



THE NEW
Dynamics of
Multilateralism

**Diplomacy, International Organizations,
and Global Governance**

edited by

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Richard Reitano, and Earl Sullivan

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Multilateral Diplomacy and the United Nations: Global Governance Venue or Actor?

Ramesh Thakur

In 2002 and 2003, the Bush administration warned the United Nations of its future irrelevance if it failed to support the looming war in Iraq. Many other countries acknowledged the need to confront Saddam Hussein but ruled out acting without UN authorization. From a test of UN relevance, the agenda shifted to being a test of the legitimacy of U.S. action. Imperceptibly and subtly, the issue had metamorphosed into a question of what sort of world we wish to live in, by whom we wish to be ruled, and if we wish to live by rules and laws or by the force of arms (Thakur 2007). The United Nations found itself front and center in the debate, the focus of hopes, fears, and the media's most pressing attention.

This chapter explores whether the United Nations is merely the principal site for engaging with the great debates and controversies of the day, as over Iraq in 2003, or is also an actor in its own right, with the whole—the international community collectively—being greater than the sum of the parts, the member states individually. It begins with a discussion of whether there is any such thing as “UN policy” within the larger context of global governance. The argument is then illustrated with two substantive examples: the issue of arms control and disarmament and the responsibility to protect (R2P) norm.

Global Governance, “UN Policy,” and the Principal-Agent Problem

Whether as site or actor, the United Nations' role in world affairs is made possible by the reality of being at the center of global governance—the sum of laws,

norms, policies, and institutions that define, constitute, and mediate relations between citizens, societies, markets, and states on the world stage, the wielders and objects of the exercise of international public power.

Global governance faces a fundamental paradox. The policy authority for tackling global problems and mobilizing the necessary resources is principally vested at the country level, in states, while the source and scale of the problems and potential solutions to them are transnational, regional, and global. One result of this situation is that states have the capacity to disable decision making and policy implementation by global bodies like the United Nations but often lack the vision and will to empower and enable their own global problem solving on issues such as climate change, human trafficking, terrorism, and nuclear weapons.

The United Nations was conceived of, fashioned, and negotiated by national leaders dissatisfied with the lack of adequate mechanisms of global governance both for muting conflict and promoting collaboration among sovereign states. There has been a threefold change in the world of diplomacy and diplomats since 1945:

1. in the *levels* of diplomatic activity, from the local, through the domestic-national, to the bilateral, regional, and global
2. in the *domain and scope* of the subject matter or content, expanding rapidly to a very broad array of the different sectors of public-policy and government activity
3. in the rapidly expanding *numbers and types of actors*, from governments to national private-sector firms, multinational corporations, nongovernmental organizations (NGOs), and regional and international organizations

The business of the world has changed almost beyond recognition over the last century. Four decades ago the influential French theorist Raymond Aron argued that “the ambassador and the soldier *live* and *symbolize* international relations which, insofar as they are inter-state relations, concern diplomacy and war” (1967, 5). Today, alongside the horde of diplomats and soldiers, the international lawyer, multinational merchant, cross-border financier, World Bank technocrat, UN peacekeeper, NGO humanitarian worker, and antiglobalization dissenter jostle for space on the increasingly congested international stage.

In the UN context there is a dynamic and symbiotic relationship between national foreign policies and international diplomacy. Its universality provides unique legitimacy in formulating global public policy but raises the principal-agent problem: Who are the actors—the relevant policy makers—in the UN system

(Thakur and Weiss 2009)? Is “international” policy made and implemented by international organizations (IOs) or by national authorities meeting and interacting in international forums? The former would imply IOs are actors, but the latter restricts them to being the venues for state actors. That several actors occupy the stage of international relations has become so commonplace an observation as to be trite. Actors have policies. IOs are one type of the numerous actors playing diverse roles in world affairs, and the United Nations is a key IO actor.

For realists, IOs like the United Nations are creations and tools of sovereign states, not independent actors. For liberal institutionalists, the United Nations is an arena in which interactions among its member states take place and cooperation can be agreed on. For principal-agent theorists, states are the principals, and UN secretariats are the agents. Thus, the notion of a “UN policy” independent of the preferences and interests of the states does not seem to make any sense. Yet, recent works using a revised and more nuanced version of principal-agent theory and constructivism suggest that IOs, including UN specialized agencies, have significant (although incomplete) autonomy *vis-à-vis* their principals (Barnett and Finnemore 2004). With the retreat of the state in an age of globalization, there is more “space” available for the UN organizations because “a principal-agent relationship looks somewhat like domestic public-private and public-voluntary partnerships. . . . States no longer row, they steer” (Stein 2008, 127). Moreover, there are multiple sources of funding for activities by UN organizations so that the “agents” can go “principal shopping” in order to evade or dilute control by a particular principal.

Finally and importantly, there are “three UNs” playing complementary but essential roles in contemporary policy formulation by the world organization. The first consists of member states, a second of the secretariats, and a third of actors closely associated with the United Nations but not formally part of it (Weiss, Carayannis, and Jolly 2009). This “outside-insider” UN includes NGOs, academics, consultants, experts, independent commissions, and other groups of individuals (Thakur, Cooper, and English 2005). These informal networks often help to affect shifts in ideas, policies, priorities, and practices that are initially seen as undesirable or problematic by state principals and even international secretariats.

According to standard references, a policy is not only a governing principle but also entails “the decision to embark upon certain programs of action (or inaction) in order to achieve desired goals” (Evans and Newham 1998, 440). It is an intended course of action or inaction in light of a particular problem (Birkland 2005, 17–18). This entails both agency and purposive action. State actors are policy makers. But for states, public policy is usually distinguished from foreign

policy, implying a boundary-based, domestic/external separation between the two activities. "The policy-makers and the policy system therefore stand at these junction points and seek to mediate between the various milieux" (Evans and Newnham 1998, 179). By contrast, "the UN, through its organs such as the Security Council or the General Assembly, makes policy" (Evans and Newnham 1998, 440). But it cannot be said to make foreign policy: Neither the policy makers nor the policy system of the United Nations is engaged in boundary activities. By definition the world is their stage.

The civil service may shape and influence policy, but it is not normally considered a policy maker. That is the domain of the political heads of civil service departments, cabinet ministers individually, and the legislature and political executive collectively. Likewise, the UN Secretariat and its staff members—international civil servants—may influence policy, but they cannot be described as policy makers. To the extent that in important respects the secretary-general and other senior officials can be called independent actors in their own right, they may on some occasions be classified as peripatetic policy makers (Thakur 2006, 320–342; Ramcharan 2008). Thus, UN "policy makers" are indeed the principal political organs—the Security Council and the General Assembly—and the member states collectively. But all of these are intergovernmental forums. The people—agents—making the decisions by adopting resolutions that set out new governing principles, articulate goals, and authorize programs to achieve those goals do so as national delegates, acting within the governing framework of their national foreign policies and under strict and narrow instructions from capitals. Or member states may make the policy choices directly themselves, for example, at summit conferences.

At the national level, policy can be used to refer holistically to "the entire package of actions and attitudes" (Hill 2001, 290), for instance, Indian or U.S. policy. Alternatively, it can also be applied to specific policies toward particular issues and problems in the international realm (e.g., Indian or U.S. policy toward Israeli-Palestinian relations, the International Criminal Court (ICC), or nuclear proliferation) or in domestic affairs (e.g., Indian or U.S. policy on the death penalty, intellectual property, or immigration).

Policy may also be broken down sequentially into three separate phases: formulation, adoption, and implementation. And its object varies: to regulate services like transport, telecommunications, and public utilities; to allocate public resources like housing, employment, and scholarships; and to redress social inequality through social welfare programs (Morris 2001, 703). As distinct from state actors the responsibility for implementation of most UN policy does not rest primarily with the United Nations itself but with its member states. But even UN policy, in

the form of policy resolutions and actions adopted and authorized by the Security Council and the General Assembly or summit decisions made by member states directly, may exhibit regulative, distributive, and redistributive characteristics.

Based on these considerations, resolutions adopted by the General Assembly, though not legally binding, are the equivalent of policy declarations if they articulate broad principles and goals, sometimes with programs of action to attain these goals.¹ One of the clearest examples is General Assembly Resolution 2922 (1972) reaffirming apartheid as a crime against humanity. The phrase became a staple of UN resolutions over many years until the liberation of South Africa and the replacement of the apartheid regime with an elected black-majority government formed by the African National Congress with Nelson Mandela as the first president. Other examples would be General Assembly Resolution 1514 (December 14, 1960), the Declaration on the Granting of Independence to Colonial Countries and Peoples, and similar broad and sweeping declarations delegitimizing racism in general.

A second set of UN policy documents takes the form of goals, plans of action, and desirable codes of conduct embedded in international treaties and conventions. Good examples include the 1948 Genocide Convention, the 1948 Universal Declaration of Human Rights, the 1982 UN Convention on the Law of the Sea, the 1997 Kyoto Protocol, the 1968 Nuclear Nonproliferation Treaty (NPT), and the 1996 Comprehensive Test Ban Treaty (CTBT). (The CTBT—which has yet to enter into force because of nonsignatures or nonratifications by key states like India and the United States, but whose provisions have been respected to date since it was signed over a decade ago—is a good example of an international security policy being integrated into national security policies.)

Arms Control and Disarmament

On the issue of arms control and disarmament, the United Nations has played three linked but analytically distinct roles as a funnel, forum, and font²:

- a funnel for processing ideas into norms and policies and for transmitting information from national sources to the international community
- a forum for discussion and negotiation of common international positions, policies, conventions, and regimes
- a font of international legitimacy for the authoritative promulgation of international norms, appeals for adherence to global norms and regimes, and coercive measures to enforce compliance with them

The United Nations As a Funnel

From one point of view, it could be argued that the United Nations has not been the chief architect of arms control and disarmament. Most of the key treaties and regimes—bilateral treaties signed by Moscow and Washington during the Cold War on intermediate range and strategic forces, as well as multilateral regimes like the NPT (Boulder, Thakur, and Weiss 2009), the Chemical Weapons Convention (Thakur and Haru, 2006), the Biological Weapons Convention, and the various regional nuclear-weapons-free zones (Thakur 1998)—were negotiated outside the UN framework. The UN Charter downgraded the disarmament clauses as a path to peace compared to disarmament's central importance in the schema of the League of Nations. This reflected the apparent lesson of the interwar period that arms in themselves are not a problem; having weapons in the wrong hands, or not enough in the right ones, is the problem.

Yet, the ideas behind many of the existing regimes were often first funneled through the UN system. A proposal for the cessation of nuclear testing came from India in the General Assembly in December 1954 (Pande 1996, 25). In 1957, the United States submitted a five-point plan to the General Assembly proposing an end to the production of nuclear weapons and testing. Throughout the 1980s and the mid-1990s, pressure for a comprehensive test ban was funneled through the General Assembly. Similarly, the idea of negotiating a South Pacific nuclear-weapons-free zone was submitted to the General Assembly for endorsement in 1975 by Fiji, New Zealand, and Papua New Guinea, and the 1985 treaty links the regional verification system for the South Pacific to the global International Atomic Energy Agency (IAEA) inspections regime within the UN system (Thakur 1987, 23–45).

The United Nations has thus historically been the funnel for processing arms-control and disarmament proposals, and this role continues today. The New Agenda coalition, building on the Eight Nation (Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa, and Sweden) initiative of June 1998 (following the nuclear tests by India and Pakistan in May), has used the United Nations essentially as the funnel through which to advance the twin agenda of nonproliferation and disarmament. The basic policy positions are agreed to among coalition countries directly, then taken to the international community through UN structures. As with many other examples in the past, any resulting treaty may well be negotiated in forums outside the United Nations. This should not take due credit away from the organization for its invaluable funnel role.

The United Nations As a Forum

The General Assembly, with universal membership, houses the divided fragments of humanity and, when united, speaks with the collective voice of the international community. As such, it is the custodian of the world's conscience. This makes it the unique forum of choice for articulating global values and norms and the arena in which contested norms can be debated and reconciled. Such a role was true historically in delegitimizing colonialism, even though decolonization resulted from policy decisions taken in the national capitals of the colonial powers. It was the United Nations more than any other institution or organization that proclaimed racial equality as a global norm and delegitimized apartheid as an ideology and system of government. The organization has been at the forefront of the universalization of the human rights norm and the internationalization of the human conscience. It is to the General Assembly that civil society actors look and member states go to proclaim and reaffirm arms-control and disarmament norms. This is the chief explanation for why so many declarations and resolutions are adopted in the United Nations before producing conventions and treaties—norms followed by laws—in UN as well as non-UN forums.

A recent example of the use of the United Nations as a forum came in September 2009 when Barack Obama became the first U.S. president to chair a Security Council meeting. On September 24 the Council unanimously adopted the U.S.-sponsored Resolution 1887 reaffirming the goal of nuclear abolition and calling on all states to sign and abide by the NPT, to refrain from testing and sign the CTBT, and to ensure safeguards against and prevent trafficking in nuclear material. It also called on the Conference on Disarmament to negotiate a treaty banning the production of fissile material for nuclear weapons.

The United Nations As a Font

Washington took the Security Council route in 2009 because there is still no substitute for the United Nations as a font of international authority and legitimacy. This was reflected also by the manner in which the campaign to ban landmines was careful to keep in touch with the UN system. The October 1996 Ottawa conference developed a resolution that was adopted by the General Assembly in December by 156–0 votes. In the final conference a year later, negotiators were careful not to quarantine themselves from the international organization, integrating their process with the UN system on review, reporting, and depositary functions.

Calling on UN moral authority to seek compliance with global norms is especially relevant when behavior considered unacceptable is not in fact proscribed by any treaty to which a state may be party. In May 1998, India and Pakistan conducted nuclear tests. In doing so, they broke no treaty, for neither had signed the NPT. But they violated the global antinuclear norm and were roundly criticized for doing so. Hence, too, the call in Resolution 1887 eleven years later for all non-NPT countries to sign the treaty.

Even if negotiated outside UN forums, treaties are often submitted to the UN machinery for formal endorsement that has no bearing on the legal standing of the treaty but does substantially enhance its moral weight. This has been true, for example, of the various regional nuclear-weapon-free zones. One of the clearest examples of the United Nations as a font of authority for global arms-control treaties came with the CTBT, which was approved by a vote of 158–3 by the General Assembly on September 10, 1996. Sometimes it is possible to be mesmerized by the illusion of a numerical majority in the United Nations for the weight of national security calculations in the real world of power politics. The resulting hardening of India's nuclear stance was predictable: "Faced with U.S.-led UN coercion, an isolated, sullen and resentful India is more likely to respond with an open nuclear program, including a . . . series of nuclear tests" (Thakur 1996). In Indian eyes the issue was no longer the clauses and substance of the CTBT but norms, sovereignty, and security. The General Assembly's adoption of the CTBT was taken as proof that the international security environment had deteriorated alarmingly against vital Indian interests.

The specific example of the politically counterproductive ploy with the CTBT in 1996 does not negate the general argument about the role of the United Nations as the legitimizing forum for demanding and enforcing compliance with global norms and regimes. Several international bodies are set within the UN framework as part of the implementation mechanism for disarmament, including but not limited to the IAEA. There are also ad hoc bodies like the UN inspection groups that, we now know conclusively, successfully disarmed Saddam Hussein (Findlay 2006, 140–159; Lewis 2006, 160–178). Even so, the Iran, Iraq, and North Korea experiences show the enormous difficulty of ensuring compliance with international norms and commitments.

The Responsibility to Protect

Going to war was an acknowledged attribute of state sovereignty, and war itself was an accepted institution of the Westphalian system with distinctive rules, eti-

quette, norms, and stable patterns of practices to govern armed conflicts (Holsti 1996). In that quasi-Hobbesian world, the main protection against aggression was countervailing power, which increased both the cost of victory and the risk of failure. Since 1945, the United Nations has spawned a corpus of law to stigmatize aggression and create a robust norm against it. The world organization exists to check the predatory instincts of the powerful—one of the most enduring but least endearing patterns in history—whether in domestic jurisdictions inside state borders or in international relations. Now there are significant restrictions on state use of force both domestically and internationally.

A second challenge to the Westphalian order came with the adoption of new standards of conduct for states in the protection and advancement of international human rights. There is an inherent tension between the intervention-prescribing principle of state sovereignty and the intervention-prescribing principle of human rights. Individuals became subjects of international law as bearers of duties and holders of rights under a rapidly proliferating array of human rights and international humanitarian law treaties, conventions, and instruments. Consequently, the "maintenance of international peace and security" (Article 24[1] of the UN Charter), for which primary responsibility is vested in the Security Council, needs to translate in practice into the protection of civilians in the midst of armed conflict. In a number of cases in the 1990s, the Security Council's imprimatur covered the use of force with the primary goal of humanitarian protection and assistance: in the protection of Kurds after the Gulf War, the proclamation of UN safe areas in Bosnia, the delivery of humanitarian relief in Somalia, the restoration of the democratically elected government of Haiti, and the deployment of the multinational Kosovo Force to Kosovo after the 1999 war (Leopard 2002, 7–23).

The interest in protecting civilians explains the adoption of the responsibility to protect norm. The actors who were critical in promoting and shepherding R2P through the maze of UN politics can be broken down into norm entrepreneurs, champions, and brokers. As a *norm entrepreneur*, the secretary-general is a unique international actor with distinctive characteristics and bases of authority and influence, if within limitations (Thakur 2006, 320–342; Chesterman 2007). In a speech in New York in March 2004 to commemorate the tenth anniversary of the Rwanda genocide, I recall Kofi Annan expressing regret at not having done more to try to stop it. He was driven similarly by his experience of being in charge of peacekeeping at the time of the Srebrenica massacre in 1995. Annan told an audience at Ditchley Park in 1998 that state frontiers "should no longer be seen as a watertight protection for war criminals or mass murderers" (1999, 7). He argued that human rights concerns transcended claims of sovereignty, a theme that

he put forward more delicately at the Millennium Summit (Annan 2000). The reaction was loud, bitter, and predictable, especially from China, Russia, and many developing countries (Ayooob 2001, 225–230; Jackson 2000). Yet, Annan, the only UN insider to have held his top job, had an unmatched grasp of bureaucratic politics and was able to navigate his way through the complex maze and political hazards of the UN system and emerge triumphant. He subsequently described R2P as one of his most precious achievements (Annan 2006, 8) and claimed to have applied the R2P template in his successful mediation in Kenya in 2008 (Cohen 2008, 5–53). The other two significant norm entrepreneurs in the R2P story are the activist former foreign ministers of Canada and Australia, Lloyd Axworthy (2003) and Gareth Evans (2008).

R2P's *stare champion* from start to finish was Canada, a country strongly committed to UN-centered multilateralism, with a history of close engagement with the world organization, political credibility in both the North and South, and a proud tradition of successful global initiatives. There were also several other like-minded countries like Norway and Switzerland, as well as major foundations like MacArthur and other actors like the International Committee of the Red Cross.

The *norm broker* was the International Commission on Intervention and State Sovereignty (ICISS). Its report consolidated a number of disparate trends and borrowed language first developed by Francis Deng and Robera Cohen to help address the problem of internally displaced persons (Deng 1995; Cohen 1991). Its mandate was to find common ground for military intervention to support humanitarian objectives by reconciling the tension between intervention and state sovereignty. The ICISS final report was published with exceptionally bad timing in December 2001, when the world was preoccupied with the terrorist attacks of September 11. The subsequent invasion of Iraq and the ousting of Saddam Hussein by the U.S.-led coalition acting without UN authorization had a doubly damaging effect. First, as tensions mounted in 2002 and 2003, few had the time to focus on R2P. Second, as the weapons-of-mass-destruction justification for the war fell apart and claims of close links between Hussein's regime and Al Qaeda also proved spurious, the coalition of the willing began retroactively to use the language of humanitarian intervention and R2P as the main plank of justification for their actions in Iraq.

Contrary to the position taken by Australia, Britain, and the United States—the three main belligerent states—some of the ICISS commissioners argued strenuously in the public debate that Iraq would not have met the R2P test for intervention (Evans 2003; Thakur 2003, 2004). The Canadian government organized an extensive series of consultations with governments, regional organiza-

tions, and civil society forums, typically using the two cochairs, as well as Tom Weiss and me (and other ICISS members within their regions), to help promote the report. As the message resonated, many civil society organizations began advocacy and dissemination work on their own as well. Secretary-General Annan himself remained fully engaged with the issue.

The Secretary-General's High-Level Panel on Threats, Challenges and Change, which included ICISS cochair Gareth Evans, reaffirmed the importance of the change in terminology from the deeply divisive “humanitarian intervention” to “the responsibility to protect.” It endorsed the ICISS argument that “the issue is not the ‘right to intervene’ of any State, but the ‘responsibility to protect’ of every State” (United Nations 2004). In his own report before the 2005 World Summit, Annan (2005) made an explicit reference to ICISS and R2P as well as to the high-level panel in urging endorsement of the responsibility to protect.

R2P was unanimously endorsed by heads of governments and states in September 2005 in paragraphs 138 and 139 of the *World Summit Outcome* (United Nations 2005). It contains a clear, unambiguous acceptance by all UN members of individual state responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. The assembled leaders further declared that they “are prepared to take collective action, in timely and decisive manner, through the Security Council . . . and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations.” Annan's successor, Ban Ki-moon, drawing on Special Adviser Edward Luck's wide-ranging consultations and reflections, published his own report on implementing R2P in January 2009.

Conclusion

In a book on the intellectual history of global governance, Tom Weiss and I have looked at the United Nations' contribution through the analytical lens of a series of gaps that the organization helps to fill (Weiss and Thakur 2010). With respect to knowledge gaps, for example, we argue that while in some cases the United Nations has generated new knowledge, more often it has provided an arena in which existing information can be collected and collated, a host of interpretations vetted, and differing interpretations of competing data debated. Thus, once again it has been both actor and site, albeit highly unequally.

With respect to normative gaps, the United Nations is an essential arena in which states actually codify norms in the form of resolutions and declarations