USA was hostile. The United States had an essential role in the process of creation of the ICC, facilitating negotiations and various consultations. However, the United States never ratified and thus never become a party to the Rome statute (ICC, 2022).⁵ The ratification procedure, due to the heavy involvement of the United States in the preparation of the Rome

⁵ International Organizations & Programs

Statute seemed (at least to the average outside spectator) a mere formality, but it was never brought to an end – and the question is whether the intention to ratify it ever existed. The Rome statute was signed two years after it came to force. However, not only was it never submitted to the Senate for ratification, but on May 6, 2002, the U.N. Secretary-General received a communication from the U.S. government stating that “the United States does not intend to become a party to the treaty. Accordingly, the United States has no legal obligations arising from its signature on December 31, 2000” (Tan, Chet, 2003, 1121).

The company of countries that the United States joined when they failed to join the Rome statute is quite indicative. It includes another P5 member (China), the United States’ longstanding ally Israel and four countries from the other end of the democratic spectrum: Iraq, Libya, Qatar, and Yemen. The main concern for United States officials since the formation of the ICC was the possibility of prosecution of United States nationals and Israelis. Mike Pompeo, US secretary of state emphasized this apprehension in 2020 (Ahren, 2020) while announcing visa bans for some ICC officials investigating alleged United States crimes in Afghanistan. While imposing visa bans for officials of the ICC might seem like an extreme behavior, it is nothing but constant in the US-ICC relationship. Moreover, one can only wonder why Trump’s administration did not use this polygon for demonstrating the international impunity of the United States citizens and hence US influence, earlier.

With the above-described longstanding antagonism of the United States towards the ICC, it was not a surprise that ICC at some point (although later than most would expect) was dissed by the Trump administration as well. This reaction occurred once a question of prosecuting the United States military officials (re)emerged (Bowcott, Holmes, and Durkin, 2018). This is traditionally the biggest obstacle to the United States joining the Rome statute. Trump issued a sweeping executive order on June 11, 2020, authorizing asset freezes and family entry bans that could be imposed against certain ICC officials: Fatou Bensouda, the ICC prosecutor, and Phakiso Mochochoko, the head of the Office of the Prosecutor’s Jurisdiction, Complementarity, and Cooperation Division. The executive order also provides for the same sanctions with regard to those who assist certain court investigations, risking a broad chilling effect on cooperation with the ICC (Executive Order 13928 of June 11, 2020). Biden’s administration lifted sanctions soon after taking the office (Toosi, 2021), but a policy of hostility remained. While Biden remedied what might be described as an “undiplomatic” form of hostility towards ICC (sanctions on its officials), the general notion of a negative attitude towards ICC remained and there is no difference between Biden, Trump, or any other United States administration in that question.

Conclusion

The United States-United Nations relations, while turbulent at times, have a long record of steady relations. However, it seemed that this relationship was in jeopardy when Trump's presidency demonstrated substantial neglect of international obligations in general and towards the UN. From his first days in office, Donald Trump caused "increased chaos in the international relations" (Trapara, 2017). However, the long-term negative effects of Trump's "negative campaign" towards the UN proved to be practically not existent. Biden's administration, in its first year, was devoted to restoring broken ties that stem from Trump's period, rejoining treaties that Trump withdrew from, and trying to strengthen the ties with allies – and these moves mostly remedied potential long-term effects of the tense UN-US relations during Trump's time.

In this article, the United States' relationship with two different international institutions was briefly revisited. When it comes to the United Nations, Trump and Biden have taken different, or better said opposite approaches. Trump's administration was notorious for its withdrawals and obstruction of the work of various United Nations bodies. The Trump administration considered that United Nations are lacking the qualities and adequate skills to fulfill its duties and that perception is used as an excuse not to participate or to simply pull out from various bodies and agreements. This included organizations such as NATO, NAFTA, and WTO, as well as withdrawal from the Paris Climate Agreement and Open Skies Treaty. The US also withdrew from the United Nations Human Rights Council in 2018. While this response is rather unconventional and demonstrates Trump's unwillingness to deal with international law, it remains a legitimate way of conducting foreign policy. However, as a consequence, his foreign policy toward multilateral agreements was labeled as a "Withdrawal Doctrine".

On the other hand, the Biden administration took a contrasting way of "dealing" with the United Nations. First of all, it was necessary to remedy the damage that was caused by Trump's administration – by rejoining agreements, renewing membership in various bodies, etc.

The ICC, on the other hand, is a point where all U.S. administrations, including Trump's and Biden's, are on the same page. The general negative stance toward ICC is never in doubt since any change would bring significant, both foreign and domestic, political implications. The ICC actually presents a perfect foe for every United States administration, particularly from the point of view of internal politics. Advocating for participating at the court that "threatens the sovereignty of the United States", that "claims the authority to detain and try American citizens, even

though our democratically-elected representatives have not agreed to be bound by the treaty” and court that puts “U.S. officials, and our men and women in uniform, at risk of politicized prosecutions” will certainly represent a political suicide in internal US political arena. The backlash in the internal stage would be just overwhelming and very costly to any administration, if not in this term, then certainly in the next elections.

A final conclusion is that United States foreign policy, particularly UN-US relations cannot be dismayed even by extreme figures in the US administration – at least not in a long term. A perfect example of that is the legacy of Trump’s politics. While the initial damage that Trump’s administration did to the U.S. in the international arena was obvious, it is hard to demonstrate some extraordinary effects that remained just two years after his presidency ended.

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**AMERIČKA SPOLJNA POLITIKA PREMA UJEDINJENIM NACIJAMA
I MEĐUNARODNOM KRIVIČNOM SUDU – RAZLIKE U PRISTUPU
IZMEĐU TRAMPOVE I BAJDENOVE ADMINISTRACIJE**

Apstrakt: Spoljna politika Sjedinjenih Država bila je predmet brojnih debata, članaka, knjiga i istraživanja. Nijedna druga tema nije pobudilo toliko interesovanje, kako u akademskoj tako i u zajednici praktičara. To je posledica ogromne dominacije Sjedinjenih Država tokom proteklih decenija na međunarodnoj sceni. Jedan posebno interesantan aspekt spoljne politike Sjedinjenih Država je njihov odnos sa Ujedinjenim nacijama. Njihov odnos je prilično složen pošto su Sjedinjene Države jedan od osnivača i najuticajnijih članica ove organizacije, ali istovremeno pokazuje i tendenciju da ima oštre amplitude. Jedan od najočiglednijih je pomak koji je napravila Trampova administracija, i on je u oštroj kontrastu u poređenju sa prvom godinom Bajdenove administracije. U ovom članku, autor će istražiti kako je prva godina Bajdenove administracije (od 20. januara 2021. do 20. januara 2022.) uticala na odnose Sjedinjenih Država sa Ujedinjenim nacijama, u poređenju sa istorijskom ulogom SAD u ovoj organizaciji i Trampove i Bajdenove administracije. U istraživanju je kroz analizu dokumenata SAD i UN, kao i kroz istorijsko-pravni model, došao do nekoliko zaključaka, među kojima se ističe taj da uprkos velikim promenama na čelu SAD i drastičnog skretanja sa kursa njene administracije (u ovom slučaju zanemarivanja obaveza prema UN), spoljna politika SAD i odnos SAD-UN ostaje isti i u skladu sa višedecenijskom konstantom.

Ključne reči: Sjedinjene Države, Ujedinjene nacije, Bajden, Tramp, Savet bezbednosti, doktrina povlačenja.