

Searching for light in darkness: the legitimacy of UN reform in the global development marketplace

ARTHUR MÜHLEN-SCHULTE

Alison Broinowski and James Wilkinson, *The Third Try: Can the UN Work?*, Melbourne: Scribe, 2005, pp. x + 308, A\$35, ISBN 1 920769 61 7.

M. J. Peterson, *The UN General Assembly*. London: Routledge, 2006, pp. xii + 160, £17.99, ISBN 0 415 34389 5.

Courtney B. Smith, *Politics and Process at the United Nations: The Global Dance*. Boulder: Lynne Rienner, 2006, pp. vii + 328, US\$23.20, ISBN 1 58826 348 7.

Calls for reform of the United Nations are not new. Increasing post-Cold War pressures in areas of security and development have intensified debate on how and what should change in the UN. This debate centres, in part, on how the UN can reform itself in a way that is legitimate to most member states. More often than not the security debate has overshadowed the reform agenda more than issues of development. Both areas have been affected by the pressure globalisation has placed on problems that were traditionally believed to be confined by state borders. In this regard there has been a slow but steady normative shift away from a traditional conception of state security as a political or military concern, towards incorporating an understanding of the social and developmental sources of insecurity. It is with this latter focus on 'human security' over the last decade that the UN has been indispensable in developing new networks of cooperation and international standards, as well as being a forum for states and non-state actors to interact. This is particularly crucial in a globalised world where physical security for states and individuals is inextricably linked with corporate interests and an expanded sense of a global 'civil society' encompassing disparate regions and countries. The tension, then, between the expansion of the global marketplace, seen to come at the expense of development in some of the poorest regions of the world, and the countering rise of non-governmental organisations (NGOs) attempting to ameliorate the inequity, is at the heart of the issues of concern for the UN and its agencies. While the reform debate has focused on the UN's failure to readjust its security organs and the inequities of trade and business, a case should be made for initiatives that attempt to use the globalisation of communication and business

Arthur Mühlen-Schulte is currently a Research Assistant in Strategic Studies in the School of Humanities and Social Sciences, Australian Defence Force Academy at the University of New South Wales. <a.muhlen@gmail.com>

to foster links between states, NGOs and transnational corporations (TNCs). Forging such synergies is important for curbing predatory corporate activities, reducing inefficiencies of passive aid money, and creating new forms of mutual obligations for state and non-state actors operating within the 'global development marketplace'.¹

Within this changed global political and economic environment new normative understandings of development remain nascent. In particular, two recent major geopolitical events have influenced the perception of the UN and the way in which it should be reformed. The first, post-Cold War 'decompression' and the proliferation of 'rogue' and 'failed' states, brought into question the reified concept of sovereignty as *the* grounds for sovereign non-interference upheld by the UN (Wheeler 2000). The second major event, the 11 September 2001 terrorist attacks on the US, brought home the instability of the post-Cold War order and led the US to explicitly test the institutional and legal flexibility of the UN, threatening to make it irrelevant. While calls for reform in the post-Cold War era tended to focus on the political failure of the UN to prevent *intrastate* conflict and genocides, such as Rwanda and the Balkans, its failure post-11 September 2001 to regulate *interstate* wars (its prime mandate) such as the Iraq invasion, drew a new wave of criticism.

The predominant pressure has been to reform the UN Security Council (UNSC) and the UN General Assembly (UNGA). As the core deliberative and decision-making institutions of the UN this is logical. However, these political bodies should be distinguished from the functional or operational reform of the UN's various working agencies. As the books reviewed here highlight, the complexity of running an organisation comprised of self-interested states ultimately means that, as the oft cited aphorism goes, the UN can only be as good as the political will shared by its members.

There are three levels of analysis in particular that are important to understanding how to manage shared political will and thus UN reform. First, is an understanding of how broader global trends, or macro politics, shift and form new contexts for UN deliberative and decision-making bodies. Second, is to understand how the UN development agenda has changed and evolved with changes in the international political economy. Third, is to understand the micro-level mechanics of the UN. This is important for comprehending not only formal UN processes, but informal mechanisms through which deliberative procedures can be reformed and strengthened. With these three levels it is possible to reflect on whether UN reform should concentrate on micro-level procedural changes among state and non-state actors in the new international political economy, or macro-level discussions of the UN's overall purpose. Mapping out these levels of analysis permits us to find a path by which the UN can reform itself with legitimacy.

The three books under review provide an introduction to understanding the complexity of UN reform. First, distinguished diplomats Alison Broinowski and

James Wilkinson's *The Third Try: Can the UN Work?*, provides an excellent and eminently readable overview of the UN's major goals and orientation, particularly in relation to the geopolitical circumstances it has faced since the end of the Cold War. Second, M. J. Peterson's *The UN General Assembly* outlines the importance of the much maligned central body or 'world parliament', explaining in detail why it should not be dismissed as the ineffective 'talkshop'. Last, but not least, Courtney B. Smith's *Politics and Process at the United Nations: The Global Dance* endeavours to reveal the often opaque institutional mechanics of the UN.

The global political context

The UN's ever expanding agenda and the unrealised hopes of post-Cold War consensus have led to the much publicised view that the UN must reform or become redundant. This complaint has three key reasons. First, post-Cold War era conflicts have revealed deeper regional and cultural complexities than were previously appreciated (Kaldor 2001). Second, the power and diversity of corporate and non-governmental actors has increased dramatically, in part due to the increased globalisation of finance and communication. Third, the rise of US unilateralism has placed intense pressure on the UN to successfully meet rapidly expanding obligations or be made irrelevant.

Broinowski and Wilkinson's book separates these issues, in deference to the UN Charter, into themes that signal the key macro-political issues, such as ending war, affirming human rights, and promoting better living standards. In this vein, the pre-eminent issue of security and the so-called 'engine' (the UNSC) commands most of the reform and legitimacy debate (for example, Hurd 2002).

The UNSC remains the single most contentious point of reform, not least because it reflects a colonial and post-Second World War world order which does not represent the new geostrategic power balances and realities. Calls for membership expansion to include India, Japan, Germany or Brazil—large nations with large contributions and strategic interests—have not succeeded, let alone that of any African nation. While the legitimacy of UNSC membership is a concern, a more practical problem is how it should respond to low-intensity *intrastate* conflicts and the resulting expansion of peacekeeping missions. In the wake of genocide in Africa and Europe, issues of what constitutes force and the sanctity of sovereignty have ultimately seen the UNSC fail to end the scourge of war and uphold human rights.

Continuing from the traditional military security debate, it has become increasingly evident that curbing conflict involves more than UNSC procedures. The UN's prerogative to protect human rights now includes a stronger understanding of the responsibility to protect non-combatants. Ever expanding movements of refugees, protection of women, children and indigenous populations, and the rise in pandemics such as HIV/AIDS, environmental

disasters, and economic crises feed into a more complex view of 'human security'.

Despite this conceptual advance, Broinowski and Wilkinson interweave social and environmental factors of poverty, and the failure of aid and economic reform, to paint a rather bleak picture of the possibilities for raising living standards. A historical overview provides the context for further reform debate and notes a hopeful series of initiatives led by the Secretariat, such as the Responsibility to Protect, High-Level Panel Reports and the Millennium Development Goals (MDGs). These highlight a concerted desire to reform and correct the procedural failings of UNSC and UNGA resolutions. More importantly they indicate a proactive role by non-aligned actors within the UN agitating for change. Conversely, the continued unilateralism of the US, whether through the benign neglect of Bill Clinton's administration or the more aggressive confrontation of George W. Bush's administration, undermines the UN's image as a whole. Although the UNSC's failure to sanction military action did not prevent the Iraqi invasion, the legitimacy conferred by the UN is still influential with regard to states' actions (Falk 2003; Hurd 2002).

Broinowski and Wilkinson are resigned to the idea that UN reform requires a changed US administration and attitude toward multilateralism and international relations. The title of the book is adapted from 'The third try at world order', the introduction of John G. Ruggie's book (1996) *Winning the Peace: America and World Order in the New Era*. Ruggie was centrally concerned with the US's engagement in the development, and recent neglect, of multilateralism. Broinowski and Wilkinson adapt the title of the 'third try' for the UN, citing the previous two attempts as the failed League of Nations and the veto deadlocked UN during the Cold War. Yet, one could argue, that after the cataclysmic events of two world wars, the creation of the UN, despite the veto deadlock, was a mechanism which contributed enormously to averting a third even more disastrous global confrontation. It is this focus on security and the pre-eminence of the UNSC which belies their more realist focus on UN incapacity without US support.

Reflecting this worldview, it is noteworthy that there is little explicit discussion of multilateral efforts, such as the initiative of the Global Compact. This is curious given that Ruggie's professional work in the UN has attempted to legitimate a new dialogue between non-state actors and UN member states in addressing new concerns of development in a changed political and economic context (see Ruggie 2003). Adopting one element of Ruggie's scholarship while ignoring multilateral efforts for reform perhaps places too much emphasis on power politics and too little on the important processes beneath them.

The UN agenda and international political economy

Unfavourable comparisons of the UN's 'Principle Organs' often sees the Security Council as 'the aristocracy' while the General Assembly is 'the masses' (Peterson, p. 105). The UNGA's purpose as stated by Article 10, is to discuss anything within scope of the charter and make recommendations accordingly to the Security Council or Secretariat. With the ever expanding nature of the body, and caught historically between a deadlocked UNSC and a proactive one, the UNGA has been criticised as an 'ineffective talkshop'. However, it plays an important part in representing the macro-political dynamics discussed above and has made significant attempts to shape political and economic change in relation to development.

It is important to note three features of the body here. First, the General Assembly is not vested with any legislative power² similar to that of its members in their domestic constituencies. It is responsible for the structure and formation of the UN itself. Second, while each member state is given a vote, the growth of regions and countries forming loose coalitions has seen the rise of consensus-based decisions. This has meant a move away from the early dominance of Western states led by the US in the 1950s to that of the Third World non-aligned Group of 77 (G-77) in the 1960s. Third, despite 'talkshop' criticisms, the UNGA does create a deliberative agenda to discuss what is 'thinkable' and 'doable' with regard to the political development of economic and security issues.

An early prominent example of a shift in the UNGA's agenda can be seen in the late-1960s and 1970s, as a result of increased membership and sense of Third World solidarity. With the OPEC oil crisis, developing countries propagated 'commodity power' that was expressed through the nonaligned movement's 1973 Algiers Summit and creation of the New International Economic Order (NIEO) (Peterson, p. 23). This raised the profile of economic issues within the UN as the G-77 introduced special-assembly sessions and sought to bolster its knowledge about global economic problems through its working agencies.

The premise for the NIEO, along lines of more equal distribution of resources, national ownership of certain industries, and the development of price cartels, never managed to gain sufficient momentum in the face of the embedded liberalism of Western markets (cf. Krasner 1985). With the erosion of the Soviet economy in the 1980s and the rise of the 'Washington Consensus' and neoliberal free market ideology, the G-77 lost further ground, either developing and joining new market forces or becoming increasingly dependent on aid programs under the auspices of Bretton Woods institutions now facing their own legitimacy problems (Seabrooke 2007). During this period the subtle but significant growth of separate non-state actors, in particular NGOs, increasingly played a significant role in development and human rights issues

countering the expansion of exploitative Western markets for footloose capital and cheap labour.

The growth of NGOs and their interaction with the UN ties in the role non-state private actors played in increasing globalised economic interaction after the Cold War. Although NGOs predominantly dealing with human rights and social issues had been incorporated as valuable partners to the UN system, private business had not. This began to change in 1992, as Peterson notes:

... by abolishing the UN Commission on Transnational Corporations and its secretariat unit, which had treated them as inimical to the Third World development. 'Business' was included among the 'social groups' that needed to participate in the successful sessions of the Commission on Sustainable Development (p. 56).

Although not a popular move with many in the 'civil society' sector, it recognised the power TNCs wielded in development debates. The move to develop dialogue between civil society and private non-state actors through the UN was the origin of the Global Compact. It represents an important shift in how the UN is treating development in a new globalised marketplace. This is not least because the Global Compact, which seeks in part to encourage corporate social responsibility (Ougaard 2006), pre-empted the development of the MDGs.

Understanding the importance of the deliberative function of the UNGA adds greatly to a thorough understanding of the UN as a whole. Its ability to pursue agendas introduced by the Secretariat or states, and push incremental normative change through consensus, is distinct to the morbid fascination of most reform debates concerning the UNSC's dysfunctions. Peterson's analysis of the UNGA includes a statistical breakdown of the UNGA's changing composition according to region and country, from the original 51 to the current 191 members, and the subsequent adoption of resolutions for each year of its existence. It is an adroit, but not overbearing critique of the change from a traditional statist perspective to a more global one. That is to say, it is cautiously noted that the dominant state-centric perspective of members within the organisation is now being tempered by other forces and perspectives of a more global, critical and normative nature (Peterson, p. 4; Sending and Neumann 2006).

By far the strength of Peterson's account is the suggestions she gives, as well as other possibilities, for UN reform. Rather than consigning the UN to the heap, doomed to the whims of the US unilateral security paranoia, she suggests that the UN will change and reform in the context of how members perceive the organisation in the changing nature of the international scene. She reminds us of its purpose to rise beyond the world of states and Hobbesian anarchy. Can it form federal styled world government similar to that of the European Union?

Or will it adapt to a more normative view, adopting visions of decentralised networks and formation of international law? As she points out:

Political institutions, no less than political actors, operate in the context of a broader social system, and organizational features that work well in one sort of context fail in another. Thus the shape of the UN in the future will be determined not only by the organizational preferences of particular actors, but also on the features of the international system (Peterson, p. 140).

In this regard it is important to understand how aspects of the UN are perhaps already shaping or adapting to current features of the international system, in particular the international political economy (IPE).

UN machinery and the new IPE

The complexity and scale of the UN machinery is now vast and, as we have seen, the global political context and economy in which it operates is very different to the world when it was founded. While the Security Council and General Assembly continue to be primarily made up of state delegations and their staff, this is added to by an expanded Secretariat, UN bureaucracy, and multiple working agencies. The growth of specialist agencies dealing with economic, environmental and humanitarian issues reflects the now truly global platform on which the UN operates. It is also a reflection of the great changes that have taken place in the global economy and 'global governance' since the founding members ratified the Charter to protect their sovereignty, end the scourge of war, and promote fundamental human rights. As various actors have multiplied so the processes have changed by which state and non-state actors interact within the UN and the international political economy.

Smith's book outlines very clearly the development of this array of actors and the nature of the procedures and processes, expanding on Peterson's analysis, before continuing to provide more detail on decisions the UN makes. This approach is central for anyone wishing to understand the importance of garnering legitimacy for UN reform. A distinction is made between the deliberative political bodies discussed above, as opposed to the latter specialised agencies and non-state actors that deal with the technical implementation of policies or decisions. While this is a rather too neat distinction, there are also levels within both these realms between formal rules and informal networks and decision-making. That is, the increased prominence of NGOs and private actors receiving recognition by states and the UN system.

The fact that these actors actively seek to engage with the UN is significant. This is not only due to their oppositional politics drawn from civil society and private interests, as well as their desire to use the UN for political or economic leverage, but is also further evident in their numbers and participation as part of a new international political economy. With some 5,800 international NGOs

compared to some 63,000 private parent firms with 630,000 foreign affiliates it is obvious how such non-state entities have complicated state composed forums such as the UN (Smith, pp. 110–16). It is here that an expanding scholarship now provides a different perspective on institutional reform and how UN reform may best be legitimised amongst such complexity (Hall and Biersteker 2002).

A central feature of the UN reform debate concerns the procedural legitimacy and supposedly ineffectual deliberation of its core institutions, the purpose of which is to try and make states conform to a universal goal. As we have seen with the UNGA, this results in consensus decisions which have increasingly been dominated by blocs of developing countries but lack legislative power.³ This is obviously not the case in the UNSC, where the notorious veto makes the final decision, though often with the same result, preventing collective action. While this procedural process may seem ineffective and anachronistic, Smith notes that in evaluating the UN it is important to look at the importance of membership for states, the expansion of tasks it now has to perform and, finally, how effectively it can act independent of its members (Smith, pp. 279–80). With regard to autonomy, Smith, via Clive Archer (1992), outlines how international organisations can be used as instruments of state behaviour, arenas for states to attempt to cooperate, and as independent actors in their own right. He points out how international organisations can act as a ‘neutral third party to provide information, allocate resources, and monitor compliance’ in interstate negotiations (Smith, pp. 280–1).

This is interesting given recent studies concerning the rise of non-state and private actors in IPE. In this regard, initiatives such as the Global Compact bringing together NGOs, TNCs, and states sees ‘partnerships and best-practice schemes [that] may in many cases represent a new configuration of public sector reliance on non-state actors, ranging from the global to the local levels’ (Hansen and Salskov-Iversen 2005: 143). Smith’s pertinent discussion of the purpose of the UN and difficulties between collective legitimisation of norms achieved through consensus versus the effectiveness of majority-based decisions sits at the centre of reform debate (Smith, p. 289). As discussed, the attempt by the UN to shape the international political economy through majority-based decisions failed with the NIEO; thus how can the Global Compact succeed in its place by fostering collective legitimisation of norms such as global corporate social responsibility? Can reform be legitimised through micro-level networks of actors which build consensus through a process of information and surveillance? Or should macro reform take precedence? Smith’s central position and the basis of the Global Dance is:

the participatory nature of the UN [which] now extends beyond its member states . . . nongovernmental organisations and even multinational corporations can influence the content and direction of UN debates. Members of the

Secretariat are able to advance positions not associated with any state [such as the Global Compact] and thereby broaden the debate (p. 291).

With the complexity of the post-Cold War period and expanding UN agenda discussed earlier, and the failure of the first UN attempt at influencing the changing IPE by forging state-sanctioned cooperation on rules, perhaps it is necessary for the UN structure to mould itself into new transnational networks of business and civil society in order to promote development.

The new IPE and UN reform

Debate surrounding Third World development and distributive justice in the UN, like that of security issues, has not been without considerable problems. After the resurrection of war-torn Europe through the construction of the Bretton Woods institutions, attention gradually turned to the development of newly independent post-colonial Africa, Asia and Latin America. The international financial institutions (IFIs) that were set up in conjunction with the UN to manage the economic reconstruction of Europe and Japan, particularly the World Bank and International Monetary Fund, helped promote the Western dominance of economic reform which has become known as the ‘compromise of embedded liberalism’ (Ruggie 1982). However, with increasing globalisation of market processes aid soon became attached to the rationale of the 1970s and 1980s neoliberal market reform and the ‘Washington Consensus’. This effectively cancelled moves by non-aligned countries for the NIEO (Krasner 1985; Peterson, pp. 24–5). With the effects of the rampant expansion of TNCs a new phase of the development debate began to open up in the 1990s with the transition from the General Agreements on Tariffs and Trade to the World Trade Organization and the call for ‘trade not aid’. This approach has also been dogged by states protectionism of domestic industries, in particular agriculture, through tariffs on imports.

The rapid expansion of development service provision through arms such as the UN Development Programme (UNDP) has meant that both NGOs and TNCs have become virtually indispensable partners in procurement and aid delivery. Recognising this, the UN Secretariat under Kofi Annan has sought to harness reform agendas in multiple areas of development and bring forward the development debate beyond bashing ‘neoliberal’ economics and towards understanding how business can be integrated towards development goals with socially and economically just outcomes. As a precursor to the MDGs announced in 2000, the Global Compact was proposed in 1999 as:

... an effort to form a partnership between the UN and MNCs in addressing the unequal effects of globalization. The Global Compact is a voluntary initiative that asks businesses to work toward ‘good practices’ in regard to ten principles covering human rights, labor, the environment and anti-corruption, drawn for the Universal Declaration on Human Rights, ILO’s

Fundamental Principles and Rights at Work, the Rio Declaration on Environment and Development, and the UN Convention Against Corruption (Smith, p. 129).

Many NGOs note that the voluntary nature of the compact does not go far enough, let alone promote sufficient enforcement mechanisms. It is, however, attractive to developing states because it aims to affect TNCs' policies rather than shunning states with poor labour standards. The Global Compact reflects the UN's recognition of the role non-state actors play in IPE, including IFIs' support for privatisation and the increasing prominence of private authority, such as bond rating agencies like Standard and Poor's and Moody's (Murphy 2000).

Indicative of such recognition is the UNDP's move to help developing countries obtain credit ratings from bond rating agencies. Many sub-Saharan African countries, for example, have now been rated despite their inability to issue debt on international capital markets (Lehmann 2004: 253). Such changes are to permit future integration with the private IPE and open up the poorest of developing countries to external scrutiny on standard ratings measures, such as public debt, inflation, financial system stability, political risk, and others (see Sinclair 2005). This increased surveillance is a new form of 'governmentality' that creates new forms of self-discipline for developing countries. Its results for distributive justice are untested and, of course, we should be wary of how such initiatives are formed. The merging of an understanding of private authority through multiple actors within the UN system suggests that actors are not solely focusing reform along defunct state structured lines, but adapting to political, economic and social processes. Focusing on the procedures/process that permit deliberation between states and non-state actors in an environment of increased surveillance such as that which the Global Compact hopes to create is therefore important (Ruggie 2002).

Conclusion

The three books reviewed give a solid understanding of the internal politics faced by the UN in reforming both the UNSC and the UNGA, as well as the global political realities faced by its working agencies. Separately, the books provide different levels of analysis about how the UN functions and can best reform. As a whole, they provide pause for thought and an important reminder of the need to go beyond macro-political or procedural reform debates concerning the UN's most core institutions. Arguments for UN reform that depend on Great Powers to share political will as the benchmark for legitimacy highlight the need to recognise informal networks within the UN process, as well as the importance of new non-state actors that place external pressure on the UN's operations.

Considering the momentous events of the last decade or so it would be a large ask of any organisation, let alone one as vast as the UN, to respond and undergo rapid transformation of its core institutions. Yet despite failings in preventing and ameliorating security and conflict situations, the UN continues to provide a moral barometer and a forum for state and, increasingly, non-state actors, to discuss the legitimacy of changes in global security and development. In this respect initiatives such as the Global Compact, which forge a link between corporations and civil society, suggest that significant reform is happening within and under the influence of the UN. Such incremental change offers hope that reform can be made in the shadow of Great Powers, despite a lack of shared political will.

Notes

1. 'Global development marketplace' is a term propagated by the World Bank.
2. Effective over states that is, despite arguments concerning the normative power of international law.
3. Except with regard to matters internal to the UN system. Smith, p. 286.

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