

(soft law) as well as conventions and treaties (hard law). It offers the most efficient forum for processing norms (i.e., standards of behavior) into laws (i.e., rules of behavior). Martha Finnemore and Kathryn Sikkink (1998) postulate a three-stage life cycle of norms: the emergence of a new norm and its advocacy by a norm entrepreneur; norm cascade when agreement among a critical mass of actors on an emergent norm creates a tipping point; and norm internalization so that it becomes taken for granted, and norm-conforming behavior becomes routine. The United Nations provides an organizational platform for advocacy in the first stage, then the forum of choice for cascade in the second, and affirmation and compliance in the final stages. In the Ottawa Treaty banning landmines, for example, norm generation by Western middle powers was underpinned by norm advocacy from NGOs and reinforced by norm promotion and standard setting by Secretary-General Annan (Thakur and Maley 1999; Price 1998).

This also applies to areas such as terrorism, environmental protection, and pandemics. A compendium of UN policies in these areas would include

- dissuasion of people from resorting to or supporting terrorism
- denial of access to funds and materials to terrorists
- deterrence of states from sponsoring terrorism
- capacity development so that states can defeat terrorism
- defense of human rights even when hunting down terrorists
- promotion of economic growth to satisfy the aspirations of the present generation without compromising the needs of future generations or irreversibly damaging the environment and the ecosystem
- promotion of economic growth in the poorest countries through technical and financial assistance and concessionary terms of trade in various iterations of partnerships of development
- protection of the ozone layer through the Montreal Protocol
- deceleration, halt, and reversal of global warming through the Kyoto Protocol, the UN Framework Convention on Climate Change, and successor regimes
- eradication of smallpox and polio
- control of the HIV/AIDS pandemic through the three-track strategy of prevention, treatment, and education

For all these issue areas, the UN system has made solid use of its unique legitimacy and helped initiate steps toward the formulation of coherent global policies.

UN-sponsored world conferences, heads-of-government summits, and blue-ribbon commissions and panels have been used for framing issues, outlining choices, and making decisions; anticipating and setting agendas; framing the rules; pledging and mobilizing resources; implementing collective decisions; and monitoring progress and recommending mid-term corrections and adjustments.

As a universal organization, the United Nations is an ideal forum in which to seek consensus about normative approaches that will govern global problems and work best with worldwide application. The host of problems, ranging from reducing greenhouse-gas emissions to impeding money laundering and halting pandemics, clearly provides instances<sup>6</sup> for which universal norms and approaches are required and emerging. At the same time, the United Nations is a maddening forum because dissent by powerful states or even coalitions of less powerful ones means either no action or agreement only on a lowest common denominator.

This is especially true with respect to filling compliance gaps. Indeed, this particular type of gap often appears as a void because there exist no ways to enforce decisions. The charter notwithstanding, there are no standing UN military forces and no functioning Military Staff Committee. The United Nations has to beg for and borrow troops, which are always on loan and subject to operational control by national governments. Just as tellingly, the United Nations has no rapid reaction capability. As for the crucial issue of nuclear proliferation, as in recent years Iran and North Korea have repeatedly humbled their noses at the IAEA and the Security Council, the compliance gap has been stark. In 2009 Sudan's president Omar al-Bashir did the same in defiance of international arrest warrants issued by the ICC on charges of war crimes and crimes against humanity. The case had been referred to the ICC by the UN Security Council.

The terrain on which the conceptual and policy contest over "humanitarian intervention" has been fought is essentially normative (Thakur 2006). Norm displacement has taken place from the entrenched norm of nonintervention to the new norm of the responsibility to protect. The United Nations lies at the center of this contest, both metaphorically and literally. The UN Charter encapsulates and articulates the agreed-on consensus regarding the prevailing norms that give structure and meaning to the foundations of world order. The international community of states comes together physically principally within the United Nations' hallowed halls. It is not surprising, therefore, that the organization should be the epicenter of the interplay between changing norms and shifting state practice.

The responsibility to protect is about the changing conceptions of the appropriate relations between citizens and states in an interdependent and globalizing

world—the norms, laws, and practices that constitute those relations and the variety of civil society, governmental, and intergovernmental actors engaged in efforts to redefine and reconstitute the norms, laws, and practices. Most of these efforts posit the United Nations as the central reference point. ICISS was careful to embed R2P within the context of evolving Security Council practices and customary international law. The Canadian government formed and supported ICISS in direct response to Kofi Annan's challenge of humanitarian intervention and his call for the need to forge a new consensus. (I was an ICISS commissioner as a serving UN official.) The ICISS report was presented to the secretary-general and addressed primarily and self-consciously to the UN community. It was taken up by the high-level panel constituted by Annan, which included cochair Gareth Evans among its members. R2P was strongly endorsed by Annan himself ahead of its adoption by the world summit of government leaders in 2005. Taking all of the examples mentioned in this chapter into consideration, to insist on a rigid separation between the United Nations as site and actor in global governance would appear to be artificial to the point of silliness.

#### Notes

1. They are similar to policy declarations in another respect as well. At the national level, unless they are in the form of a "sense of the legislature" or equivalent, acts of parliament would be binding law. UN General Assembly resolutions, however, are not legally binding; any more than policy declarations by the political executive are at the national level.
2. This conceptual terminology comes from Margaret Joan Anstee, a former under-secretary-general of the United Nations, who proposed the categorization in the context of the UN Intellectual History Project (UNIHP). She and I are colleagues on the International Advisory Board of UNIHP.

#### References

- Annan, K. A. 2006. A progress report on UN renewal, speech to the UN Association—UK, London, 31 January, *New World* (April–June): 6–11.
- . 2005. *In larger freedom: Towards development, security and human rights for all*. Report of the secretary-general. UN Document A/59/2005. United Nations, March 21. [www.un.org/largerfreedom](http://www.un.org/largerfreedom).
- . 2000. *The question of intervention and "we the peoples": The United Nations in the 21st century*. New York: United Nations.
- . 1999. *The question of intervention: Statements by the secretary-general*. New York: United Nations.

- Aron, R. 1967. *Peace and war: A theory of international relations*, trans. Richard Howard and Annette Baker Fox. New York: Frederick A. Praeger.
- Axworthy, I. 2003. *Navigating a new world: Canada's global future*. Toronto: Alfred A. Knopf Canada.
- Ayoub, M. 2001. Humanitarian intervention and international society. *Global Governance* 7, no. 3: 225–230.
- Ba, K. 2009. *Implementing the responsibility to protect*. Report of the secretary-general. UN Document A/63/677. United Nations, January 12. <http://globalr2p.org/pdf/SGR2PEng.pdf>.

- Banert, M., and M. Finnemore. 2004. *Rules for the world: International organizations in global politics*. Ithaca, NY: Cornell University Press.
- Birkland, T. 2005. *An introduction to the policy process: Theories, concepts, and models of public policy making*. New York: M. E. Sharpe.
- Boulden, J., R. Thakur, and T. G. Weiss, eds. 2009. *The United Nations and nuclear orders*. Tokyo: United Nations University Press.
- Chesterman, S., ed. 2007. *Secretary or general? The UN secretary-general in world politics*. Cambridge: Cambridge University Press.
- Cohen, R. 2008. How Kofi Annan rescued Kenya. *New York Review of Books*, August 14, 51–53.

- . 1991. *Human rights protection for internally displaced persons*. Washington, DC: Refugee Policy Group.
- Deng, F. M. 1995. Reconciling sovereignty with responsibility: A basis for international humanitarian action. In *Africa in world politics: Post-Cold War challenges*, ed. J. W. Harbeson and D. Rothschild, 295–310. Boulder, CO: Westview Press.
- Evans, G. 2008. *The responsibility to protect: Ending mass atrocity crimes once and for all*. Washington, DC: Brookings.
- . 2003. Humanity did not justify this war. *Financial Times*, May 15, 15.
- Evans, G., and J. Newham. 1998. *The Penguin dictionary of international relations*. London: Penguin Books.
- Findlay, T. 2006. Lessons of UNSCOM and UNMOVIC for WMD non-proliferation, arms control and disarmament. In *Arms control after Iraq: Normative and operational challenges*, ed. W. P. Singh Sidhu and R. Thakur, 140–159. Tokyo: United Nations University Press.
- Finnemore, M., and K. Sikkink. 1998. International norm dynamics and political change. *International Organization* 52, no. 4: 887–917.
- Hawkins, D., D. Lake, D. Nielson, and M. Tierney, eds. 2006. *Delegation and agency in international organizations*. New York: Cambridge University Press.
- Hill, C. 2001. Foreign policy. In *The Oxford companion to the politics of the world*, ed. J. Krieger, 290–292. 2nd ed. Oxford: Oxford University Press.
- Holsti, K. J. 1996. *War, the state, and the state of war*. Cambridge: Cambridge University Press.
- Jackson, R. 2000. *The global covenant: Human conduct in a world of states*. Oxford: Oxford University Press.