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SECRETARY OR GENERAL?

The UN Secretary-General
in World Politics

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Leader, clerk, or policy entrepreneur? The Secretary-General in a complex world

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Debates about the leadership of intergovernmental organizations return again and again to the same, unhelpful alternatives. For a century, diplomatic discussions of what one should seek in a Secretary-General have turned repeatedly to one or another version of this question: do we want strong leadership, modelled on the charismatic French socialist Albert Thomas, the first Director-General of the International Labour Organization (ILO)? Or do we want a clerk to serve member states, in the style of British civil servant Sir Eric Drummond, the first Secretary-General of the League of Nations?

This debate mirrors a whole series of institutional design issues that have divided committed internationalists and nationalists, foreign policy idealists and realists, partisans of multilateralism and of state sovereignty. Do international institutions have independent "legal personality", or are they the agents of their members? Should international institutions have a general or only a functional "immunity"? Is there an inherent right to withdrawal from international institutions – or can states terminate their cooperation at will? When speaking about the Secretary-General, the parallel question is, in the words of Inis Claude, whether the incumbent should be a "leader" or a "clerk".¹ If one thinks that intergovernmental institutions should be more than the sum of their members, one will lean in a particular direction on all these questions; if one is more sceptical, viewing the institutions in the United Nations system as tools that may or may not be useful, one will lean the other way.

In recent years, it has become customary to contrast the foreign policy establishments of New York and Washington along similar lines. In

¹ See Inis L. Claude, Jr., *Swords into Plowshares: The Problems and Progress of International Organization*, 4th edn. (New York: McGraw-Hill, 1971), pp. 193ff.

New York, they worship the United Nations; in Washington, it is US sovereignty all the time. There is some truth to this picture. For the chattering classes around the Secretariat, it is routine to refer to the Secretary-General as both the world's premier diplomat and the ethical voice of the international community. Only vivid leadership on the thirty-eighth floor seems up to the task. And, of course, in Washington we do find isolationists, nationalists, and UN sceptics, for all of whom weak leadership at the United Nations has real appeal.

Ultimately, however, the strong-weak, leader-clerk debate is a red herring. So is the idea that the international system is predominantly one of *either* sovereign autonomy *or* international community. It is neither. Both sides of the conventional debate – committed internationalists and nationalists – share a misleading conception of the global political order. They both imagine the international political and diplomatic universe unrolling in a radial pattern from a centre toward a periphery. From New York, it is easy to imagine the Secretariat at the centre, with high points in Geneva, in Vienna, in The Hague, or Montreal, or London – wherever international institutions have their headquarters. From this perspective, national governments, however powerful, are on a somewhat lower conceptual level. Each is, in the end, but one of many member states. In this view, moreover, the UN system is, at least in diplomatic terms, synonymous with the "international community" as a whole. There are other international and transnational orders – the market, the trade system, "civil society" – but as the focal point for *public* authority at the international level, the United Nations seems somehow higher and more general. Other international regimes are all more specific, private, technical, functional, local, or regional.

From Washington, of course, for committed unilateralists, the central point is the federal government, the apex of US sovereignty. In this view, although sovereignty may, in some theoretical sense, be said to flow from "the people" and federal power may be limited by various pre-existing rights – states' rights, individual rights, civil rights, property rights – Washington, and the President in particular, are the ultimate authority in matters of foreign affairs. Internationally, the United States is absolute within its territorial sphere and floats along with other sovereigns in an anarchic void. Of course there are all kinds of other institutions with various functions – corporations, foundations, churches. Some are creatures of public law, some of private law; some are local, some national, some international. Some are intergovernmental. But they all exist on a somewhat lower, functionally specific, conceptual level. To give it a Latin

twist, only sovereigns enjoy the full *nuda proprietas* (literally “naked ownership”) of sovereignty.

These are interesting ideal types – but they are both extremely impoverished descriptions of the world of international power and political life. In the old-fashioned nation-state, it was normal to imagine the web of information, transportation, economic activity, and political intercourse to flow outward from the capital. All roads led, quite literally, to Rome – or to Paris. Modern political order is altogether different, whether at the national or international level. Political power is an affair of overlapping networks, chaotic cross-influences, and plural perspectives. If the United States is an empire, it is of an altogether different sort to Rome, exercising its authority through the capillaries of economic, cultural, and political life. Multilateralism is also more – and less – than a radial institutional scheme bolted together with treaties radiating outward from the United Nations. Multilateralism is a game played on many boards at once – and it is also a kind of religion, at once ethical commitment and professional identity cutting across the world’s elites.

It is easy for internationalists to agree that *national* sovereignty has eroded, that it no longer describes national political life, that national governments are disaggregated arrangements of quasi-independent institutions, responsive to myriad pressures from public and private actors. States, they stress, are anything but billiard balls rolling about in a void. But these internationalists are nevertheless prone to imagine the “international community” to have a centre, a constitution, and a “premier diplomat”. On the other side, it is obvious to US unilateralists that the United Nations is no world government and that the international system is a confusing mix of ad hoc deals and private ordering. But they have an equally hard time remembering, when thinking about foreign affairs, that in default of global government we are not, in fact, left with unified sovereigns ricocheting around in anarchy.

In fact, neither national nor international politics is organized around a central, focused and unified public capacity. The world is not an anarchic void or free market over which we have managed to throw but a thin network of consensual rules. There is law and regulation at every turn. Nor, however, is there a well-organized international community wielding public authority. This is easy to see in times of peace, and for routine problems of social order. To do business across the globe is to interact with dozens of different formal and informal regulatory regimes. Those who respond to global humanitarian crises could hardly be more diverse – airlines collecting change, rock stars holding concerts,

thousands of diverse organizations flying this or that here or there. But this is also true of war. War is not the unrestrained prerogative of sovereigns – however many national constitutions may say so. But this is not because it has come to be regulated by the international community through the institutions of the United Nations under the “constitution” of the Charter. War is a complex transnational event, the work of thousands of diverse institutions and individuals, the media, dispersed networks of copy-cat fighters, and a wide range of national military forces, themselves responsive to the push and pull of all manner of political, economic, and legal authority.

In this more complex world, the choice is not between strong and charismatic UN leadership and national sovereignty. Nor can we confidently distinguish a world of “cooperation”, in which the international community might play a strong social role, from a world of “coexistence”, in which more formal sovereign prerogatives would decide questions of war and peace. It is all mixed up, and dispersed at the same time. As a result, when we think about the Secretary-General’s role, the real choice is between leadership that views the United Nations as the multilateral mirror image of an outmoded national sovereignty, and one that understands the changed nature of global governance and can make the United Nations an effective player in a more disaggregated and chaotic system. You could have stronger or weaker individuals with either vision.

When you see everything in radial terms, emanating either from New York or Washington, only a careful and nuanced argument can make a strong Secretary-General expressing the unified interests of the global community seem also to be in the interests of US – or any other – sovereign power. Although “our” interests might coincide with “theirs”, when they do, and the United States applauds the Secretary-General’s bold initiatives, we should not be surprised to find states with other points of view wishing for someone less effective in the job or for someone strong enough to “stand up” to the United States. In a world of autonomous “sovereigns” and an international “community”, when sovereigns disagree, it will be quite natural for them to try to instrumentalize the “community”, either to share their viewpoint, or to allow them the legitimacy that comes from defying the will of the world. Something like this has happened through the recent reform discussions. The United States was happy to castigate Kofi Annan, weakening his authority, until he became a strong ally in the US-led effort to reform the Secretariat – at which point the G-77 began to see him as either grabbing power from the General Assembly, or as the lapdog of US power, or both.

It is not new to observe that this entire diplomatic conversation has somehow lost the thread, and not just because differences within the international community or national sovereign swamp differences between them. More crucially, by focusing on achieving the “balance” between fantasies of autonomy and community, we lose track of what the United Nations might actually accomplish. Instead, debate is all about their prerogatives and our prerogatives, about the balance of unilateral realism and multilateral idealism, about leaders and clerks. If we can’t figure out what to do about AIDS or global warming or genocide by talking this way, we also can’t figure out what kind of a Secretary-General it would be useful to have when we speak only in these terms.

Strong and charismatic leadership at the United Nations could be very useful indeed, both to reform the institution and to help address pressing political and humanitarian challenges, from nuclear proliferation to poverty and preventable disease. At the same time, the United Nations also needs the confidence of the governments. The clerk-leader debate places these two goals in constant tension with one another. A strong and visionary Secretary-General certainly *might* undermine the confidence of member states. In a divided world, that is bound to happen whenever the Secretary-General purports to speak – strongly and charismatically – for the *whole* international community. Whatever he or she says, those who disagree will not feel they are cast out of civilization – they will think the Secretary-General has lost his or her grip.

But strong leadership need not have this effect. Much depends on whether the Secretary-General sees the United Nations as the pinnacle of a global order or as one participant among many in a far more disaggregated and chaotic system. The Secretary-General will be stronger if he or she succeeds in avoiding turning everything into a question of the United Nations *or* the member states, multilateralism *or* unilateralism, where the United Nations functions as the only possible institutional expression for multilateral aspirations. There is precedent for this in Dag Hammarskjöld’s crucial observation that the Secretary-General in his day would be most effective in the cracks between the Cold War blocs – where issues could be addressed without turning them into questions of East *or* West. The trick today is to generalize that insight. The Cold War blocs have dissipated. But the result has been *neither* a unified international community *nor* a world of independent sovereign states. It is the far more unstable situation of multiple and shifting fracture points in an increasingly transnational and regulated world. Applying Hammarskjöld’s insight today means foregoing precisely the effort to be the world’s

premier diplomat and ethical spokesman, without at the same time becoming clerk to the most powerful or most numerous member states.

Such a change in perspective, in New York as well as Washington, should be particularly important for the United States. As the founder of the United Nations, its leading funder, and its host, the United States is an indispensable partner for UN action. A Secretary-General must have the confidence of the United States – and of the other great powers – to succeed. When the United States feels outvoted and unloved at the United Nations, it is easy to wish for weak leadership. But weakness is a poor proxy for trustworthiness. The United States has more recently been pressing a managerial reform agenda not shared by many in the General Assembly. Only strong diplomatic – as well as managerial – leadership will be up to the task. With economic, military, and humanitarian commitments around the world, the United States more than any nation should want strong multilateral leadership to work with it in responding to a range of policy and humanitarian challenges. The United States should support a strong Secretary-General who steps back from the ambition to speak for the “international community” as a whole, and who will work across multiple institutional frameworks to facilitate what will inevitably be diverse and shifting solutions. This will require more ambitious leadership, not less – but leadership of a quite different type than the conventional image of a “strong” Secretary-General suggests.

Stepping outside the box of sovereign autonomy and international community would transform our vision of the Secretary-General’s diplomatic, operational, and ethical roles. Let me take each in turn, and suggest some directions such a rethinking might take.

The Secretary-General as diplomat

Many have observed that the diplomatic role of the United Nations has changed dramatically since 1945. In those days, the world’s diplomats did need a place to meet one another and deliberate: the United Nations provided a useful service by convening meetings, circulating documents, facilitating multilateral negotiations, and sharing information. No sooner had the United Nations come into being, however, than these functions began to seem obsolete. The expanding global economy built its own avenues of communication. New media and telecommunications transformed diplomacy. Governments everywhere have become less important, and less independent in foreign affairs. Effective diplomacy began to require deep knowledge about and engagement with the institutions of

domestic society – for allies and enemies and trading partners alike. None of this could be done effectively in large assembly halls – or cocktail parties – in New York and Geneva.

Only the dramatic expansion in the number of states brought about by decolonization kept the need for a central diplomatic clearing house alive. So long as the world's information and communication systems remain hub-and-spoke in structure, it will be useful for peripheral states to be represented in a central location. And there is no question that the United Nations remains an important diplomatic site for small and poor states that do not have global diplomatic representation. Unfortunately, the diplomatic functions of the United Nations have become far too ingrown to serve even these interests well. Isolated and peripheral governments need representation in New York or Geneva not to participate in debates about UN funding, but to engage substantively with one another and with the broader diplomatic world.

If diplomacy is a game of power, the nature of power has also been transformed. We must realize that the United Nations is not the institutional embodiment of the "international community". There simply is no such thing. The phrase refers to the particular elites who are the imagined audience for the global media. The idea that they share a "consensus" view of global political or ethical matters – or that their views condense the attitudes of humanity – is a fantasy. It may often be a desirable fantasy, and we may often want to encourage it – but it is a fantasy. The United Nations is an institutional system with a unique set of powers and potentials – like Microsoft or the Vatican or Japan or New York City – capable of projecting its influence in a wide variety of places on a broad range of issues. The Secretary-General's political authority comes from this institutional system – his power is its power – not from an imaginary international community.

Our global political world remains decentralized and horizontal. But we must realize that this is not at all the same thing as saying the basic unit of global political order remains the nation-state, or that ultimately "sovereignty" remains absolute. Presidents and prime ministers do not represent national "sovereignty". There is no such thing. The phrase refers to a claim some people in the global establishment make, sometimes successfully, sometimes not, to others about their respective prerogatives. Although the world's surface remains organized in territorial nation-states, each, at least in name, absolutely sovereign, the international political system today is a far more complex multilevel game than the rows of equivalent national flags arrayed at UN Headquarters would suggest.

States and their governments differ dramatically in powers, resources, and independence. There is something audacious – and terribly misleading – about calling them all states and respecting their nominal leaders as "sovereign". Even in the most powerful and well integrated states, moreover, power today lies in the capillaries of social and economic life. Governments are no longer – if they ever were – the only or the predominant political actors. Vast networks of citizens, commercial interests, civil organizations, and public officials determine much of what any government, or any president is able to say or do.

Moreover, we have become accustomed to the vulnerability of our national economy – and our own jobs – to global economic forces. We understand that our nation is not "sovereign" in any absolute sense when it comes to economic matters. US trade law scholar John Jackson put it this way:

Interdependence may be overused, but it accurately describes our world today. Economic forces flow with great rapidity from one country to the next. Despite all the talk about sovereignty and independence, these concepts can mislead when applied to today's world economy. How "sovereign" is a country with an economy so dependent on trade with other countries that its government cannot readily affect the real domestic interest rate, implement its preferred tax policy, or establish an effective program of incentives for business or talented individuals? Many governments face such constraints today including, increasingly and inevitably, the government of the United States.²

We must extend this insight to the broader world of public policy, and to questions of war and peace. It is no surprise that national leaders who sought power with domestic legislative agendas find themselves drawn to foreign affairs – and favouring the military and the bully pulpit to advance their agenda. But no President is able to pull the levers of media and military power alone. To say that the Pentagon reports to the President as Commander in Chief is a plausible, if oversimplified description of the organizational chart. But it is not a good description of Washington, DC. There are the intelligence agencies, the President's own staff, the political consultants and focus groups. Born alone, die alone, perhaps – but sovereigns do not decide alone. The bureaucracies resist, the courts resist, the dead weight of inertia must be overcome. We must

² John H. Jackson, William J. Davey, and Alan O. Sykes, *Legal Problems of International Economic Relations: Cases, Materials and Text on the National and International Regulation of Transnational Economic Relations*, 4th edn. (St. Paul, MN: West Group, 2002), p. 1.

remember that half of Washington wakes up every morning to ensure that the President does not succeed.

The decision to make war belongs neither to the President nor to Congress, any more than other policy initiatives spring whole from the political commitments of individual politicians. Nor are they the product of disembodied entities we refer to as the “legislature” or the “executive”. These decisions are imagined, designed, debated, defended, and adopted by people in an extremely wide range of institutional settings, in the United States and abroad. Those who share the war power with the President are not the world’s citizens. Even the voting citizens of the great military powers participate primarily as an imagined audience for media presentations of government action. Political leaders today act in the shadow of a knowledgeable, demanding, engaged, and institutionally entrenched national and global elite. The people who push and pull on governments are not all statesmen or diplomats or government officials. By and large, they are professionals and experts – lawyers, economists, businessmen, academics, journalists, and the like – who work in a wide range of private and public institutions. These professional elites, at home and abroad, are the political context for war. As a result, *expert consensus* can and does influence the politics of war – consensus, for example, that Iraq had weapons of mass destruction, that US credibility was on the line, that something must be done, that dominos would surely fall. Once we are clear that states, diplomats, and politicians no longer have a monopoly on the politics of war, we must recognize that exile groups, members of Congress, humanitarian voices, allied governments, and religious groups all need to develop a politics about violence, for they all share in the nation’s war powers.

Of course, the political context for the use of force is different in every nation. Despite the formal institutional similarity of national governments – they all have foreign ministries, defence ministries, health ministries, just as every US state has a state bird and flower – these institutional forms will only rarely reflect parallel political cultures. This is easy to see where the national state is weak and local warlords control autonomous militia. But it is no less true in nations like Canada, where the national political consensus sanctions the use of force primarily for peacekeeping. Or, as in Japan, where the main levers of national power are financial and institutional rather than cultural or military. Or in Brussels, where the European Union has no significant military – or media – lever, but only law and regulation. It is not surprising that Europe would respond to the foreign policy challenges posed by the fall of the

Berlin Wall by extending its regulatory regime eastward, arriving in one after another nation with the promise of membership and the thousands of pages of legal “*acquis communautaire*” through which the regimes of Central and Eastern Europe would be changed. Elites pursue foreign policy agendas – perhaps to change the regimes in their immediate neighbourhoods – with the institutional machinery, financial resources, and legal powers they have.

As a result, the global political system is an uneven fabric of quite different, often misaligned institutions and players. Across some national boundaries, moreover, the links are dense and deep, across others few and weak. Moreover, the international regime itself is a fragmented and unsystematic network of institutions, some public, some private, that are only loosely understood or coordinated by national governments. The chatter of diplomats in hotel suites and official meeting rooms animates an extremely specific and limited world. Innumerable national and local constituencies, private actors, corporate and financial institutions, loose transnational networks, and religious and other groups that stretch beyond the national territory are all part of the political context within which war and peace are made.

At the same time, violence has become a tactic for all sorts of players – war lords and drug lords and freelance terrorists and insurgents and religious fanatics and national liberation armies and more. States have lost the monopoly on metaphoric, as well as actual warfare. War is now the continuation of a far more chaotic politics, in a far more chaotic political environment. Violence can be the work – or simply the potential work – of “our” extremists. Al Qaeda, the Taliban, five angry men in London or Bali or Beirut can also continue their politics by military means. The interests expressed through the violence of war are heterogeneous and partial. It is not “all about oil” any more than it is all about establishing a new Caliphate from Granada to Jakarta. The call for “jihad” lies on the same continuum as declarations of “war” on teenage pregnancy, on Communism, or on the government of Saddam Hussein.

Putting all this together, all governments have less focused power to decide for war and peace than they had a century ago. For political scientists, this means that any so-called “realism” that attends only to the overt acts of national sovereigns is no longer realistic. For military professionals, it means that neither the Commander in Chief nor the political culture of Washington controls the politics of the battlespace. As often as not, it will be the reverse: the politics of battle will determine the political culture of the leadership. For all actors, humanitarian and military, friend

and foe, it means that the opportunities and sites for political engagement and vulnerability are far more numerous than we are accustomed to imagining.

It can be difficult to accept that the common impression of more unilateral presidential authority in foreign affairs is simply not accurate. In a sense, this is completely obvious – but it is difficult to remember. Participants in the policy process, at home and abroad – including the President himself – are prone to forgetting that just because he can act does not mean he can be effective. And, of course, the same is true for the military. Acting is one thing – achieving a desired political result will be a function of the broader political context.

What does all this mean for the United Nations, and for the Secretary-General? I should be clear that it does *not* mean, as many commentators have suggested, that *multilateral* rather than unilateral action will always be more effective. The political context *may* reward multilateral action – but it may not. Sometimes unilateral action will be applauded and followed. The point is that whether the context will reward unilateral or multilateral action *in a particular case* will itself be decided by the largely uncoordinated reactions of hundreds of individual and institutional players.

We must realize that in this process, the United Nations will rarely be the central player or site or forum. The nature of multilateralism has also changed. The multilateral order is plural and shifting – fluid coalitions of the willing are our future. Governments will institutionalize these arrangements in various ways, some of which will be enduring. Some will involve private as well as public actors, religious institutions, media allies, multinational enterprises with “boots on the ground” or deep pockets or expertise. Other intergovernmental organizations and financial institutions will sometimes be linked, or loosely harmonized, as will national security teams, intelligence agencies, and local police forces. We need only look at the dozens of different configurations of transnational collaboration that have been brought to bear in the Middle East over the last few decades to understand the range.

A strong and charismatic Secretary-General could undoubtedly make a contribution in this new multilateralism – as one player in a complex and shifting diplomatic, economic, and cultural order, not as the “world’s chief diplomat”. The Secretary-General might sometimes play the honest broker, knitting improbable coalitions of institutions and interests together. Even the most ad hoc intergovernmental projects need to be assembled. Indeed, it is more difficult to manage the juxtaposition of

diverse multilateralisms than it is to call for unified action by the United Nations. A strong Secretary-General could ease the emergence of sturdy patchwork coalitions, helping NATO, the European Union, the African Union, and various states find coordinated roles in a crisis like Darfur. To do this, however, he or she would need to abandon the aspiration for the United Nations to be the central architect and leading player in every, or even most, instances.

The Secretary-General must be able to gain the trust necessary to pull diverse coalitions and institutional partnerships together. Whether we think in political, policy, or ethical terms, gaining the trust of member states means, at the very least, “no surprises”. Every member of the Security Council must trust the Secretary-General to consult first, and then to act with discretion. This will be difficult where the Secretary-General exercises the prerogative to speak against one state in the name of the whole.

The idea that the Secretary-General’s diplomatic vision simply is *synonymous* with the vision of the whole community leads to the extremely unhelpful, and terribly unconvincing, diplomacy of purporting to isolate one after another state – whether Libya, Iraq, or the United States – from the civilized world. It is a nice threat, and might work if you could pull it off – but you can’t. It is rarely possible to isolate a state in any real or effective sense, despite the constant suggestion in the normal rhetorical practices of UN diplomacy. Although threats of isolation have often seemed to be the diplomatic tool of first resort, in every state there are people and institutions, financial, religious, and cultural entities, with untold links to those outside the jurisdiction of their state. And, of course, being “isolated” is also to be in a relationship with the centre, a relationship of defiance, resistance, victimization – which will create its own winners and losers among local political factions or economic interests.

It is easy for the media to speak of turning Iran, say, into a pariah, starting a long march toward military engagement, but it is terribly difficult to see how this could work. It is not just that sanctions are a blunt and generally ineffective weapon. Nor is it simply that the Iranian state has friends and commercial partners among the great powers, or that it has oil to sell. It is that “state” is not a good description of life in Persia. Religious, cultural, economic, ethnic, and human ties of all sorts over-spread the nominal borders of Iran. Or take Myanmar (Burma) – there are long borders, with hundreds of thousands of villagers living along those borders, trading, moving, sharing ethnic rivalries and affiliations.

Dozens of shared problems tie Myanmar to its neighbours – the drug trade, human trafficking, environmental issues, and more. Bringing about regime change in Myanmar will require a complex arrangement of isolation and engagement. Various commercial interests and government players in the region will hold out carrots. Human rights organizations, backed up by other governments and commercial interests will hold out the stick. A Secretary-General who speaks for “the world” in denouncing the Burmese regime would play a role, to be sure, strengthening the one and weakening the other. The whole thing might blend nicely together, good cop–bad cop, and the regime could knuckle under. But this is unlikely to happen naturally. It would be enormously useful to have a Secretary-General who could step outside these roles and see the play as a whole, engaging it as impresario rather than as star.

Of course, coordinated diplomatic pressure can sometimes be an effective tool of statecraft, and certainly the United Nations can be instrumentalized by one or another coalition of members for this purpose. The difficulty arises when we think of this as the natural, first diplomatic role for the United Nations – to express the will of the world against the defiant, whether they are weak states like Myanmar, or super-powers like the United States. The first diplomatic role of the United Nations should rather be to facilitate communication and cooperation among shifting groups of governments, each of which seeks to harness the powers of the world against another. This diplomatic role requires that the Secretary-General garner the confidence of those with extremely diverse perspectives, whose interests are not likely to be harmonized by any single leadership vision. This was difficult enough to accomplish during the Cold War, but at its best moments, the United Nations was able to find space between the two blocs for creative manoeuvre and real contributions to peace and security as well as social justice, development, and humanitarian relief. It is all the more difficult today, when the number of voices, interests, and participants in the global order has grown exponentially.

As a rule of thumb, the Secretary-General should refrain from speaking for the “international community”. He or she speaks for the Secretariat of a particular institution, with particular powers and limitations. Purporting to speak for the “international community” can encourage us to think there is, in fact, an “international community” ready to back up pronouncements made in its name. It encourages political elites to start projects, launch interventions, for which there will be no follow-up. It can suggest that those who disagree with this elite – and

many do – are somehow outside the circuit of “civilization”. It can lead us to imagine that we know what justice is, always and everywhere – but, of course, we do not. Justice is not like that. It needs to be made anew in each time and in each place.

The idea that the Secretary-General speaks diplomatically as the voice of the entire community seems to bring with it another, equally unhelpful, idea: that all states are in some sense equal in his or her eyes. From the apex of global diplomacy, it seems obvious that all sovereigns are equal, just as each has one flag and one vote in the General Assembly. There are surely some purposes for which this preposterous fantasy is useful, but it is so out of line with what everyone understands to be the real situation that it can easily do more harm than good. Like any politician working in a complex political system, the Secretary-General will and should respond to the real play of political forces, within the institution and in the broader world. Yes, the Secretary-General will pay more attention to the permanent members of the Security Council than to others. Yes, donors – often rather small states – who have made a disproportionate commitment to the endeavours of the United Nations will be consulted more often than others. A strong and effective Secretary-General must be responsive to those contributing resources, intellectual talent, personnel, and peacekeepers – and must expand this circle. Where the private sector has political power and resources, the Secretary-General must engage it. Where states have failed, their functions either not performed or scattered among various aid agencies and multinationals, the Secretary-General must be able to acknowledge that. Where the interests that happen to have captured the state apparatus are themselves out of touch with the ebb and flow of political life in their own societies, the Secretary-General must be able to look through their pretences to power and work directly with those who have real authority.

For many purposes, of course, it can be useful for the United Nations to treat all the world’s governments as formally equal. It is probably not wise to begin making formal distinctions of various sorts, as the recurring riddle of Security Council reform makes plain. The great powers of 1945 will not be the great powers of the twenty-first century. But there is much that can and should be done informally to render the UN diplomatic structure more flexible in a changing international order. At a minimum, this is what it means to say that more legitimate governments can speak more softly and still be heard. One state, one vote – but not all voices are or should be equally heard. To be effective, the Secretary-General needs to be released from the completely implausible

presumption that, in his eyes, all sovereigns are equal. He or she must be enabled to speak directly to the world's citizens, engage directly with regional authorities, with cities, and with the world of private power.

Only by acknowledging the present structure of power, moreover, can the Secretary-General seek openly to address its inequalities. Most of the activities of the United Nations take place outside the territories of the great powers and the great donors – in states that are poor, whose governments are in disarray, or where there has been great hardship, conflict, or catastrophe. The clients of the United Nations, in fact, are disproportionately the dispossessed of the world. The Secretary-General should be particularly sensitive to their needs and concerns. But as the “world's premier diplomat”, all the Secretary-General can offer is to give equal respect to the sovereigns who nominally represent the dispossessed. Self-determination seems to require no less – but the result is a harsh one. The Secretary-General will inevitably pay more attention to the power behind strong states – while sovereign “equality” prevents him from attending to the disempowered who stand behind weak states. The Secretary-General will negotiate with their governments to gain access to populations in need, but cannot be seen to disregard the formal prerogatives of those who happen to have gained control of what passes for a government. As a result, the sovereign equality norm disconnects the United Nations from its real human clients, although it is all the while clear that some governments can and do speak more loudly and authoritatively than others.

Only by relaxing the presumption to be the world's premier *diplomat* might the Secretary-General build other voices into the global political conversation, reaching through governments to citizens. The idea would not be to represent the unrepresented, but to build capacity for their participation in decision-making, in contesting the arrangements of wealth and power that affect their lives. We might imagine the Secretary-General mobilizing the world's mayors, staging hearings on all manner of local policy problems, or empanelling groups of citizens, rather than retired statesmen, as “juries” to recommend solutions and set priorities on one or another issue.

Diplomatically, the United Nations, and its Secretary-General, have extraordinary powers to convene. They are used most effectively, however, in diverse, ad hoc, and unusual configurations – and in private, rather than public settings. Universal conferences leading to global compacts and vague multilateral treaties are rarely useful. What is needed are far more substantive and smaller sessions, bringing governments

together with other powers to think creatively about new – and old – policy challenges. The Secretary-General could have the convening power to bring about this kind of disaggregated meeting, transforming the diplomatic mission of the United Nations. At the same time, the Secretary-General should also exercise the power *not* to convene, preventing diplomatic meetings from overtaking meaningful agendas. So long as we remain enchanted with the United Nations as the central locus for diplomatic activity, it will be hard to remember that some meetings should not be convened, some mandates should not be renewed, and some reports should not be written.

The Secretary-General as policy-maker in a world of regulation

There is no question that, over the lifetime of the United Nations, administrative operations of one or another sort have displaced diplomacy as the organization's central task. The many technical and functional institutions within the UN family have expanded their activities as the diplomacy of the General Assembly has atrophied. Whether it is managing peacekeeping, humanitarian relief, human rights monitoring, development programmes, or terrorist financing, the United Nations has become a public administration. In part, this is where the United Nations has recently gotten into trouble. In the Oil-for-Food scandal, operations slipped the collar of political or administrative oversight. There is much that the Secretary-General can and must do to reform the institution to make operations accountable – politically, legally, financially, and administratively. As a public administration, the United Nations is already far more modern and effective than many national or local administrations. But the United Nations should and could be a paragon of good governance, and only inspired leadership from the Secretary-General can pave the way.

But governance today is not primarily a matter of sound administration, at the national or international level. The UN move from diplomacy to administration tracked the rise of the national welfare state, the plethora of specialized agencies and programmes tracking the departments of expanding post-war national governments. At the national level, however, the primary tools for policy are no longer police power, taxation, and spending. Public administration is important – but the primary tools for policy today are *regulatory*. And regulation is no longer primarily a matter of centralized and universal legislation. Rather, we find complex constellations of diverse private and public ordering, loosely harnessed to

specific policy challenges. The European Union explicitly abandoned the aspiration for detailed and unified federal regulation more than twenty years ago, in the name of more diverse arrangements and complex schemes of reciprocal recognition for national and local schemes of various types.

The significance of regulation for global governance is easy to overlook so long as we see the domain outside and between nation-states as either an anarchic political space beyond the reach of law, or a domain of market freedom immune from regulation. In fact, however, our international world is the product and preoccupation of an intense and ongoing project of regulation and management. Seen sociologically, the official – and unofficial – footprint of national rules and national courts exceeds their nominal territorial jurisdiction. Tax systems, national public and private laws, financial institutions and payment systems, the world of private ordering – through contracts and corporate forms, standards bodies – all affect the behaviour of public and private actors beyond their nominal jurisdictional reach. And that is just the beginning of international regulation. Of course, there is public international law, the United Nations, the world's trading regimes – it is a long list. Seen sociologically, the international legal order is far more diverse and extensive than public international lawyers normally imagine. The UN Charter does not provide its constitution – still less is the Security Council its legislator. The functionalist neologisms of the last century – “transnational law”, “international economic law” – reached to describe it, but each stopped short with a catalogue of favourite regulatory initiatives.

So regulation is crucial, but it is not a case of national or international rules – every issue will be touched by a complex network of local, state, national, and global rules, by private and public law, by private ordering and public policy. This fabric of law is not uniform. It is lumpy. There are gaps, conflicts and ambiguities. International law is applied differently in different places. It is more dense here than there. This is the world in which one's chances of getting nabbed for committing a “universal crime” varies inversely with the square of one's distance from London or Brussels. Or in which the extraterritorial impact of California automobile emissions standards wildly outstrips the state's formal extraterritorial jurisdiction. Or in which ISO 14000 safety standards are forced through the supply chain by private ordering, whether or not they correspond to national regulations. It is in this sociological world that Gunther Teubner discovers the quasi-autonomy of various functional and sectoral regimes – in which it makes more sense to map a global regime for “automobiles”

or “pharmaceuticals” than it does to draw neat boundaries between national and international, public and private legal orders.³

Nevertheless, when the United Nations thinks “operations” it continues to think administration, revenue, and expenditure. To take but one example, the MDGs boiled down to revenue targets for development assistance spending. Moreover, when the United Nations thinks “regulation”, the vision continues to be setting universal global rules – drafting multilateral conventions, raising universal standards. The international system picked up this model of regulation from the national welfare state of the 1920s and 1930s – it was the model of codification promoted in those years by the International Labour Organization (ILO). But even the ILO moved on to other modes of operation – administration and technical assistance – after 1945. Still, the dominant regulatory model for addressing global issues remains the universal multilateral treaty.

Over the last few decades, the idea that one-size-does-not-fit-all has begun to seep into the regulatory consciousness of the UN system. When market mechanisms were all the rage, some decentralization seemed possible by setting global targets and allowing public and private actors to “trade” their obligations to comply with universal rules – the most notable example being the Kyoto regime. Far more common has been the strategy of announcing vague hortatory universal commitments, which each nation was encouraged to implement on its own timetable and in its own way.

A far more effective global regulatory regime would abandon the aspiration to universal standards. The days of global conferences to articulate universal norms – labour standards, human rights standards, environmental standards, aid targets – are over. We know that global pandemics, climate change, or economic development can be addressed only by a range of different tools. There are best practices – but they differ for rural and urban, rich and poor, areas embedded in different cultures. We will need to strengthen public capacity at all levels to do what is required – and to experiment with different approaches. The point is not that everyone can get to the same place by a different route, but that people need to get to different places if today's most significant global policy challenges are to be met. We need differentiated institutions and regimes, complex cocktails of regulation, different in cities and

³ See, e.g., Gunther Teubner (ed.), *Global Law Without a State* (Aldershot: Dartmouth, 1997). For an excellent sociological analysis of the global regulatory environment stressing the sectoral dimension, see John Braithwaite and Peter Drahos, *Global Business Regulation* (Cambridge: Cambridge University Press, 2000).

rural areas, for drug producing and drug consuming countries, for rich and poor, and so on.

The United Nations could be a clearing house for good ideas, for sharing experience, and for building capacity – but only if the chimerical effort to develop global compacts and universally applicable treaties is set to one side. So often that effort has led only to pompous and tautological texts committing all states to abide by “their obligations”. We must demand more – by demanding less. Less universalism and less uniformity. We need policy leadership from the Secretary-General to articulate and pursue complex, heterogeneous cocktails of policy at national, local, and international levels. Take labour standards – the ILO has gone back to codification after a generation of technical assistance and other activities. But the labour norms we need are not universal standards – they are the appropriate mix of immigration law, social security law, and tax law, in receiving and sending countries to ensure just flows of migrant labour and just labour conditions. Like safety standards, it might make more sense to push these through the supply chain industry by industry – on the model of ISO 9000 – so the regime for automobiles and chemicals and aircraft is different. Similarly, what norms are needed to encourage the development, production, and distribution at reasonable cost of drugs to fight tropical diseases now largely ignored by “big pharma”? These will not be universal norms: the right “policy” approach for the globe will be a cocktail of norms about intellectual property, parallel imports, competition policy, health care, insurance, and so on that will be different in countries that are home to big pharmaceutical research capacity, or to generic drug manufacture, or to the diseases themselves. This is true even in the sphere of human rights, where we are perhaps most accustomed to the appeal of universal standards. Over the last few decades, the United Nations has sought to bring the world’s diverse human rights and humanitarian institutions together, to “coordinate” their efforts on behalf of universal standards, in the hope that institutional practices would “converge” on uniform approaches to particular human rights issues. But it is increasingly clear that a human rights community that is tightly coordinated, converged on the United Nations, will not be nearly as effective as one that speaks in diverse ways, to different audiences, and experiments with different ideas about what justice might become.

In a heterogeneous regulatory world, there is much a strong Secretary-General could do to build capacity at the periphery to engage this fluid, and largely inaccessible regulatory universe. There is no question that some players – some governments, some multinational enterprises, some

individuals – are more adept than others at influencing the disaggregated network of global regulation. The United Nations could do a great deal to enhance the ability of weaker players in the game – but not by encouraging them to focus on global standard-setting through the United Nations. That is more likely to take their eye off the ball. At the same time, the United Nations could become a centre for sharing ideas, developing new modes of national or local regulation to try in different contexts, or developing regulatory cocktails designed to address common problems by building diverse institutions and regulations in different locations. A strong Secretary-General could do a great deal to encourage the development of diverse approaches to policy, to defend national and local public capacity to experiment, and to provide intellectual back-up and horsepower to those who would like to build alternative regulatory models. The United Nations would not be the setter of standards, or the centre of an administrative web. The players would less often be politicians than experts, and the skill would be less diplomatic or administrative than intellectual.

In short, the world does need strengthened international regulatory capacity – but it does not need more universal norms or global administrative agencies. We need more support for diverse experiments with regulation appropriate to wildly divergent economic, social, and institutional situations. The Secretary-General could be the catalyst for moving the United Nations from the era of the welfare state to the age of global regulation and transnational law, by sharpening awareness of local political choices and designing variegated arrangements to address global problems through mobilization of diversity rather than homogenization. The Secretary-General must be a skilled diplomat and manager – but he or she must also be an entrepreneur for new ideas and diverse policy solutions to complex global problems. To do so, he or she must be intellectually nimble, comfortable with heterogeneity, distanced from the universalizing habits of the current UN establishment, and more interested in the problems of complex regulation, than the comforting ethical self-confidence of universal norms.

The Secretary-General, ethics, and the end of universalism

Most crucially, the days when a Secretary-General could aspire to express the ethical and moral commitments of a unified “international community” are behind us. Such a community does not exist. We need strong leadership to build dialogue and sustain conversations among people whose

ethical values are different – and a Secretary-General who has the strength to celebrate those differences rather than dividing the world between those who share his or her own vision of a universal civilization and those who can be condemned as outsiders to it. The moral challenge is not to interpret all the world's cultures into the harmonious terms of a universal ethical canon, but to build bridges, start conversations, foster understanding, and cultivate respect among the world's quite different ethical visions.

That the Secretary-General's main tasks will be institutional management and quiet diplomacy is certain. That he or she will find thrust upon him or her a more public role as the moral voice of the "international community" seems unavoidable, and will often be valuable. There is no doubt that the global media will treat the Secretary-General of the United Nations as a kind of secular Pope or Hollywood idol. Speaking from the "bully pulpit", the Secretary-General can certainly focus attention on issues, crises, and ethical failures that might otherwise fall off the global agenda. His or her geopolitical vision can shape the world's political architecture, particularly where that vision of multilateralism and the role of the United Nations is clear and compelling.

Kofi Annan often played this role with real skill, establishing himself in the eyes of many as the ethical voice for humanitarian and multilateral values on the global stage. Many agree that he was most successful as a "norm entrepreneur", strengthening the sense among global elites that there is an "international community" whose ethical consensus deserves respect.⁴

But the Secretary-General should be cautious about seeking to proselytize the values of an increasingly elusive secular global faith. The dangers that come with this terrain are real, and easy to overlook. When the Secretary-General gives voice to a universal ethics, we can be led to enchant the terms of that ethics, the institutions of the United Nations – even the office of the Secretary-General – as substitutes for the hard moral and political work of discovering what justice means each time and in each place anew. Moreover, the context for global governance has changed, reducing the space – and plausibility – for an "international community" to speak with a single ethical voice.

The effort to articulate universal normative commitments in the decades since the Second World War has had real advantages, even if norm articulation has often visibly outstripped implementation. The development of a canon of "human rights norms" has given the world's political

⁴ See chapter 7 by Ian Johnstone in this volume.

elites – and citizenry – a common language for measuring, denouncing, and defending the legitimacy of political power. Increasingly, however, that effort is reaching a limit. Consolidating the ethical vision of the "international community" has stimulated an equally comprehensive counter-vision: the "West" and the rest, the "centre" and the periphery.

The challenge for the Secretary-General is to dissolve the hubris of a universal ethical expression, communicate modestly across ethical divisions, and heighten our sense for the plural ethical possibilities *within* the West, the rest, the centre, the periphery. The most revered texts in the human rights canon are vague and open to interpretation. We know that normative principles travel in pairs, at the global as at every other level. Rights conflict. Principles conflict. Even cartoons can test the boundaries of the international community's cosmopolitan creed. As a result, it is unlikely that any articulation of a global normative consensus will escape being perceived by those who disagree – and people will disagree – as partial and selective. These are the wages of speaking universally in a plural world.

If we are honest about the global moral consensus, moreover, we must recognize that its terms have not always been laudable. The international community tolerates – and legitimates – a great deal of suffering, often in the name of universal rights of property or local self-determination. As a global community, when we balance the importance of property rights against the needs of sick people for access to effective medicines at reasonable cost, we choose property. We allow "sovereignty", and non-interference, and local control to become powerful ethical counterweights to social justice, environmental stewardship, and mutual responsibility. And, of course, we have allowed national self-defence and security to legitimate, ethically and normatively, the suffering and death of many thousands in war. There is something odd about a secular Pope who expresses and defends only part of his community's common religion.

Moreover, the Secretary-General is hardly the only global figure to give expression to universal values – there are retired politicians, cultural and literary figures, NGOs and, of course, religions. And much about the Secretary-General's other institutional roles ill suits him or her to seek comparative advantage in ethics. There has, in fact, always been something of a mismatch between the Secretary-General's institutional role and the aspiration to articulate a universal moral vision. We must remember that the Secretary-General is also a statesman and civil servant. He or she works for the member states and will be needed for a

range of complex diplomatic initiatives. It is difficult to speak ethically in the morning and diplomatically in the afternoon.

The moral authority and political legitimacy necessary to be the conscience of the international community must be carefully husbanded and deployed shrewdly – neither too often nor too rarely. The Secretary-General's ethical pronouncements must rise above the banal, but should also avoid being too controversial. When speaking of ethics, the Secretary-General must seek to unite, not divide, the international community. He or she must be seen to call the international community to its best self, reminding it of values and virtues that are, at least in aspiration, universally shared. And all the while, the Secretary-General must retain the confidence of the permanent members of the Security Council, the major donors, the G-77, and all the other political partners that are needed to be successful as an institutional manager and a diplomat. Taken together, this is not the recipe for inspired moral guidance.

Indeed, the crisis in confidence that destroyed the Commission on Human Rights was not limited to the appalling human rights records of governments that served on the Commission. It also reflected the limits of turning the articulation and development of human rights over to *governments* in the first place. That governments would want to judge one another, to chastise their enemies and praise their friends, in a widely shared ethical vocabulary is not surprising. What is surprising is that the human rights community has been so enthusiastic about their taking up the task. The limits of a diplomatic ethics parallel the limits of any established church: not good for the government, not good for the church.

There are, moreover, real dangers to universal normative entrepreneurialism, regardless of who steps forward as spokesperson. Expressing the ethical conviction of the international community can suggest that there is, in fact, an "international community" ready to stand behind one's pronouncements. It can lead people to intervene, multilaterally or otherwise, where there is no stamina, in fact, to follow through. It can crowd out other local or religious terms for articulating global justice concerns – or consign them to opposition as the "other" of a universal civilization.

In the human rights field, the years after the end of the Cold War witnessed great optimism about the potential for harmonizing the work of all kinds of diverse international, national, and local social justice institutions under the umbrella of the United Nations. It can certainly be useful to coordinate the global response to humanitarian disasters, just as it can be useful to build a common ethical vocabulary among those seeking

social justice and humanitarian objectives in diverse cultural, economic, and political situations. But convergence can be taken too far. It is also useful to have diverse capacities, institutions with diverse political affiliations and different vocabularies for social justice, in approaching both disasters and more quotidian injustice.

It is easy to respond to this issue by seeking to coordinate "local cultural expressions" for "universal human values" in a kind of ethical pyramid, with the Secretary-General at the top. But this is a mistake. The "site" for the universal is also, after all, a local place: the international community, the United Nations, the world of the global media. This is not an abstract place of enduring ethics, but a concrete place, in which particular people, regimes, and institutions contest what will be spoken, what legitimated, what denounced. Nor is every local cultural commitment the mere "expression" of a universal value that the Secretary-General, or anyone else, would be in a superior position to express in more universal terms. Local cultures contest the universal, express it, participate in its development. The moral challenge before us is not to interpret all the world's cultures into the harmonious terms of a universal ethical canon, but to build bridges, conversations, cooperation, understanding, and respect among the world's quite different ethical worlds. For the Secretary-General to play *this* role, he or she must pull back from the ethical self-confidence that goes with speaking for the universal.

None of this is easily advanced by a Secretary-General committed to the priority of the system or to the natural superiority of universal norms. We don't need – and shouldn't want – another echo for the *bien pensant* ideas of the global elite. We need a voice able to articulate a far more diverse set of ideas, policy options, and best practices, and able to defend the emergence of robust good governance in other places, at other levels, pursuing other agendas. He or she should instead be an entrepreneur for new ideas about the constellation of policies through which those with public capacity – in diverse configurations at many levels – might address the most pressing global problems. The truth is that we do not know what justice will mean in a complex and changing world, any more than we agree on the terms through which it should be sought. Justice needs to be made anew in each time and in each place. Neither we, nor the Secretary-General should pretend otherwise.