

The UN's Perceived Crisis of Legitimacy

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Introduction: The Power of Perception

The U.S. invasion of Iraq in 2003 left the international community seriously doubting the UN's legitimacy as a supranational governance institution. Many saw the U.S. government's ultimate disregard of the Security Council's decision-making process as "the beginning of the end of the international security system."¹ The perceived crisis of legitimacy stemmed from two "failures": 1) the Security Council's incapacity to decisively mobilize in response to a serious global security threat and 2) its inability to retain regulative authority over its member states and their actions. In an attempt to justify its impatient rush towards war, the U.S. exploited both.

First, the U.S. government actively attempted to frame UN legitimacy in terms of hard-power mobilization capability. On October 24, 2002, after formally proposing a resolution to the Security Council that would have approved military action in Iraq, Bush proclaimed, "If the United Nations doesn't have the will or the courage to disarm Saddam Hussein and if Saddam Hussein will not disarm... the United States will lead a coalition to disarm him."² On March 11th 2003, Bush's press secretary Ari Fleischer warned, "if you judge legitimacy by whether the United Nations Security Council acted, then you would think you'd need to restore Slobodan Milosevic to power, because he was removed without the United Nations Security Council

¹ Michael Glennon, "Why The Security Council Failed," *Foreign Affairs*, Vol. 82, No. 3, May-June, 2003.

² Ibid.

approval.”³ Three days before U.S. troops crossed the border into Iraq, Bush declared, “The United Nations Security Council has not lived up to its responsibilities, so we will rise to ours.”⁴ By defining the UNSC’s authority in terms of its ability to mobilize efficiently and effectively against immediate security threats (an obvious UN deficiency), the U.S. government intended to establish itself and its actions as the sole channel for re-legitimization.

Second, U.S. government threatened the UN’s legitimacy by undermining its regulative authority over its member states’ actions. The invasion of Iraq left many feeling that the “Council had failed in its purpose of defending the Charter against unilateral state aggression and should have acted more forcefully to stop the United States from deposing Saddam Hussein.”⁵ In the eyes of the international community, the UN’s inability to directly influence U.S. military action was a sign of deteriorating power. The operational logic that “if the Security Council does not grant authorization for an intervention then a member-state will carry out an intervention anyhow” seriously challenged the UN’s authoritative status as a monitor and enforcer of international law.⁶

The perception that the UN derives its legitimacy from its ability to effectively respond to international security threats and directly control member-state action is a product of Rationalist theory. Rationalism carries three core assumptions: 1) states are atomistic, self-interested and

³ “Threats and Responses: Diplomacy; U.S. says UN Could Repeat Errors of 90’s,” *The New York Times*, March 11, 2003. <<http://www.nytimes.com/2003/03/11/world/threats-and-responses-diplomacy-us-says-un-could-repeat-errors-of-90-s.html?scp=3&sq=United%20Nations&st=nyt&pagewanted=2>>

⁴ “Bush: ‘Leave Iraq Within 48 Hours,’” *CNN*, March 17, 2003. <<http://www.cnn.com/2003/WORLD/meast/03/17/sprj.irq.bush.transcript/>>

⁵ Ian Hurd, *After Anarchy*, 190.

⁶ Ramses Amer and Dzenan Sahovic, “The Legitimacy of the United Nations in the Wake of Non-Authorised Military Interventions,” *Umedå Working Papers in Peace and Conflict Studies*, no 6, July 2, 2002. <www.pol.umu.se/papers/ISSN1654-2398_no6_AmerSahovic.pdf>

rational, 2) actors interests are exogenous to social interaction, and 3) society is a strategic and anarchic realm in which actors come together to pursue their pre-defined interests.⁷ This environment forces actors to measure power through the capacity for direct action and influence towards other actors. Based on these metrics, the UN doesn't hold legitimacy as a possessor of "sovereign authority."⁸ However, while "the UN has not... become a world government with authority over its members... it does appear to have reached a point where states often seek its seal of approval for actions that were once regarded as sovereign prerogatives."⁹ The U.S. spent over a year and a half trying to convince the Security Council to authorize the invasion of Iraq. In his attempt to legitimize the invasion, Bush made a visible effort to align it with the UNSC's moral authority, asserting that "the Security Council resolutions will be enforced, [and] the just demands of peace and security will be met."¹⁰ Although the UN's authority doesn't manifest itself in the form of direct pressure or hard-power, it strongly influences the structure in which state-agents operate by setting up normative principles of conduct. The UN's normative and symbolic power has developed out of its status "as a forum to develop common positions on threats and formulate common responses."¹¹

In this essay, I will attempt to analyze how the UN has acted as a synthesizer and legitimizer of international norms, and how these norms have provided the UN with symbolic power through moral consensus. I start by describing the theoretical background of normative

⁷ Christian Reus-Smit, "Constructivism," ed. Scott Burchill, et. al., *Theories of International Relations*, 192.

⁸ Hurd, 3.

⁹ James Rosenau, "The United Nations in a Turbulent World," ed. Albert Paolini, et. al., *Between Sovereignty and Global Governance*, 264.

¹⁰ Ibid.

¹¹ Simon Chesterman, "Reforming the United Nations Legitimacy, Effectiveness and Power after Iraq," *Singapore Year Book of International Law and Contributors*, 2006. <law.nus.edu.sg/sybil/downloads/current/Chesterman_SYBIL_2006.pdf>

power within the Constructivist and Cosmopolitan frameworks of thought. I then evaluate the effects of three concrete policies formed through the UN's focus on the human security norm: the Ottawa Treaty, Responsibility to Protect (R2P) and the Millennium Development Goals. I continue by uncovering the transformative agents who act as norm entrepreneurs before offering methods of inclusion within the UN decision-making process. I conclude with the argument that by legitimizing international norms, the UN re-legitimizes itself as a generator of moral consensus.

Cosmopolitanism and Constructivism: Normative Identity and Global Citizenship

The theoretical frameworks of Cosmopolitanism and Constructivism offer insight into how norms can act as tools of power and influence. Both frameworks operate within the realm of critical theory, the general critique of conventional problem-solving theory that "reveals the unexamined assumptions that guide traditional modes of thought, and exposes the complicity of traditional modes of thought in prevailing political and social conditions."¹²

Cosmopolitanism can be identified as the redefinition of identity based on the value of global citizenship. At its core lie four fundamental principles: 1) the ultimate units of moral concern are individuals 2) everyone carries equal and acknowledgeable worth, 3) non-coercive political processes are vital to upholding the commitment to equal worth and moral concern, and 4) those non-trivially influenced by public decisions must have a voice in the making the decisions.¹³ Cosmopolitanism dates back to the fourth century BCE with Diogenes the

¹² Richard Devetak, *Theories of International Relations*, 143.

¹³ David Held, "Cosmopolitanism: Globalisation Tamed?," *Review of International Studies* 29, 2003.

Cynic's statement: "I am a citizen of the world."¹⁴ Following his lead, the Stoics described themselves as "human beings living in a world of human beings and only incidentally members of the polities."¹⁵ They suggested that we view our identity as a series of concentric circles of affiliation: the self, the immediate family, local groups, as well as the less tangible circles of ethnicity, sexuality, class, language, history, etc.¹⁶ Our obligation as global citizens is to continually strive to draw the largest circle – humanity as a whole – towards the center of our individual identity.¹⁷

The Cosmopolitan ethos was elaborated in the writings of Diderot, Condorcet, Hume, Paine and, most significantly, Kant.¹⁸ In his work, *Perpetual Peace*, Kant expanded the logic of individual affiliation to relations among states, "arguing that independent and equal constitutional states organized into a voluntary league of nations for purposes of maintaining peace, would act as the best antidote to the anarchy, insecurity, and 'perpetual war' that plagued the modern state system."¹⁹ In response to the recent trends of globalization, Tomlinson, Held and Beck have introduced ideas such as "enforced proximity," "overlapping communities of fate," and involuntary state membership in an evolving "world risk society," all which break down the traditionally perceived lines that separate "us vs. them."²⁰ In this new environment, new tools of power – norms, consensus, communicative efficiency – become viable for institutions like the UN to utilize.

¹⁴ Martha Nussbaum, "Patriotism and Cosmopolitanism," *For the Love of Country: Debating the Limits of Patriatism*, 6.

¹⁵ Held.

¹⁶ Nussbaum, 9.

¹⁷ Ibid.

¹⁸ Jerry Sanders, "Cosmopolitanism," *International Encyclopedia of Peace*, 2008.

¹⁹ Ibid.

²⁰ Ibid.

Constructivism entails the study of how this evolving environment, or structure, interacts with and influences agent behavior, and vice versa. This interaction can be understood in four ways: 1) people are agents in that they are the carriers or instruments of social structures, 2) people make structures at the same time as structures make people, 3) people are agents insofar as their decisions transform the nature of the social structure itself, and 4) human beings as agents are only limited by biology.²¹ Constructivists “elevate socially constructed variables – commonly held philosophic principles, identities, norms of behavior, or shared terms of discourse – to the status of basic causal variables that shape preferences, actors, and outcomes.”²² According to Stefano Guzzini, Constructivism emerged from a growing awareness of the inherent limits and ambiguities of technical and social progress – what Beck calls “reflexive modernity” – and the “certitude of possible change that swept over Europe” with the end of the Cold War.²³ Theorist such as Wendt, Finnemore, Keck, and Sikkink have in more recent years defined Constructivism through an emphasis on how “norms and culture, which produce (or “construct”) a group’s “identity” as a people or nation, play important roles in international affairs.”²⁴ In terms of Cosmopolitanism and the UN, Constructivism questions how the value of global citizenship has become an overarching norm that produces knowledge and reinforces the UN’s cosmopolitan identity.

Norms: The UN’s Tool of Power

²¹ Sharon Hays, “Structure and Agency and the Sticky Problem of Culture,” *Sociological Theory* 12:1, 1994.

²² Martha Finnemore, *National Interests in International Society*, 15.

²³ Stefano Guzzini, “A Reconstruction of Constructivism in International Relations,” *European Journal of International Relations*, 2000. <<http://ejt.sagepub.com/cgi/content/abstract/6/2/147>>

²⁴ Jerry Pubantz and John Allphin Moore, Jr. *The New United Nations: International Organization in the Twenty-First Century*, 5.

The U.S. invasion of Iraq made the UN's lack of power in terms of member-state control and security-threat mobilization abundantly clear. However, the evolving environment in which states exist has opened new channels for the UN to exercise influence and respond to emerging conflict. The most effective channel that has opened engages norms. As Krasner states, norms are "standards of behavior defined in terms of rights and obligations."²⁵ Finnemore expands on this definition, describing norms as "a set of intersubjective understandings readily apparent to actors that makes behavioral claims on those actors."²⁶ A norm can further be understood as the power discourse between the perceived environment in which states operate and the construction of state self-interest. As ideas lacking physical borders or sovereignty, norms only carry influence through legitimacy.²⁷ This necessity has allowed the UN to act as a legitimizer of such norms. In addition, through successful norm legitimization, the UN legitimizes itself. This process is evident in the movements behind the Ottawa Treaty, Responsibility to Protect, and the Millennium Development Goals.

The Ottawa Treaty to Ban Landmines, which entered into force on March 1, 1999, was the culmination of seven years of organizing by NGOs and small states. In 1992, six NGOs gathered to create the International Campaign to Ban Landmines (ICBL). Three years later, in March 1995, Belgium became the first country to ban anti-personnel landmines. By March 1997, "53 countries had announced their support for a total ban on landmines, 28 countries had renounced or suspended the use of mines, and 16 began destroying some of their stockpiles."²⁸

²⁵ Ann Florini, "The Evolution of International Norms," *International Studies Quarterly*, Vol. 40, No. 3, Sept., 1996.

²⁶ Ibid.

²⁷ Hurd, 31.

²⁸ "The Ottawa Treaty," *Handicap International*. <http://www.handicap-international.org.uk/page_391.php>

The International Campaign to Ban Landmines established its normative power through four different strategies: 1) accumulation, dissemination and exchange of information regarding landmine production and proliferation, 2) direct lobbying to state governments, 3) education of the public, and 4) explicit monitoring of state action.²⁹ Through conferences held at the UN, the ICBL quickly reached a broad audience of state-agents, establishing strong relationships with Canada, Norway and Austria.³⁰ These affiliations helped legitimized the norm as a state issue. The fact that the “U.S. began touting the *superiority* of its new mine policy (promulgated in February 2004) over the ICBL’s Ottawa treaty requirements [highlighted] the power of this transnational civil society network to set standards for legitimate behavior.”³¹ The U.S. government’s actions illustrate how “domestic actors – state or societal – can appropriate international norms and rules to further their interests” in the domestic or international political arena.³² In addition, the success of the ICBL’s movement in passing a concrete treaty simultaneously legitimized the UN as a institution of norm synthesis, discussion, and growth. As Frances Serjested noted while awarding the Nobel Peace Prize to Jodi Williams and the International Campaign to Ban Landmines, “It is interesting to watch this initiative apparently feeding back into the United Nations and the whole system of international negotiations...

²⁹ Robert DeChaine, *Global Humanitarianism: NGOs and the Crafting of Community*, 116.

³⁰ Ramesh Thakur, “Global Norms and International Humanitarian Law: An Asian Perspective,” *International Review of the Red Cross*, March 31, 2001. <<http://www.icrc.org/web/eng/siteeng0.nsf/html/57JQZD>>

³¹ Martha Finnemore, “Legitimacy, Hypocrisy, and the Social Structure of Unipolarity: Why Being a Unipole Isn’t All It’s Cracked Up to Be,” *World Politics*, Vol. 61, No. 1, Jan., 2009. <http://muse.jhu.edu/journals/world_politics/v061/61.1.finnemore.html#f19>

³² Andrew Cortell and James Davis, “How Do International Institutions Matter? The Domestic Impact of International Rules and Norms,” *International Studies Quarterly*, Vol. 40, No. 4, Dec., 1996.

giving them new life.”³³

The growth process of R2P as an international norm also exemplifies how the UN achieves symbolic power. Responsibility to Protect was born out of the work of the International Commission on Intervention and State Sovereignty (ICISS) – an ad-hoc commission of UN General Assembly members and civil-society experts sponsored by the Canadian Government.³⁴ The purpose of ICISS was “to produce a guide to action on responses by the international community to internal, man-made, [or] human-rights violating catastrophe” that was intellectually satisfying, politically credible as a framework for action by any major international constituency, and “compelling enough in its basic message to be able in practice to actually motivate action and mobilize support when a situation demanding such a response arose.”³⁵ The Commission published the report late 2001.

After its publication, Responsibility to Protect was legitimized through its inclusion in the 2004 High Level Panel on new security threats and the UN 60th Anniversary World Summit in September 2005. The concept was formalized in the Summit Outcome Document, which was unanimously agreed upon by “150 heads of state and government present [in] the UN General Assembly.”³⁶ By legitimizing this norm, the United Nations contributed to the reinforcement of its own authority as a coordinator of humanitarian interventions. In addition, R2P fortified “longstanding UN efforts to improve its modes of collaborating with regional and

³³ “Lecture Given by the Chairman of the Norwegian Nobel Committee Francis Sejersted,” Oslo, Norway, December 10, 1997.

34 Gareth Evans, “The Responsibility to Protect: The Power of an Idea,” *International Conference on the Responsibility to Protect: Stopping Mass Atrocities*, University of California, Berkeley, March 14, 2007. <<http://www.crisisgroup.org/home/index.cfm?id=4780>>

³⁵ Ibid.

³⁶ Ibid.

subregional mechanisms,” a key element of legitimacy in global politics.³⁷ Finally, the direct employment of R2P in justifying the humanitarian intervention in Sudan has further legitimized the norm as a usable tool to respond to global security threats and has subsequently legitimized the UN as its wielder.³⁸

Most recently, the Millennium Development Goals have come to represent the UN’s current normative project. Signed in September 2000, the Millennium Declaration is nothing less than a commitment to eradicate extreme poverty in all its forms by 2025. More specifically, the MDGs consist of eight goals, twenty-one targets and sixty indicators for measuring member-state progress. The eight goals include: 1) eradicate extreme poverty and hunger, 2) achieve universal primary education, 3) promote gender equality and empower women, 4) reduce child mortality, 5) improve maternal health, 6) combat HIV/AIDS, malaria and other diseases, 7) ensure environmental sustainability, and 8) develop a global partnership for development.³⁹ Signed by 189 countries, including 147 heads of State and Government, the MDGs represent the UN’s most aggressive use of normative power to date.⁴⁰

However, the MDGs are still in the process of legitimization. There remains an justifiable worry that failure to achieve the MDGs will result in the de-legitimization of the UN as a development institution and a general turning away from comprehensive development by the

³⁷ Edward Luck, “The United Nations and The Responsibility to Protect,” *The Stanley Foundation*, Aug. 2008. <www.stanleyfoundation.org/publications/pab/LuckPAB808.pdf>

³⁸ Richard Williamson, “Sudan and Its Implications for Responsibility to Protect,” *The Stanley Foundation*, Oct. 2009. <www.stanleyfoundation.org/publications/pab/WilliamsonPAB1009.pdf>

³⁹ “Millennium Development Goals (MDG) monitoring,” *UNICEF*, January 15, 2008. <http://www.unicef.org/statistics/index_24304.html>

⁴⁰ Ibid.

international community.⁴¹ However, in response to such anxieties, it is important to note that as “the most recent policy initiative of the United Nations, [the MDGs] should not just be assessed for what [they] may or may not deliver but also [have] to be considered in light of [their] broader normative framework.”⁴² Even if most of the eight goals go uncompleted by 2025, the MDGs will continue to represent “a first attempt to actualize the radically innovative paradigm of ‘human security,’ one that is a major departure from the obsolete classical understanding of security as a military threat.”⁴³

Tracing the development of these three norms has illustrated how normative power influences the structure in which states operate, and consequently their behavior. In addition, international norms connect states to the issue-based circles of identity instead of those based on borders. Finally, the increasing role of civil society in norm entrepreneurship reveals the need for the UN to shift towards norm synthesis and legitimization.

Transformative Agency: Norm Entrepreneurs and Synthesizers

While the UN has played an active role in legitimizing and being legitimized by international norms, the UN can no longer be considered a norm entrepreneur. Increasingly, the active agents that engineer the basic normative concepts later taken up by the UN do so within civil society. Most prominently, NGOs have emerged as the norm entrepreneurs of the 21st century.⁴⁴ NGOs produced the normative frameworks for the Ottawa Treaty, R2P, and the

⁴¹ “Millennium Development Goals Report,” *United Nations*, 2009. <<http://www.un.org/millenniumgoals/>>

⁴² Francesca Giovaninni, “Towards an Intellectual Leadership,” *Planning Theory and Practice*, 2008.

⁴³ *Ibid.*

⁴⁴ Martha Finnemore and Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization*, Vol. 52, No. 4, 1998.

eight more general Millennium Development Goals. As Albert Paolini writes, “running parallel to the organization and aspect of global governance...is the growth of universal values and norms around notions of human rights, democracy, ecology, gender and ‘world citizenship’, propelled in part by the extraordinary growth of interlocking, cross-national non-government organizations.”⁴⁵ Not only have NGOs “emerged as prime movers on a broad range of global issues,”⁴⁶ but this trend may also represent “a shift in the *balance* of influence... between NGOs and Nation State Governments.”⁴⁷

Martha Finnemore and Kathryn Sikkink identify NGOs as the dominant actor in the first stage of a three-stage norm life cycle consisting of norm emergence, norm cascade, and norm internalization. They argue that since NGOs are the products of civil society, their motives are more “altruistic, empathetic, and ideational.”⁴⁸ In comparison, the actors within the second stage – states, international organizations and networks – are more motivated by “legitimacy, reputation and esteem.”⁴⁹ As NGOs intrude on the UN’s original status as a norm entrepreneur, the UN must redefine its role within the second stage of the norm life cycle. Instead of competing with state-agents for authoritative legitimacy, I recommend that the UN work to better incorporate the new norm entrepreneurs into the UN decision-making process. Currently, non-governmental organizations “enjoy official status only with the Department of

⁴⁵ Albert Paolini, et. al., *Between Sovereignty and Global Governance*, 167.

⁴⁶ Peter J. Spiro, “New Global Communities: Nongovernmental Organizations in International Decision-Making Institutions,” *The Washington Quarterly*, Vol. 18, 1995.

⁴⁷ Stephen Toulmin, “The Role of NGOs in Global Affairs,” *University of Southern California*, October 1994.

⁴⁸ Finnemore and Sikkink.

⁴⁹ Ibid.

Patriatism. Boston: Beacon Press, 1996.

Paolini, Albert et. al. *Between Sovereignty and Global Governance*. London: Macmillan Press, 1998.

Paul, James. "NGOs and the Security Council." *Global Policy Forum*. 2004.⁵⁰ <http://www.globalpolicy.org/component/content/article/185/40406.html> (Accessed November 24, 2009).

Reus-Smit, Christian. "Constructivism." ed. Scott Burchill, et. al. *Theories of International Relations*. New York: Palgrave Macmillan, 2005.

Rosenau, James. "The United Nations in a Turbulent World." ed. Albert Paolini, et. al. *Between Sovereignty and Global Governance*. London: Macmillan Press, 1998.

Sanders, Jerry. "Cosmopolitanism." *International Encyclopedia of Peace*. 2008.

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Thakur, Ramesh. "Global Norms and International Humanitarian Law: An Asian Perspective," *International Review of the Red Cross*. March 31, 2001. <<http://www.icrc.org/web/eng/siteeng0.nsf/html/57JQZD>> (Accessed November 24, 2009).

"The Ottawa Treaty." *Handicap International*. <http://www.handicap-international.org.uk/page_391.php>

"Threats and Responses: Diplomacy; U.S. says UN Could Repeat Errors of 90's." *The New York Times*. March 11, 2003. <<http://www.nytimes.com/2003/03/11/world/threats-and-responses-diplomacy-us-says-un-could-repeat-errors-of-90-s.html?scp=3&sq=United%20Nations&st=nyt&pagewanted=2>> (Accessed October 12, 2009).

Toulmin, Stephen. "The Role of NGOs in Global Affairs." *University of Southern California*. October 1994.

Williamson, Richard. "Sudan and Its Implications for Responsibility to Protect." *The Stanley Foundation*. Oct. 2009. <www.stanleyfoundation.org/publications/pab/WilliamsonPAB1009.pdf> (Accessed November 24, 2009).

enacting reform without upsetting the current system would be to allow the General Assembly to vote on the NGOs that would be allowed a seat within the General Assembly. Those given a seat would not be granted a vote, but they would at least be able to listen to the decision-making process and voice their opinions. In addition, formalizing the NGO status within the UN would make the NGOs more accountable as knowledge producers. The incorporation of NGOs into the formal UN system would also benefit the UN by drawing the outside circles of cosmopolitan identity affiliation into the center, allowing for more efficient, effective means of communicating between the norm producers and synthesizers. Finally, it would provide more opportunities for NGOs to form strong partnerships with state governments – like Canada in the case of R2P – to legitimize and eventually apply norms to real security threats.

Conclusion: Re-Defining UN Legitimacy

In conclusion, the symbolic power that comes from the UN's ability to synthesize and legitimize international norms strongly influences state behavior by changing the environment of appropriateness in which states act. As evidenced by the Ottawa Treaty, Responsibility to Protect, and the Millennium Development Goals, the UN has bound and continues to bind states to general rules established through moral consensus. However, as NGOs have become more prominent actors in the international system, they have begun to overtake the role of norm entrepreneurs. To adapt, the UN must establish itself as a synthesizer and legitimator of norms that connect the norm-entrepreneurs with interested member-states.

When evaluating UN authority and legitimacy, it is critical that we understand the metrics of assessment. For Rational theorists, this criterion is limited to the UN's ability to mobilize quickly and effectively in response to a global security threat, and its capacity to retain

regulative authority over the member-states actions. By these metrics, the UN is threatened by a crisis of legitimacy. However, if we recognize the normative power that the UN currently wields, we realize that this crisis is just a perception created through our own assumptions of the international arena.

Notes