

## The Changing Role of the United Nations: Lessons for Multi-level Governance Beyond the State

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Inge Kaul\*

### Introduction

Unlike the end of World War II, the Cold War's end in 1990 did not generate a "San Francisco moment"—there was no rebirth of the United Nations (UN) (Weiss 2009). This has come as a surprise to many. The end of the international community's divide into East and West gave rise to hopes that in this new political era, long-avoided global challenges like world poverty, weapons proliferation, climate change, the creation of a multilateral free trade regime or the control of communicable diseases would finally be addressed in a decisive and effective manner—with the UN at the center of such a new, reinvigorated multilateralism.

Yet, just the opposite is happening. Despite the growing importance of global challenges and a growing realization on the part of states, including the most powerful ones, that global challenges require global, multilateral policy responses, the top management of today's UN struggles to prove the organization's continuing relevance and retain the support of member states.

The present chapter explores the reasons behind the non-occurrence of a "San Francisco Moment" in the post-1990 era and asks what lessons about multi-level governance beyond the state can be drawn from this experience.

For the purposes of this chapter the UN's history is divided into a pre-1990 period and a post-1990 period. These two periods are examined in sections I and II, respectively. Section III distills the insights on multi-level governance gained from the discussion in the previous sections. The concluding section applies these insights and offers, for further research and debate, a tentative hypothesis about the future role of the UN.

The analysis suggests that the UN today is struggling, because we are transiting from one world order—the world order of the Westphalian state, based on the core principle of

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non-interference by external forces into the internal affairs of countries—towards a new order which must accommodate a world of increasingly open national borders and deepening interdependence among countries. If global economic growth and development are henceforth to be less crisis-prone and more sustainable than so far, the new world order would need to be based on a conditional notion of sovereignty, applicable to all countries, and granting states the right to self-determination but also reminding them of their duties—towards people within their jurisdiction, other nations, and the global natural environment.

By implication, the role of the state would also need to change. States would increasingly have to act as intermediaries between national interests and global policy demands and exigencies. In fact, many states are already performing this function, including the most powerful ones. But to reduce their adjustment costs, they have shifted the debates on many key global issues and regime formation out of the UN and to fora in which their voice counts, including the Group of major industrial countries (G-8) and the Group of Twenty (G-20), the Bretton Woods institutions and the OECD.<sup>1</sup>

As a result, the UN has lost much of its prior status as one of the world's preeminent global fora for policy exchanges. Its activities at present are mainly focused on developing countries, notably poor, failed and failing states. Moreover, from constituting the bedrock of unconditional national sovereignty the UN is now advocating a notion of conditional sovereignty and increasingly employing interventionist policy instruments itself—but this primarily only towards weaker developing countries, and often, based on largely externally driven policy reforms.

By increasingly employing policy tools like targeting, monitoring, and a separation of priority setting and financing, a serious democracy deficit has emerged within the UN, ironically at a time, when a number of developing countries, like the BRICS states<sup>2</sup> are emerging as new economic and political powers on the international stage. As a result, commitment to the UN among many developing countries is also flagging, a fact, which has further lowered the interest in, and the support for, the organization among industrial countries.

Thus, the difference between 1945, the end of World War II, and 1990, the end of the Cold War, is that then the world was moving towards the completion of a several century-long process, namely the building of the Westphalian state world order. Now for the present era of globalization we are in search of a new but still largely undefined world order. Institutional adaptation is lagging for a variety of reasons. It should therefore not come as a surprise that 1990 did not witness a “San Francisco moment”.

However, further change appears to be in the offing. The major powers are beginning to recognize the shortcomings and longer-term inefficiency of vertical, prescribed

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<sup>1</sup> For background information on these groups and organizations, see: <http://www.g7.utoronto.ca/>; <http://www.g20.org/>; [www.imf.org/](http://www.imf.org/); [www.worldbank.org/](http://www.worldbank.org/) and [www.oecd.org/](http://www.oecd.org/).

<sup>2</sup> The BRICS states include Brazil, Russia, India, China and South Africa.

multilateralism; and developing countries are ever more decisively inserting their voice into international negotiations. A return to more horizontal multilateralism, based on more democratic international decision-making and positive—rather than coercive—incentive policies, seems to be gaining ground, as for example, evident from the recent decision to use an upgraded G-20—rather than the G-8—as a forum for addressing global issue like the current world economic and financial crisis.

But such informal G-type bodies lack credibility and reliability. Therefore, it could happen, as the hypothesis in the concluding section of this chapter suggests, that a G-type decision-making forum is being brought under the umbrella of the UN. The main purpose of this Group could be foster through the UN, the collective formulation of a post-Westphalian notion of sovereignty and commitment to it by all UN member states. This would enable states with full legitimacy to perform the role of an intermediary state, which at present many governments are exercising only hesitantly, because their constituencies still expect of them the behavior of a Westphalian state. If endowed with such a mandate, the UN would return to being a preeminent and foundational global institution.

## **I The pre-1990 United Nations<sup>3</sup>**

For four decades, the role of the UN was more limited than its founders had envisioned (see Kennedy 2006, Schlesinger 2003). Nevertheless, during most of the pre-1990 era both the then major powers and other states perceived the UN as compatible with their national interests. The UN was helping to meet national goals better than states could have done alone.

According to the Charter the UN's purpose is to maintain international peace and security and promote the economic and social advancement of all peoples.<sup>4</sup> But judging from the detail with which the Charter drafters chose to elaborate these two goals, maintaining peace and security enjoys primacy. It is only in this area that the Charter sets forth a clear governance process.

Underlying the Charter is the idea that peace and security can best be achieved, if all countries have a strong and direct national interest in this goal. The Charter envisions a

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<sup>3</sup> To clarify the scope of the analysis in this chapter, it should be noted that the focus is on the UN Organization, not the full UN system of agencies. The UN Organization, here referred to as UN, is comprised of the UN General Assembly, Security Council, Economic and Social Council, Trusteeship Council, International Court of Justice, the Secretariat headed by the Secretary-General, and the UN Funds and Programs. For an organizational chart and more details on the various parts of the UN, see the page 'organization' at <http://www.un.org/>.

Also, while recognizing the increasingly important input of nonstate actors to UN deliberations, the main concern of this chapter is to explore UN/state relations.

The assessment of change in the UN's role and functioning is based as indicated in the text, on empirical facts and figures presented in the literature and other sources like relevant websites.

<sup>4</sup> The UN Charter can be found at <http://www.un.org/>.

universalization of the sovereign state model. It invites all “peace-loving states” (article 4.1) to join the UN and offers attractive membership benefits.

By joining the UN a country receives recognition as being sovereign and equal to all other member states (article 2.1). Thus, becoming a UN member has been highly attractive to states, notably newly independent countries. Not surprisingly, UN membership rose from 51 founding states, which came together in San Francisco in 1945 to launch the organization, to about 150 in the early 1980s, before reaching the current number of 192 member states.<sup>5</sup>

Membership obligations are few, since only UNSC decisions under Chapter VII are of a binding nature on member states. The Charter also requires a pre-commitment from signatory states that should the UN Security Council (SC) deem it necessary to call for their support in maintaining international peace and security, they would recognize such a decision as binding (see articles 25 and 48).<sup>6</sup>

All other decisions taken by any UN body are only recommendations. For example, Charter article 12 stipulates that the General Assembly (GA) “may [only] make recommendations to Member States of the United Nations or the Security Council or both”. The same applies to the GA’s subsidiary bodies, including the Economic and Social Council (ECOSOC) and its functional commissions, and hence, to the whole second policy purpose for which the UN was created—the economic and social advancement of all peoples, including in the area of human rights.<sup>7</sup>

Yet the fact that decisions in the economic and social area are only recommendations did not lead to inactivity in this field during the pre-1990 era. Earning the UN worldwide respect and admiration, states engaged in wide-ranging exchanges of views and reached important agreements, including the Universal Declaration of Human Rights (adopted in 1948), the Covenants on respectively, Civil and Political Rights and Economic, Social and Cultural Rights (both adopted in 1966), the International Convention on the Suppression and Punishment of the Crime of Apartheid (of 1973) and the Convention on the Elimination of All Forms of Discrimination Against Women (of 1979).<sup>8</sup>

Even as the multipolar world, which, according to Kennedy (2006), the drafters of the UN Charter had anticipated, changed into the bipolar world of the Cold War era in the late 1940s, the UN retained its importance as a common venue for global policy debate. The UN

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<sup>5</sup> For statistics on UN membership, see <http://www.un.org/members/list.shtml/>.

<sup>6</sup> Yet by contributing to a collective-security effort, states reconfirm the acceptance of this approach, and thus, gain themselves an added assurance that this security umbrella functions and will be there for them, too, should they ever face aggression. Also, collective-security efforts are of an outward-oriented nature, flowing from a contributing member state through the UN towards an aggressor nation. The internal policy realm of the contributing nation is unlikely to be affected so that even a member state’s obligations under Chapter VII are implying few, if any effects on its internal policy matters.

<sup>7</sup> Interesting in this context is also that judgments passed by the International Court of Justice (ICJ), another major UN organ, are, according to article 36 of the Charter, to be binding upon a member state only, if that state consented to seeking the Court’s opinion.

<sup>8</sup> The text of these instruments is available at <http://www.2.ohchr.org/english/law/>.

SC especially served as an ideological battlefield for East-West rivalry. This also, however, happened in other UN bodies. Much of this controversy, played itself out in the human rights domain, with the US and its western allies advocating personal and civil rights while the former Soviet Union and other eastern-bloc states advocated economic and social rights (Ramcharan 2007). This confrontation ensured the UN its place as a preeminent forum for international policy discussions. But it also unintentionally added considerable normative strength to the UN's activities in the human rights field. These achievements by now count among the organization's most important and lasting results.

In a similar way the organization's work in the peace and security field also generated an unexpected but important by-product. As the then major powers kept these matters under their close control, UN analysts usually agree that the organization's involvement in actual peace and security operations during the Cold War era was limited (Krause 2007, Mani 2007, Mingst and Karns 2007). But funneled by progress in decolonization, and again, also Cold-War considerations, member states allowed the UN to expedite the process of granting countries their recognition as sovereign states. For either the 'West' or the 'East', independent states were potential new allies.

As a result, the UN was able to bring to virtually full fruition the century-long process of the Westphalian Peace in 1648: the establishment of a world order based on the principle of state sovereignty. Jealously guarding their sovereignty and upholding the principle of non-intervention into the internal affairs of countries as enshrined in Charter article 2.7, the world became nearly completely repartitioned into individual states.<sup>9</sup>

Although often stymied by world politics and with its performance record no doubt checkered, the pre-1990 UN had its successes. It contributed to the provision of at least three *global public goods* (GPGs),<sup>10</sup> which served all groups of member states:

- *The Westphalian state order*—to which the UN added the final steps by encouraging states to join and recognize the basic UN principle of non-interference;
- *The institution of collective-security*—which contributed to containment of the East-West conflict;

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<sup>9</sup> However the fact that the UN served as the bedrock of state sovereignty and was itself mostly respectful of the principle of non-intervention, did not imply that it acted as a strong defender of state sovereignty where countries were nudged, or even, felt compelled to join either the Western or the Eastern bloc. It generally limited its role to granting sovereignty, even where state capacity was weak; and where sovereignty was, in Krasner's (1999) words, an "organized hypocrisy". The UN also was mostly a silent bystander when governments used sovereignty as a shield behind which to violate basic human rights. The reason for the most part was geopolitical (see again, Ramcharan 2007; Schlesinger 2003; Thakur 2007; Yoder 1989).

<sup>10</sup> Global public goods (GPGs) are public goods whose benefits or costs extend across countries in several regions, if not all countries, and perhaps even, several generations. Public goods are goods in the public domain, potentially affecting all or anyone anywhere. If they are „pure“, public goods have two main properties of publicness: 1) They are non-excludable or non-exclusive, i.e. in the public domain, there for all; and 2) their consumption or use by one actor does not diminish their availability for others. For more detail, see among others, Kaul et al. (2003); Kaul (2008); and Sandler (2004).

- *The provision of policy platforms*—like the GA, UNSC or ECOSOC, which served all countries as a common platform for policy debate and negotiations and perhaps helped to realize what President Dwight D. Eisenhower had expected of the UN, namely “to substitute the conference table for the battlefield” (quoted according to Schlesinger 2003, p. 287).

None of these goods could have been achieved by any state or group of states alone. They required the universality of the UN. For most newly independent developing countries UN membership generated a significant net-benefit: their recognition as an equal and sovereign state. Moreover, this gain came—at least initially—at relatively low transaction costs due primarily to the non-binding nature of most UN decisions and the non-intrusiveness of the organization’s operational modalities.

In addition, the UN and the norms and values it espoused raised among people worldwide hopes for greater freedom and prosperity for all, hopes, which translated into broad-based public support of the organization and for states’ participation in it (Coicaud and Heiskanen 2001). This good-will hid the emerging deep rifts between member states, which during the post-1990 period became more pronounced, contributing to the UN’s current loss of a clear and major purpose.

## **II The post-1990 United Nations**

During the post-1990 era, the UN’s position in global governance gradually weakened; this happened for three reasons, namely 1) the global power shift towards unipolarity and declining political support among the major western-industrial countries; 2) UN reform efforts aimed at introducing a more conditional notion of sovereignty and adopting more interventionist policy approaches, notably in respect to weaker, developing countries; and 3) the resultant, more hesitant support for the organization also among developing countries.

### **1 Declining major power support**

The UN’s compatibility with the interests of the major western-industrial powers began to decline in the 1970s. One reason was that the number of developing-country states rose and that these countries became organized and increasingly vocal in UN debates, notably through their collaboration in the Group of 77 (Sauvant 1981). They succeeded in focusing the UN agenda on issues of a new international economic order based on notions such as countries’ right to development and strengthened intergovernmental risk management, foreign-aid and other resource transfer mechanisms (see Toye and Toye 2004).

These efforts ran counter to the emergence of more market-oriented thinking, sometimes referred to as neo-liberalism, in Western industrial countries. In response to

developing countries, the Western-industrial countries shifted debates on issues that concerned them more and more to fora like the G-7 and the Bretton Woods institutions, where they could be certain their views prevailed. The developing-country debt crisis of the 1980s gave further impetus to this trend. Of course, the major-power nations continued using the UN as an East-West forum; however, they did this with greater hesitation and ambivalence than before.<sup>11</sup>

With the implosion of the former Soviet Union in 1991, the major-power bipolarity, which had prevailed until then, was transformed into unipolarity in the form of Western industrial-country dominance.<sup>12</sup> Globalization received a new catalyst. Yet it did not take long for some of the unintended and unwanted effects of greater openness to appear in the form of financial crises, spreading communicable diseases, trade in illicit goods like drugs and weapons, and terrorist attacks, notably that of 11 September 2001.

The response of the major powers has been to use their platforms even more actively for global agenda setting and defining the 'rules of the game'. Besides the G-7/8, there is also notably the G-20<sup>13</sup> and OECD, but also hybrid, public-private venues like the World Economic Forum, and intergovernmental organizations with weighted voting power like the Bretton Woods institutions.<sup>14</sup>

This shift of issues out of the UN was often justified and accompanied by criticism and complaints about inefficiency levied against the organization, particularly from American policymakers. But the out-migration of issues had in some instances also more technical and practical-political reasons: Global problems need to be resolved lest they continue roaming the global public domain, adversely affecting all or potentially anyone, including the powerful nations. Hence, as global challenges grew in importance, the demand for result-orientation and effectiveness of international cooperation also increased. International cooperation arrangements proliferated that focused on addressing a single issue (Conceição 2006). This trend, too, led to the UN losing much of the centrality it had enjoyed in the earlier period.

## **2 Reconceptualizing sovereignty**

But states, including Western-industrial nations took an important—and difficult to accomplish—new challenge to the UN in this second era of its existence. This is the challenge of introducing a revised, more conditional conceptualization and practice of sovereignty—applicable, however, mainly, if not exclusively to developing countries.

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<sup>11</sup> See on this point, for example, the studies in Foot et al. (2003).

<sup>12</sup> Although the policy stance of the countries belonging to this group, mainly those of the Northern Transatlantic Alliance, differs in a number of respects, they nevertheless share many norms, priorities and policy approaches so that it seems warranted to characterize the post-1990 global power relations as marked by the dominance of this group of countries, and hence, by unipolarity.

<sup>13</sup> See for the Group's mandates and functioning <http://www.g20.org/>.

<sup>14</sup> See, for example various G-8 summit communiqués to be found at the website indicated in footnote 1 and on the websites of the individual summit meetings, also listed on the website indicated in footnote 1.

In light of the rising number of intra-state wars and conflicts in the years following the end of the Cold War and the ensuing human tragedies, it was felt, as Thakur (2007) notes, that the international community had to confront a very basic dilemma: to engage in “complicity with evil” (ibid., p. 391) for the sake of upholding a strict notion of state sovereignty; or to soften its approach to non-intervention for the sake of human security as well as maintaining international peace and security.

A choice was made to do the latter. Accordingly the recent years have been an active UN reform period. From once being the bedrock of the principle of non-interference, the UN has been transformed into an interventionist organization—a reversal, which major powers under conditions of multipolarity or bipolarity might not have dared, because they feared that some developing countries might change allegiances.

Reform initiatives have largely come from the top, notably from the Secretary-Generals and from outside, including independent experts and eminent-person commissions rather than from deliberations in member state bodies. They have been four-pronged, involving: ideas innovation; policy prescription and standardization; more direct UN outreach to nonstate actors and into countries; and increased use of control and enforcement measures. None required a change of the UN Charter. But together, they have introduced a notion and UN policy practice of conditional sovereignty.

IDEAS INNOVATION. Post-1990 UN Secretary-Generals (SGs) assumed a more pro-active role than their predecessors in ideas entrepreneurship and concept innovation, despite the fact that the Charter depicts the SG more as the organization’s top-level civil servant.<sup>15</sup>

Secretary-General Boutros Boutros-Ghali’s *Agenda for Peace* (1992), for example, provided the basic conceptual roadmap for the post-1990 UN peace operations, which was further developed in the so-called Brahimi report (United Nations 2000). According to these reports, creating a foundation for durable peace requires a comprehensive, multi-dimensional approach. As a result the post-1990 era saw not only a rise in the number of UN peace operations (from 15 launched up to the late 1980s to 45 between 1989 and 2005) but also a broadening of their mandate. Besides performing the more traditional tasks of cease-fire or truce monitoring, these operations now also engage in activities such as disarming combatants, human rights monitoring, state-capacity building, and election support and monitoring (Doyle and Sambanis 2007, p.328-332; Mingst and Karns, 2007, p. 97-109). Many peace operations now are, at the same time, ‘good governance’ operations.

Secretary-General Kofi Annan’s main contribution to ideas leadership has been his recommendation that member states endorse a new principle of responsibility to protect (UN 2005). The idea underpinning this principle is that while states have rights such as that

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<sup>15</sup> The UN Charter refers to the Secretary-General as the “organization’s chief administrator” (article 97), who besides exercising reporting functions (article 98) “may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security (article 99). See for a detailed assessment of the changing role of the SG, Chesterman (2007).



to the inviolability of their territorial borders, they also have duties, notably to ensure the security of the people living within their territory. If they fail in the latter, they forfeit their sovereignty right and the international community has the responsibility to intervene and protect the security of people within the state (Thakur 2007).

The ideas not only implied a radical departure from previous policy stances of the UN, but their origin also lay outside the UN. ‘Responsibility to protect’ had been proposed by an independent commission convened by Kofi Annan, the High-level Panel on New Threats, Challenges and Change (2004). This Panel based its work on the Canadian-supported International Commission on Intervention and State Sovereignty (ICISS), which, in turn, had taken the basic contours of this notion from a study produced by the Washington-based think-tank, the Brookings Institute.<sup>16</sup>

POLICY PRESCRIPTION AND STANDARDIZATION. The proposed policy reforms have caused concern among member states especially because they coincided with the invasion of Iraq and were followed by programming and management reforms aimed at greater centralization and streamlining of UN operations. These had been recommended by another independent commission convened by Kofi Annan, the High-level Panel on UN-System-wide Coherence (2006). Quite tellingly this Panel chose as the title of its report “Delivering as One”, which has become the main motto of UN, and even, UN system-wide programming.

To achieve such streamlining, added emphasis has been placed on policy prescription and standardizing the ‘deliverables’. The Millennium Development Goals (MDGs) launched in 2005, and now the main focus of UN development efforts, reflect both these trends. They comprise eight goals stated in quantifiable terms, to be achieved by all countries at defined target dates, with their attainment being under constant review and assessment, country-by-country, goal-by-goal.<sup>17</sup> The MDGs, too, generated controversy, not because developing countries oppose the goals as such, but rather because they were not the direct result of multilateral negotiation and because they involved a narrowing of the development concept and the standardization of the implied policy priorities.<sup>18</sup>

Moreover, rather than contributing undefined voluntary resources to UN operational entities like the United Nations Development Programme (UNDP) for use by recipient countries in line with their national priorities, donors now provide a growing volume of resources in the form of thematically oriented special trust funds, limiting the use of these funds to the specified special purpose, and thereby indirectly adding conditionality to UN assistance efforts. Human rights issues, including those pertaining to women and children,

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<sup>16</sup> More detail on the genesis of the principle of responsibility to protect can be found in Thakur (2005). The ICISS study is available at [www.iciss.gc.ca/](http://www.iciss.gc.ca/); and for the Brookings study see Deng et al. (1996).

<sup>17</sup> For a list of the MDGs and the monitoring of progress towards their attainment, see <http://www.mdgmonitor.org/>.

<sup>18</sup> A list of goals quite similar to the MDGs had been set forth in OECD/DAC (1996).

democracy, and developing-country adaptation to climate change figure prominently among these special-purpose, so-called “earmarked”, financing arrangements.<sup>19</sup>

GREATER DIRECT OUTREACH. While UN operations have become more streamlined, the organization’s outreach efforts are becoming broader and more diverse. For example, UN conferences now typically involve large numbers of participants, with meetings organized in the context of the climate change process hitting the ten-thousand mark.<sup>20</sup> The advantage clearly is a more open, consultative policy debate. But the disadvantage, especially for smaller delegations from developing countries, is that for them these events are increasingly difficult to follow (Chasek and Rajamani 2003).

Similarly, member states’ ambassadors to the UN, the so-called permanent representatives, are no longer the main conduit between the country and the UN. They share this role with celebrities like movie and sports stars recruited as UN goodwill ambassadors (Cooper 2007); with some 50 to 60 Special and Personal Representatives and Envoys of the SG, dealing with issues ranging from peace, human rights, HIV/AIDS, climate change, migration, sports, culture, to responsibility to protect and others; the senior staff of the UN’s more than 130 country offices in developing countries; and last but not least, with many civil society organizations (CSOs) also liaising between the UN and their home country.

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These trends have raised in the minds of governments, again notably those from smaller developing countries, the questions of ‘whose’ civil society and whose epistemic community are adding their voice to UN debates; and which states’ interests are being reinforced through this process.

CONTROL AND ENFORCEMENT. Monitoring and reporting activities have also intensified in the post-1990 era, and this is not only in the MDG area. To allow for more thorough and intensive human rights reviews, member states decided—again “prodded by Secretary-General Kofi Annan” (Ramcharan 2007, p.450) responding to sustained American criticism—to replace the earlier Human Rights Commission with the Human Rights Council in 2006.<sup>22</sup> Yet as Thakur and Weiss (2009) note, the organization’s monitoring of national-level government action is perhaps most intensive and intrusive in the area of terrorism control. In the wake of 11 September 2001 the UNSC decided to create the Counter-Terrorism

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<sup>19</sup> See, for example, the section on ‘UNDP resources’ in UNDP’s Annual report 2009 available at <http://www.undp.org/publications/annualreport2009/report.shtml/>. For the Democracy Fund <http://www.un.org/democracyfund> and for the Peacebuilding Fund <http://www.unpbf.org/index.shtml/>.

<sup>20</sup> See, among others, the information on the Bali, Poznan and Copenhagen meetings, which form part of the climate change process, available at <http://unfccc.int> and also Schechter (2001).

<sup>21</sup> For a list of the Special and Personal Representatives and Envoys of the SG, see <http://www.un.org/Depts/dpko/SRG/table.htm/>. As this list indicates, the Special and Personal representatives deal with a wide gamut of issues, ranging from peacebuilding to human rights, HIV/AIDS, climate change, migration, responsibility to protect, sports and other topics. In addition, there exist special rapporteurs and independent experts and representatives in human rights. For a list of those, see Ramcharan (2007, 449-450).

<sup>22</sup> For the mandate, structure and functioning of this body, see <http://www2.ohchr.org/english/bodies/hrcouncil/>.

Committee, with a limited membership of 15 based on Security Council membership, to be supported notably for monitoring purposes by the Counter-Terrorism Executive Directorate.<sup>23</sup>

Also, whereas the UNSC had resorted to sanctions only twice in the pre-1990 era, they were, in the subsequent 15 years, used 16 times (Cortwright et al. 2007, p. 353-357; Mingst and Karns, 2007, p.88-89). Importantly, crimes against humanity also no longer go unpunished as the creation of UN ad hoc tribunals, mixed (country/UN) courts and the International Criminal Court demonstrate (see Goldstone 2007 and Thakur and Malcontent 2004).

### **3 Flagging developing-country support**

What is intriguing about this record of recent UN reforms is that they happened despite controversy and, usually, serious initial objections.<sup>24</sup>

Power politics certainly are a part of the explanation. An additional reason is that when feeling overwhelmed by the complexity of an issue and the speed of decision-making, developing-country delegation sometimes opt for a 'no objection' position, because in contrast to an objection this position usually requires no justification.

In the longer run, however, even non-binding decisions can change the global normative context. As Alvarez (2007) argues, "the [UN] Charter is regarded as a kind of 'constitution' for the world or at least the basis for a system of hierarchically superior legal norms and values" (p. 59; see also Alvarez 2006). Much the same applies to many other ideas and norms launched in the UN and released from there into the world, often with only grudging support from some states. They may be picked up and carried forward by interested nonstate actors or be brought back, year after year by concerned state parties thereby gaining normative force and coming back to governments as firm expectations of a growing number of their constituencies.

Due to such a "boomerang effect" (Zürn et al. 2007, p. 136) even initially non-binding decisions may later on govern governments so that states increasingly find themselves confronted with an ever denser net of global policy expectations, which they have to consider when making national policy, because national or external constituencies demand this.

UN member states today are therefore often not so much divided in their views about overall goals and objectives. The more contentious issue in many instances is the fairness and transparency of the decision-making process, that is, "Whose voice counts?". The grand divide today is between 'global policymakers' and 'global policytakers'. This divide

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<sup>23</sup> For details on these entities, see <http://www.un.org/sc/ctc/>.

<sup>24</sup> A common conclusion of several of the contributing authors to Weiss and Daws (2007) is that the post-1990 UN reforms are built on often still fragile or lacking consensus. See, for example, Malone (ibid.), Mani (ibid.), and Pugh (ibid.).

still leaves mainly Western-industrial countries, on the former side, and most other countries, on the latter side.

Moreover, many developing countries perceive an unequal burden-sharing. Since current UN initiatives center on their countries, they are often expected to undertake domestic reform efforts entailing high political risks and economic costs for them. Yet industrial countries as the promoters of these reforms often do not match their words with deeds, notably requisite financing.<sup>25</sup>

Yet, like other major issues, voice reform, too, has been taken into the more controllable context of industrial-country venues. This can be seen from the recent expansion of the G-8 to a G-8+5 to involve five important emerging market economies as well as from the use of the upgraded G-20 forum for addressing the 2008 global financial crisis.<sup>26</sup> As the debate about UNSC reform shows, voice reform in the UN has not yet succeeded, because it could bring up a host of difficult issues about decision-making in the UNSC and other UN bodies, including the GA (Luck 2003).

Thus, the UN's compatibility with the interests of member states, strong and weak, in this post-1990 period appears to be relatively low. The post-1990 era has brought relatively few additional gains for any country group. From the perspective of developing countries, it may even have meant some reversals. This is because of the increased intrusiveness of UN policies and the suggested revision of sovereignty, which mainly concern developing countries, but in its current formulation do not apply to global threats emanating from industrial countries like pollution or financial contagion effects.

The current UN is a highly divided UN, with industrial countries having chosen to address many of the major policy issues in non-UN fora; and developing countries, too, often 'exiting'—giving more attention to regional fora (Prado 2007) or just 'lying low' and avoiding decision-making.<sup>27</sup>

Many of these problems had already begun to emerge in 1990. They came more into the open in the subsequent years with the end of the Cold War. Clearly, thus, 1990 was not the time for a rebirth of the UN. In fact, it brought in an era of further UN decline.

So, to where will member states take the UN next? Before suggesting a possible answer to this question, it may be useful to draw lessons from the UN's evolution to date and see whether they offer a clue to what role the UN might assume in future.

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<sup>25</sup> See the page on 'UN Finance' at <http://globalpolicy.org/>.

<sup>26</sup> The five developing countries invited to attend (parts of) G-8 summits are: Brazil, China, India, Mexico and South Africa.

<sup>27</sup> Countries would not opt actually to quit the UN, because this would endanger their recognition as an equal and sovereign state by other states.

### **III Distilling the lessons: Insights into multi-level governance beyond the nation state**

The foregoing analysis of the UN's evolution to date corroborates many findings of the rich literature on why IOs exist and how they function.<sup>28</sup> For example, the discussion here has once again shown the efficiency reasons for which states may turn to IOs, like overcoming collective action problems or reducing information deficits and transaction costs—or, conversely, retreating from the organization, when these costs are perceived as excessive. It has also confirmed that legitimacy concerns can prompt states to pursue issues multilaterally rather than unilaterally or bilaterally, as states did in respect to the proposed re-conceptualization of sovereignty.

Also, we have seen that when appearing internationally, governments tend to behave very much like private actors nationally: They seek national (seen from a global perspective, quasi private) benefits. International cooperation works where national benefits from international cooperation are significant and clear, as was the case during the pre-1990 era of the UN's history. International cooperation is likely to be hesitant, or even, falter where there is no clear national net-gain to be derived from it or cooperation outcomes are perceived as entailing an uneven distribution of costs and benefits, as has often been the case during the post-1990 era.

The discussion has furthermore pointed to the important role of nonstate actors in global governance, notably in creating the global normative framework. IOs like the UN in many cases unleash ideas, norms and values into the global public domain where they are then picked up and further propagated by nonstate actors, a process which, following Finnemore and Sikkink (1998) can be described as the cascading of norms. Yet in many instances, the very nonstate actors who pick up an IO decision are often also those, who, in the first place, took the idea, norm or value to the IO. Thus, many IO decisions that trickle down to the national level do not lead to a denationalization of policies. Rather, they signal that people in different countries have shared identities and concerns like gender equity, corruption control or poverty reduction—interests for which their government may not always show strong support in international debates. Similarly, “responsibility to protect” no doubt has a number of active supporters also among Southern NGOs, even in its current conceptualization, which some developing-country governments still find problematic.

But perhaps most important in respect to the question of the UN's possible future role is perhaps the finding that multi-level governance beyond the nation state is a process in flux. It changes in response to, among other things: shifts in global power relations; the nature of the challenges to be governed; the range of potential providers (e.g. governments, intergovernmental organizations, private business, civil society, or hybrid actors like public-

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<sup>28</sup> For a comprehensive overview of this literature, see Simmons and Martin (2006).

private partnerships) and available venues; and importantly, the importance that states attach to different causes, at different times.

As regards *global power relations*, when comparing the findings of sections I and II it appears that multipolarity and bipolarity are more conducive to effective international cooperation than unipolarity. A reason might be that under conditions of multipolarity (which, as noted earlier, also the UN Charter drafters expected to exist after World War II) and bipolarity (as it de facto existed during most of the pre-1990 era) policymaking tends to be more competitive, encouraging major powers also to consider the interests of others, lest they lose their actual or potential future allies.

As evident from the post-1990 UN era, unipolarity, especially when coupled with a strong sense of unwanted interdependence on the part of the major powers encourages a toughening of the international relations between major and secondary powers, notably weak states. Under these conditions, there exists no alternative political camp to which the latter could defect.

Turning to the *nature of the issues* to be addressed, the discussion in sections I and II points to a toughening of UN policy approaches towards developing countries during the post-1990 era—the employment of more interventionist policy instruments and more externally induced, top-down institutional reform initiatives. These trends appear to reflect the growing importance of GPGs like spreading communicable diseases, the risk of global climate change, the concern about poverty and its ill-effects, as well as international terrorism, that is, challenges, which could potentially affect all countries but which no country alone can tackle effectively and efficiently.

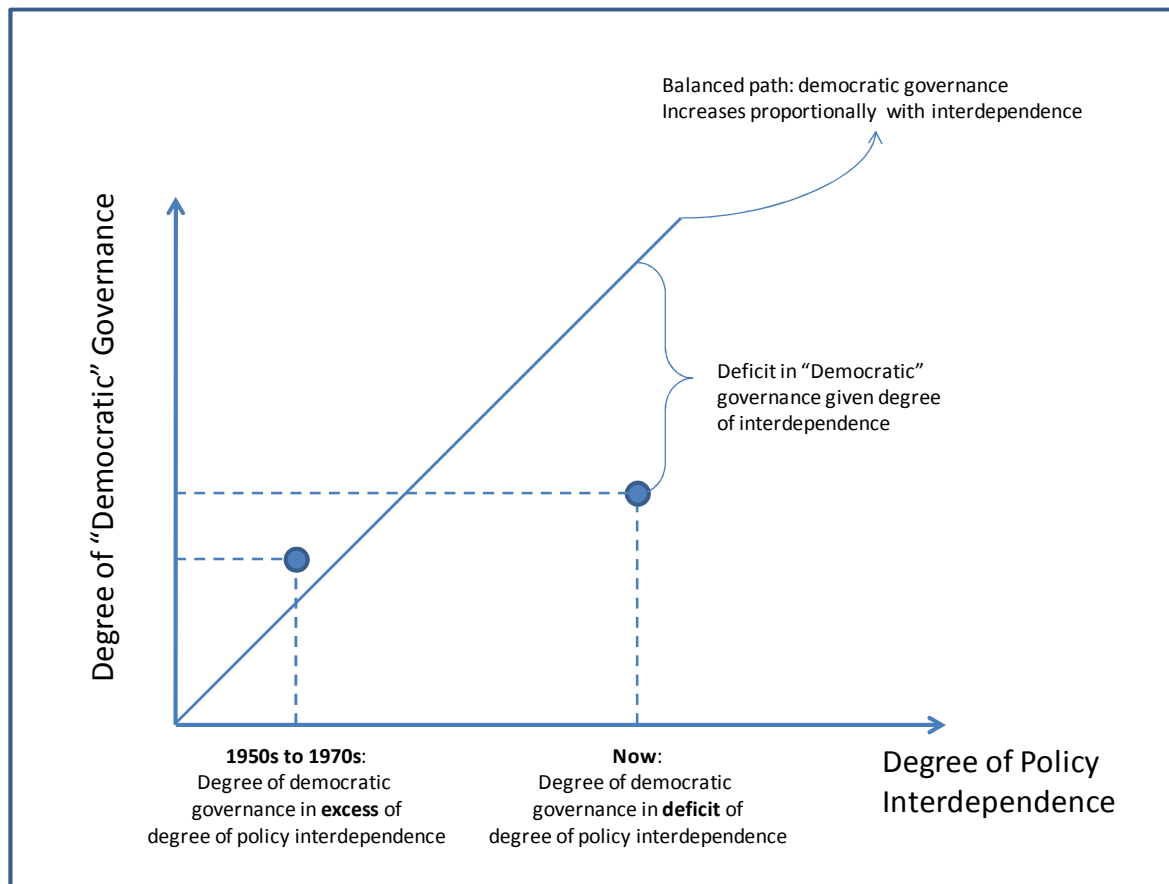
The reason is that most GPGs require a summation process, meaning that all countries have to provide national-level inputs (like a vaccination campaign) in order for the desired good (say, flu control) to emerge. Therefore, country compliance with international agreements is important, and to this end, a tightening of the link between the different (national and international) levels of multi-level governance. Because, even if only one country reneges on a commitment like that to international terrorism control, the problem may remain unresolved (Sandler 2004).

Yet whereas the deepening policy interdependence brought by the growing importance of GPGs and the resultant added compulsion to cooperate would suggest in the interest of policy ownership and effectiveness, to aim at a better match of the circle of those required to act (i.e. in many cases, all countries) with the circle of decision-makers, UN reforms often went into just the opposite direction, ignoring insights long gained from effective multi-level governance at the national level (see, for example, Oates 1999). Voice reform processes such as the UNSC reform debates have stalled; and decision-making in

other bodies has become more opaque, and thus, more difficult to follow for many delegations, notably delegations from smaller developing countries.

Several factors seem to explain why the deepening of policy interdependence among countries was not matched by reforms aimed at enhanced democratic governance, giving all countries an opportunity to have an effective say in matters that concern them. Chief among them are the condition of unipolarity that existed during most of the post-1990 era and the moral outrage and security concerns caused by persisting global poverty and the growing number of failed and failing states. As shown in figure 1, the result of these forces and the policy reforms they engendered has been a growing democracy deficit in the UN.

**Figure 1: The current deficit of international democratic governance in the UN**



As also pointed out in section II, the growing importance of GPGs has led to a *multiplication and diversification of international cooperation mechanisms*, often of a public-private or pure-private nature, offering more issue-specific policy responses and drawing on the comparative advantage of different actor groups. The implication of this trend for the “big, old”, multi-issue and multi-mandate organizations has often been a scaling-back of their activities to their core functions, primarily to serving member states as negotiating venues and as guardians of international norms. In the case of the UN, this has also happened. Many issues have migrated out—to non UN bodies, of which the UN may—or may not—be a member. The reason has either been that these other bodies promised greater issue focus, or that, as also discussed in section II, other bodies like the G-8 had a more limited and homogenous membership, promising negotiating results to be achieved at lower transaction costs than in the 192 member state-strong UN.

Finally, the discussion in sections I and II has shown that states turn to IOs with particular *purposes* in mind—purposes to which they attach such high priority that they are willing to engage in international negotiation, and perhaps, even transfer of resources. As also other studies have shown (see, Kaul et al. 2006), governments’ preference is not to centralize, not to engage internationally, and if they do, to be highly selective and offer but short-term commitments. Evidently, the pre-1990, first-generation UN was highly appreciated by most states, because it provided a unique service, especially the universalization of state commitment to the norm of non-interference, and hence, to the Westphalian state order. The post-1990, second-generation UN saw a thinning of its mandates and a narrowing of focus. For most issue areas it was but one player among several others.

Based on these insights it could thus be argued that three conditions would have to be met in order for a reinvigorated UN to reemerge in the future:

- *One*, global power relations would need to shift more towards multipolarity or bipolarity and openness and interdependence would need to continue to keep GPG issues high on national and international the policy agendas so as to create a demand and conducive political climate for multilateralism.
- *Two*, states, notably the major powers would need to be willing to reduce the current democracy deficit marking UN decision-making in order to restore trust and confidence in fair negotiation processes and outcomes among all member states and their willingness to re-engage more actively;



- *Three*, there would need to exist a high-priority global-governance role which states would feel they could best pursue through the UN rather than any other global platform.

But are trends discernible that could give rise to these conditions?

## **Conclusion: Towards a second-generation United Nations**

Indeed, there exist a number of signs that suggest that states could in the future find it useful to foster a reinvigorated, second-generation UN. States might turn to the UN in order to lay the foundation for the emerging new, post-Westphalian world order. The UN could, as it did during the pre-1990 era, invite states to commit themselves to a re-conceptualized principle of sovereignty—the principle of responsible sovereignty.

Among the encouraging signs is that interdependence among countries is, if anything, growing; and so is the awareness of this fact among world leaders. ‘No country can solve today’s problems alone’ has become a standard phrase in policy statements referring to challenges like pandemics of the H1N1 type, global warming, international financial regulation, and international terrorism control.<sup>29</sup>

The growing awareness of deepening interdependence has, in turn, changed assessments of unipolarity. It is increasingly seen as having advantages as well as disadvantages.

As, for example, Ikenberry (2008) argues, the power of the leading state under conditions of unipolarity is in some respects less restrained than under conditions of bipolarity, because the secondary powers have no longer the option to change sides and allegiance. At the same time, secondary states are no longer threatened by a rival superpower and now need less protection from the leading state and its allies. This weakens the legitimacy of the leading states’ position. For a superpower and its allies to enjoy external legitimacy and acceptance of their leadership by other states, they must be seen as not just pursuing their own narrow self-interest, but instead as also having in mind the concerns of other nations, and perhaps, also those of the world as a whole. This paradox of power (Nye 2002) has led the US now to pursue a ‘smart power’ approach: diplomacy that recognizes the importance of mutual advantage in international relations.

So it appears that current realities are shifting towards multipolarity; and that multipolarity will bring with it—as it did in the 1940s—a strengthened recognition on the part of policymakers that global interdependence requires crossborder cooperation, and

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<sup>29</sup> See, for example, the communiqué of the G-20 summit meeting in April 2009 at <http://www.londonsummit.gov.uk/en/>.

that in order to succeed, such cooperation must make sense for all concerned parties. Interdependence has blunted the teeth of power politics. In order for states and people to enjoy globalized public goods like climate stability or financial stability, suasion and positive incentive provision are today often the better strategy to pursue.

Multilateralism thus is on the rise; however, many issues are likely to be addressed through processes of small-group multilateralism, like the high-level consultations between China and the United States on issues of common concern, notably global climate change and international finance<sup>30</sup> or the Six-Party Talks on North Korea's Nuclear Program (Zissis, 2009). The search for a new global leadership group also continues, including proposals for the creation of a G-16 (as proposed by Jones et al 2009) or a G-20 with expanded mandate (Carrin and Thakur 2008; English 2005).

But what role could the UN possibly play in this new, emerging world of twenty-first century multilateralism?

Although the UN has in recent years become more open to the participation of nonstate actors in its deliberations, it is still an organization not only of but also *about states and inter-state relations*. Its uniqueness lies in this field; and it is precisely also in this field that a major global reform effort would be required.

Greater openness and interdependence as well as the resultant growing importance of GPGs have changed the nature of inter-state relation in profound ways, and with it, the rationales for, and the economics of, international cooperation. Thus, in many cases national interests are best being pursued not through unilateral policy initiatives but multilateral ones, notably multilateral ones that generate significant, fair net-gains for all involved parties (see, for example, Barrett 2007 and Conceição and Mendoza 2006).

The pursuit of such multilateralism would, first of all, require a new model of the role of the state. Rather than pursuing narrowly defined national interests, states would have to pay more attention to the external policy environment—opportunities and constraints—when making national policy and engaging internationally. They would need to act as an intermediary between national priorities and external policy demands and exigencies.

Many states already behave like such an intermediary state (see Kaul 2006). Yet they often play this role hesitantly, because their constituencies may still expect them to act more unilaterally and to pursue more “pure” national interests.

The intermediary state role is critically important for achieving, under today's conditions of porous national borders less crisis-prone, more dynamic and sustainable growth and development. Therefore, it would be desirable to legitimize the new role of the intermediary state by re-conceptualizing the principle of sovereignty—to reach global

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<sup>30</sup> See, the article on “High-level dialogue to bring US-China economic ties closer” on <http://business.globaltimes.cn/comment/2009-07/451054.html/> .

consensus on a principle of responsible sovereignty. As Biersteker (2006, p. 157)) points out, meanings and conceptions of sovereignty “are neither fixed nor constant over time”. They are socially constructed and have evolved as realities have changed. So we should not be surprised that, given the far-reaching changes that happened during the past decades, the sovereignty concept is once again to be revisited.<sup>31</sup>

Where else than in the UN could such a re-conceptualization of, and re-commitment to, sovereignty occur? As discussed in sections II and III, first steps in this direction have already been taken with member states’ deliberations on “responsibility to protect”. This has been an important first step. But as the critique of “responsibility to protect” shows, a broader, more comprehensive re-conceptualization of the sovereignty notion might be required.

For example, a revised sovereignty notion could recognize states’ right to self-determination but widen the range of their responsibilities. State duties could include the responsibility to ensure that people within their jurisdiction can lead a secure and decent life as well as the duty to respect the sovereignty of others by reigning in particular negative spillover effects into the global public domain, including the global natural environment. Of course, such an updated sovereignty concept should apply to all countries, weak and strong.

Given the persisting calls for a global ‘voice reform’, for all countries to have an effective say in matters that concern them, the international negotiations on the concept of responsible sovereignty must be marked by fairness.<sup>32</sup> After all, the concept would form the core of the emerging new world order and, if accepted, bring about significant change in the role of the state and inter-state relations.

But could such a re-conceptualization of sovereignty be an attractive proposition for states, notably governments, including major-power governments?

An unequivocal commitment to a principle of responsible sovereignty could help break the deadlocks in which many important negotiation processes find themselves today, including the negotiations on a new agreement on tackling the challenge of global climate change.<sup>33</sup> Taking a lead in accepting such a commitment could enhance the external legitimacy of the major powers—their recognition as global leaders in the eyes of the world community of state and nonstate actors; and governments of all states, major and secondary, could also favor the principle because it might enhance, as noted, their domestic legitimacy when acting as an intermediary state.

However, under current international power relations and decision-making patterns many states often find themselves in the position of a policytaker, a fact that can erode their legitimacy as policymakers in the national context (Zürn 2002, p. 244). Consensus on a global

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<sup>31</sup> See on the evolution of the sovereignty concept also Grimm (2009).

<sup>32</sup> On the issue of fairness of process see Albin (2001).

<sup>33</sup> See, Ghosh and Woods (2009) and [www.unfccc.int](http://www.unfccc.int), especially the information and documentation on the “Copenhagen process”.

norm of responsible sovereignty could thus help re-strengthen state legitimacy—provided it is collectively constructed by the international community and emerging from a fair negotiation.

Therefore, states might consider it desirable to establish a global leadership group within the UN context, based on a charter, representative (and perhaps, rotating) membership, and transparent and fair rules of decision-making. Its purpose would *not* be to get involved in the technical details of agreements on issues like climate change or global financial regulation. Rather, its mandate would be to help elaborate and promote a principle of responsible sovereignty.<sup>34</sup>

The UN leadership group would not replace any of the issue-specific negotiating processes, nor other ‘Gs’ or UN-internal bodies like those of the UN itself like the UNSC or the Human Rights Council. Rather, it would complement all of those by providing a normative foundation for more effective multilateralism, not mean a loss but a gain in sovereignty, because unintended globalization and crises could be better prevented, and if they occur, managed.

Complementing the UN’s architecture with such a leadership body could restore a sense of common purpose and benefit among member states, show a way towards combining globalization and sovereignty—in the mutual interest and to the benefit of all.<sup>35</sup>

If the creation of such a reformed, second-generation UN would occur in good time, it would constitute a significant but rather un-dramatic event. It would signal the beginning of a new world order—the world order of intermediary state, based on the principle of responsible sovereignty. It would be an event of high importance; however, it would nevertheless unlikely provoke another “San Francisco moment”. On the other hand, if necessary change and institutional innovation are delayed and global crises assume disaster proportions, the post-catastrophe era might well see such a moment again. For now it is better not to hope for another “San Francisco moment”.

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<sup>34</sup> The notion of responsible sovereignty is, in fact, already gaining ground, as a web search will show. See, among others, [http://www.brookings.edu/events/2008/0715\\_mgi.aspx/](http://www.brookings.edu/events/2008/0715_mgi.aspx/) and again Jones et al. (2009) who define responsible sovereignty as entailing “obligations and duties to one’s own citizens and to other sovereign states” (p.9), adding “that responsible sovereignty requires all states to be accountable for their actions that have impacts beyond their borders” (ibid.).

<sup>35</sup> In order to enable the UN to concentrate on this task of laying the normative foundation for a new world order, it could also be desirable to establish its peace and security activities together perhaps with its humanitarian assistance efforts as a separate, specialized agency—at par with other specialized agencies like FAO and WHO. Such a reorganization would also better support today’s broadened concept of security, which includes besides military security also such dimensions health security, food security, and environmental security. The UN proper would thus be freed to focus on its basic normative role. In addition, it could act, notably through the proposed new leadership forum as a global stewardship council, assisting the international community in spotting and realizing opportunities of mutual gain and longer-term sustainability.

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