

# BEHIND the HEADLINES

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**A more secure world:  
Our shared responsibility**

Report of the UN Secretary-  
General's High-level Panel on  
Threats, Challenges and Change

Assessments of the report  
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## Reconciling the irreconcilable?

MATS BERDAL

When Secretary-General Kofi Annan informed the United Nations General Assembly in September 2003 of his decision to establish a “high-level panel of eminent personalities” to undertake a fundamental review of the UN’s role in the field of peace and security, he was both reacting to and reinforcing a profound sense of malaise enveloping the organization. The US-led invasion of Iraq—launched without explicit authorization from the Security Council for the use of force and preceded by an intensely divisive dispute regarding the continuing value of UN inspections in the country—provided the immediate backdrop to the talk of drift and crisis. As the terms of reference for the High-level Panel on Threats, Challenges and Change<sup>1</sup> recognized, however, the war also “brought to the fore deep divergences of opinion on the range and nature of the challenges” confronting the organization. These “divergences” included but also transcended some of the specific issues posed by the US-led invasion. While the enduring perception of crisis surrounding the UN sits somewhat oddly with the rising demand for the organization’s services over the past 18 months (no fewer than six new peacekeeping operations have been authorized by the Security Council since May 2003), the persistence of deep-seated divisions among member states is indisputable.

In setting up the panel, the Secretary-General urged its members to address head-on the subject of major institutional reform, including reform of the Security Council and, possibly, of other principal organs of the organization. Perhaps inevitably, the question of Security Council expansion has come to dominate the headlines

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<sup>1</sup> The report “A more secure world: Our shared responsibility” is available at [www.un.org/secureworld](http://www.un.org/secureworld)

both during and, to some degree, after the panel's deliberations. And yet the search for an institutional fix to the divisions that have crystallized so sharply among member states in recent years was always going to be highly problematic. Indeed, as even a cursory look at the history of UN reform efforts makes clear, assessing the long-term value of the report primarily in terms of whether it has "delivered" on institutional reform is bound to result in disappointment. Instead, the real work of the panel is more usefully viewed as an attempt, through analysis and the language that accompanies it, to reconcile as far as possible the "deep divergences of opinion" among member states to which the terms of reference obliquely alluded: divergences about the true priorities of the organization, about the nature of threats to international security, and about the possible contribution of the UN in meeting them.

The sheer diversity of the UN's membership—a reflection of the different historical experiences, economic realities, cultural influences, forms of government, and perceptions of interest by which states define their places in the international system—does, of course, make any generalization about the outlook and attitudes of states and groups of states a risky proposition. Even with this fact in mind, it is still possible, in view of the panel's specific focus on "threats," to identify three broad constituencies whose priorities and anxieties had to be addressed.

At one end are those states, led by and clustered around the United States, which consider mass-casualty terrorism and the spread of weapons of mass destruction (WMD) "self-evidently the main challenge to world peace." The US in particular, though immensely powerful by any conventional measure of strength and influence, has come to feel, in Annan's own words, "uniquely vulnerable" to "new" or "emerging" threats. So vulnerable, in fact, that it has formally enshrined as part of its National Security Strategy a determination to act pre-emptively against new threats, even though these may not be considered "imminent." The governments of Britain and Australia have accepted the US reading of the challenge, though public attitudes in both countries have always been more complex. The decision to invade Iraq in 2003—a decision which several largely uncontested accounts by Washington insiders have since imbued with a definite air of inevitability—must be understood, in large part, as deriving from this new-found sense of vulnerability.

At the other end, rejecting the narrow American conception of threats to international peace and security, stand the vast majority of

UN member states: the developing countries. To this group, which quite clearly contains shades of opinion, US-led priorities not only displace but are also artificially separated from other issues of vital if not greater concern: poverty, infectious diseases, environmental challenges, and other sources of conflict within and among states. A key concern among this group of states—one that predates the Bush doctrine of pre-emption but has been powerfully reinforced by it—is that the twin principles of sovereign equality and non-intervention, which they see as performing a vital protective function against external encroachment, are gradually being eroded. Significantly, before 9/11 many of these states had already come to view these principles as under threat from another quarter, that of the “new humanitarianism.”

A third group consists mostly, but not solely, of western states that occupy a middle position between these poles. The panel itself may be seen as tending toward their reading of the challenges ahead. On the one hand, these states share the concerns about “catastrophic terrorism,” especially the implications of unchecked proliferation of WMD. On the other hand, they recognize the limits and dangers of too narrow a definition of threats to international security and broadly accept the case made for a wider understanding of threats and challenges. By contrast to many developing countries, however, this group not only welcomed but also strongly encouraged the normative changes in attitudes toward human rights and state sovereignty that followed the Cold War. Indeed, Canada, an ardent champion of the notion of “human security” and sponsor of the 2001 International Commission on Intervention and State Sovereignty, whose final report (*The Responsibility to Protect*) has left a noticeable imprint on the work of the High-level Panel, may be viewed as a leading example of the group. There is a further distinguishing characteristic to the countries holding this middle position: while they would accept that the UN’s performance over the past 15 years has been highly uneven, they do not view it as a history of unmitigated disaster. Some achievements, however incomplete and fragmentary, need to be preserved, especially in the development of norms. In the present context, a growing and not unreasonable fear among these countries is that some of the more prominent aspects and consequences of the Americans’ “war on terror”—their promulgation of a doctrine of pre-emption, the creation of a “new front” in the war in Iraq, questionable legal practices, and downright abuses—are, perhaps fatally, undermining those very achievements.

To reconcile these positions, the panel was charged with developing a “new consensus on threats.” The discussion and treatment of threats, however, required an initial and, at one level, more critical judgement to be made as to whether the basic framework provided by the Charter and the assumptions underpinning it remained sound. It was to this fundamental issue that Kofi Annan referred in September 2003 when he suggested that the UN might be “facing a fork in the road ... [a moment] no less decisive than 1945 itself.”

#### FIRST PRINCIPLES AND BASIC ASSUMPTIONS:

##### THERE IS NO FORK IN THE ROAD

In considering first principles and basic assumptions, the panel report firmly rejects the suggestion that the UN may be facing a fork in the road.

While new threats have emerged and older ones have resurfaced in complex, less discriminatory, and more dangerous forms, the “individual sovereign State” remains the “basic unit of the international system” and the “front-line actor” in tackling the threats and challenges identified by the panel. While important normative shifts in international relations over the past decade have made it harder for governments and despots who mistreat their own people to hide behind the protective wall of sovereignty, the principle of sovereign equality of states and its associated rule of non-intervention still provide the bases for international order. In what was widely anticipated as one of its key “rulings” relating to the use of force, the panel rejected the “legality of unilateral preventive action, as distinct from collectively endorsed action,” on the grounds that the “risk to global order and the norm of non-intervention on which it continues to be based is simply too great.”

Similarly, while institutional weaknesses in the UN system abound and the panel considers the time ripe for Security Council expansion, it does not propose radical Charter reform. Whether or not the council is expanded—the modalities of which, tellingly, the panel itself proved unable to agree on—it remains “fully empowered under Chapter VII of the Charter ... to address the full range of security threats with which States are concerned.” “The task,” the panel concludes, “is not to find alternatives to the Security Council as a source of authority but to make the Council work better than it has.” Above all, the panel stresses that irrespective of the approach taken to reform of the organization, it remains “as important today as it was in 1945 to combine power with principle”: ignoring “underlying power realities” will simply “doom recommendations ...

to failure or irrelevance.” This also involves recognizing that the UN must work alongside and complement other actors, be they regional organizations, NGOs, “civil society” actors, or, not least, states themselves.

In short, while the report employs the language of “collective security,” its basic premise is that the UN does not provide, and was never meant to provide, a foolproof or comprehensive system of collective security. The tension between power and principle was there at the outset; it should be treated as a creative tension and not one that can easily be overcome by a simple act of will.

To some, the reassertion of basic Charter principles and the realistic tone that informs the analysis will no doubt be attributed to a lack of vision, a failure to capitalize on a “golden opportunity” for boldness and radical ideas. Such an interpretation would be wrong for three reasons.

First, the realism of the report makes for superior analysis of how the UN actually works and of what can and cannot reasonably be expected of it. As such, the report is of a far finer quality than numerous “blue ribbon” reports in the 1990s that dealt with many of the same issues. This is itself an important achievement and a prerequisite for meaningful reform. To take one example: it is just as well to recognize, in a document of this kind, that “no amount of institutional reform” of the UN’s Economic and Social Council (ECOSOC) will give that body a real “decision-making role on international economic matters.”

Second, although the report reasserts the importance of sovereign equality and non-intervention as foundational to international order, this is everywhere matched by a call for strengthening the normative changes that have taken place since the Cold War, especially in the field of human rights. Thus, while the panel warns against ignoring “underlying power realities,” it immediately adds that recommendations which “simply reflect raw distributions of power and make no effort to bolster international principles are unlikely to gain the widespread adherence required to shift international behaviour.” Elsewhere, the report firmly endorses what it considers “an emerging norm that there is a collective international responsibility to protect.” It also strongly urges the Security Council to be far more proactive in exercising its powers to act in defence of human rights, if necessary by coercive means; and, in one of the few references to ongoing events, it laments “the glacial speed at which our institutions have responded to massive human rights violations in Darfur.” In all of this, the report treats the UN as an organic creature and its

Charter as a “living document,” one that does not prevent (and has not done so in the past) the organization from adapting to changing circumstances.

Finally, on bridging the aforementioned “divergences,” the approach taken by the panel is clearly the one most likely to create a starting point, if nothing else, for a discussion of threats and challenges. The US remains indispensable to the proper workings of the UN, and ignoring this “underlying reality” would have achieved little. At the same time, the war in Iraq and the manner in which the US has chosen to prosecute its “war on terror” required a restatement of the norm of non-intervention, without suggesting that this norm can ever provide legitimate cover for massive human rights violations within the boundaries of recognized states.

#### A NEW SECURITY CONSENSUS?

As the panel began its work, there was much talk of arriving at a “grand bargain” between the north and the south. While that kind of language has been dropped, the basic idea of reaching a “new security consensus” is at the heart of the report. It identifies six “clusters of threats,” ranging from poverty and infectious diseases at one end to transnational organized crime at the other. Terrorism and WMD are treated as clusters in their own right. In short, there is something here for everyone: a prominent place for the chief concerns of the US but also a broad enough definition to satisfy developing countries. But does it all hang together?

The central idea that underlies the panel’s assessment of threats is that none of them can be regarded as “standing alone.” Contemporary threats to international order, so the argument runs, know no boundaries; consequently, reliance on “self-protection” is simply not a viable option, even for the strongest and most powerful state. It follows further that any attempt to impose a clear-cut and strict hierarchy of threats is unhelpful.

The need to adopt a broad definition of threats was, of course, politically unavoidable, and some of the attendant dangers of doing so—a lack of focus in parts, the inclusion of questionable or unproven causal connections, excessive simplification—can be found in the report. The report also appears to suggest, perhaps correctly, that we live in an age when what is self-evidently a global challenge will be treated with the seriousness and degree of urgency it demands only if it has first been labelled a “security problem” or a “threat.” How helpful this is in purely analytical terms is unclear. Surely, eradicating poverty and fighting disease are goals justified by



their own value, goals whose intrinsic importance exists independently of any link to security that might or might not be established.

Overall, however, these cannot be considered fatal flaws. The central contention of the report—that threats cannot be viewed in isolation and that self-protection is not only of limited value but potentially counterproductive—is demonstrated beyond reasonable doubt. Indeed, the connections are most persuasively argued in those areas that evidently matter most to the US: WMD, terrorism, and transnational organized crime. They are also brought together in the special attention paid by the panel to “states in distress.” To deal more effectively with these, the panel proposes the creation of a “Peacebuilding Commission” as a subsidiary organ of the Security Council. One of its “core” tasks will be to “identify countries which are under stress and risk sliding towards state collapse.” Like some of the other concrete proposals in the report, this one begs some obvious and thorny questions. By what criteria does one identify a state “sliding towards collapse”? More difficult still, one imagines, will be to persuade a state thus identified to accept the “invitation to attend” a meeting of the commission. Even so, the rationale behind and the analysis that accompanies the proposal are convincing and well supported: “failed states” or “states in distress” clearly pose profound challenges to the UN membership as a whole. In arguing and establishing the connections between “clusters of threats” and other seemingly disparate issue areas, the panel has performed an important service. It is also one that provides both a sufficient and a necessary condition for member states to treat the report seriously.

## New threats, old answers

MICHAEL BYERS

The report of the UN Secretary-General's High-level Panel on Threats, Challenges and Change is a somewhat self-contradictory document. The panel's 16 distinguished members adopt an expansive, forward-looking approach to identifying threats to international security and a narrow, reactionary approach to the most visible response to such threats: namely, the use of military force.

In 1945, when representatives from 51 countries negotiated the UN Charter, international security was narrowly conceived. The focus was on protecting states from military aggression by other countries. Concepts of international security have since grown to include, first, the prevention of genocide and other mass atrocities and, later, "human security," where the focus is on the general safety and well-being of individual human beings. The High-level Panel embraces the broader conception of international security.

The first "cluster of threats" identified by the panel is composed of "economic and social threats, including poverty, infectious disease and environmental degradation." The panel recognizes that per capita incomes have declined in 54 countries since 1990; that almost 11 million children perish annually from preventable diseases; that a similar number of African children have lost both parents to HIV/AIDS; and that the world is ill-prepared for new epidemics similar to—and possibly much more dangerous than—SARS.

The panel breaks new ground in identifying climate change as a threat to international security. It notes that "environmental degradation has enhanced the destructive potential of natural disasters and in some cases hastened their occurrence," that "more than two bil-

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lion people were affected by such disasters in the last decade,” and that “if climate change produces more acute flooding, heat waves, droughts and storms, this pace may accelerate.”

The panel urges governments to take serious steps to address these non-traditional security threats. Notably, it calls upon developed countries to meet their agreed target of 0.7 per cent of gross national product (GNP) for overseas development assistance. The panel also makes several specific recommendations on climate change, including that governments provide incentives for the development of alternative energy sources and phase out subsidies for fossil fuel use and development. And, in the report’s most personal sentence, the members of the panel state:

We urge Member States to reflect on the gap between the promise of the Kyoto Protocol and its performance, re-engage on the problem of global warming and begin new negotiations to produce a new long-term strategy for reducing global warming beyond the period covered by the Protocol.

The panel devotes considerable attention to several growing threats to state security: namely, nuclear proliferation, terrorism, and transnational crime. On nuclear proliferation, it urges nuclear-weapons states to honour their commitments to move toward disarmament and reaffirm their previous promises not to use nuclear weapons against non-nuclear-weapons states. It also recommends that the UN Security Council explicitly pledge to take collective action if a non-nuclear-weapons state is attacked or threatened with nuclear weapons. As for terrorism, the panel’s most important contribution here is the provision—at long last—of an authoritative, concise, easily applicable definition: “any action ... that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or any international organization to do or to abstain from doing any act.”

The panel’s expansive approach to identifying security threats stands in contrast to the narrow, conservative stance it adopts on the use of military force. The panel categorically rejects the Bush doctrine of pre-emption—or, as the panel rephrases it, “prevention”—whereby the United States asserts the right to “take the battle to the enemy, disrupt his plans, and confront the worst threats before they emerge.”

[I]f there are good arguments for preventive military action, with good evidence to support them, they should be put to the

Security Council, which can authorize such action if it chooses to. If it does not so choose, there will be, by definition, time to pursue other strategies, including persuasion, negotiation, deterrence and containment—and to visit again the military option.

The only concession the panel makes to the United States, and to the handful of other countries which have endorsed the Bush doctrine, is to accept a limited right of unilateral pre-emptive action when “the threatened attack is imminent, no other means would deflect it and the action is proportionate” (emphasis in original). By so doing, the panel comes down on one side of a debate that has divided international lawyers since 1945, when Article 51 of the UN Charter was adopted with language stating that the right of self-defence arises only “if an armed attack occurs.” Given the absence of analysis in the report on this point, the concession may simply be the result of a misunderstanding as to the current, contested state of the law. Apart from this, the panel’s only response to the Bush doctrine, and the combined threats of global terrorism and weapons of mass destruction that motivate its articulation and promotion, is the possibility of a revitalized Security Council that would deal with developing threats before they became armed attacks. It is unlikely that this response will satisfy the Bush administration.

On the issue of humanitarian intervention, the panel stresses that force should always be a last resort; the focus should be on prevention, mediation, and the dispatch of humanitarian and police missions with the consent of the country into which they are sent. It then endorses the “emerging norm that there is a collective international responsibility to protect,” but in a conservative manner. According to the panel, force may be used to fulfil the responsibility to protect only if and when the Security Council has authorized the action. Proponents of a right of unauthorized humanitarian intervention will undoubtedly be disappointed.

The panel then makes an even more cautious move by suggesting that the Security Council’s discretionary capacity to authorize force is limited, in the humanitarian context, to “genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law.” There is nothing in the UN Charter to suggest such a limitation. Finally, the panel proposes a series of guidelines for the authorization of force: seriousness of threat, proper purpose, last resort, proportional means, and balance of consequences. It recommends that these guidelines be adopted in declaratory resolutions by the Security Council and the General Assembly, in order

to “maximize the possibility of achieving Security Council consensus around when it is appropriate or not to use coercive action.”

Yet there is no reason to believe that introducing predetermined criteria into Security Council deliberations will facilitate agreement on the use of force. The council is a political rather than a legal body. Criteria such as those proposed by the panel already factor into decision making in an informal manner, but there is no use pretending that they are more influential than diplomatic, political, and economic concerns. When it comes to humanitarian intervention, the problem is not a lack of criteria but rather an absence of political will. In 1994, the situation in Rwanda would have met the panel’s criteria, but nothing was done to prevent a genocide that every member of the Security Council knew was taking place. In contrast, the situation in Iraq in 2003 would not have met any of the criteria, but the absence of criteria did not prevent the council from taking the right decision and refusing authorization for the US-led war. If anything, the existence of predetermined criteria could provide more excuses for non-action and delay.

Security Council decision making would be rendered even more difficult by the panel’s most talked-about proposal: the expansion of the council from 15 to 24 member states. Any deliberation in this enlarged body would involve nine more countries, each with its own diplomatic, political, economic, and legal concerns. Although the council’s current composition does not fully reflect the geopolitical realities of 2004, it comes far closer to doing so than anyone could reasonably have expected in 1945. The five permanent members are, concurrently, the five declared nuclear-weapons states. They still account for a disproportionate share of global GDP. And the 1963 expansion of the number of non-permanent seats from six to ten has ensured that developing countries have an ongoing, numerically significant voice—including the opportunity, through bloc voting, to effectively veto any resolution they collectively oppose. The most effective change to the council’s decision-making ability would be to combine the British and French memberships into a single, permanent European Union seat—with or without the veto (although, admittedly, it is the veto that prevents this change from being made).

Other, seemingly obvious options are similarly ignored by the High-level Panel. There is no mention in the report of the possibility of reactivating the “uniting for peace” mechanism established by the General Assembly in 1950. At the time, the General Assembly asserted the competence to recommend collective action “if the Security Council, because of lack of unanimity of the permanent

members, fails to exercise its primary responsibility for the maintenance of international peace and security.” The mechanism was subsequently used 10 times, including in the Suez crisis of 1956. The panel could usefully have considered “uniting for peace” and recommended it as one possible way forward.

Nor is there any mention of regional compacts for humanitarian intervention, whereby all the countries in, say, Africa consent in advance to having a regional organization intervene on their territory to prevent mass atrocities. The Constitutive Act of the African Union and its 2003 Protocol provide one possible model that could usefully have been discussed. At the moment, it is unclear whether an intervention based on such a regional compact would be compatible with Chapter VII of the UN Charter and, more important, Article 103, which states: “In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.” There is room for progressive development in this direction, and the panel could usefully have shown leadership here.

In summary, the report of the High-level Panel makes a major contribution by authoritatively stating that poverty, infectious disease, and climate change are properly categorized as threats to international security and deserve serious attention as such. Where it falls short is in its proposals on the most visible response to security threats: the use of force. There is much to be said for a reinvigorated Security Council that more accurately represents geopolitical, economic, and demographic realities while, cautiously but reliably, deploying force as needed. In a perfect world, one would wish for nothing more.

This is not a perfect world. The Security Council will remain plagued by political competition and failures of will, regardless of its composition or the existence of guiding criteria. In reality, there are three possible paths forward. First, one could change almost nothing and accept that violations of the rules will sometimes simply occur, whether in the form of illegal acts of prevention or intervention or in the form of mass atrocities or terrorist attacks. Such resistance to change could be justified on the basis that the rules and institutions, as currently constructed, serve the all-important goal of preventing major interstate wars. Second, one could allow countries greater discretion to use force unilaterally, either in pre-emptive (or preventive) self-defence or in unauthorized humanitarian intervention. Third, one could develop alternative multilateral options, for instance

through the UN General Assembly or regional organizations such as the African Union.

The panel settles on the first option, a conservative approach that seeks to preserve the United Nations and international law more or less in their current forms, with just the slightest of modifications around the edges. And it makes a beginning at justifying this approach, on the entirely plausible basis that the UN Charter has for 60 years helped prevent cataclysmic conflicts. For example, when rebutting the Bush doctrine of pre-emptive self-defence, the panel states:

For those impatient with such a response, the answer must be that, in a world full of perceived potential threats, the risk to the global order and the norm of non-intervention on which it continues to be based is simply too great for the legality of unilateral preventive action, as distinct from collectively endorsed action, to be accepted. Allowing one to so act is to allow all.

Yet the choice between conservatism and progression is seldom as stark as it seems. Having adopted a forward-looking approach to identifying threats to international security, the panel, when turning to the contentious issue of force, would have done better to augment its support for the Security Council with an exploration of other, more imaginative multilateral means. The report of the High-level Panel adds less than it might have to these all-important debates.

## The UN between heaven and hell

PAUL HEINBECKER

Much gallows humour attended the appointment of the High-level Panel by Secretary-General Kofi Annan more than a year ago. With an average age in their 70s, Kofi's geriatrics were given a better chance of dying in office than of reforming the UN. The gargantuan disparities among them in experience, ethnicity, religion, and worldview were not going to make the task any easier. The smart money said that Kofi had "blown it." The smart money was wrong. The panel has not only produced a unanimous report, it has produced a very good one.

It is a measure of how difficult it is to reform the UN that the word "reform" does not even appear in the mandate of the High-level Panel on Threats, Challenges and Change. The organization is riven with divisions between rich countries and poor, between the Security Council and the General Assembly, between the nuclear powers and others, between the Arabs and the Israelis, the Indians and the Pakistanis, and North Korea and its neighbours, and—most significant—between a unilateralist Washington and a multilateralist UN. Finding consensus in these circumstances seems like mission impossible, which is why no serious reform has been made in 40-odd years. Nonetheless, the panel has produced a series of both significant and implementable recommendations which, if adopted, would make the UN more effective. It is worth recalling the words of Henry Cabot Lodge, former US delegate to the UN: "This organization is created to keep you from going to hell. It isn't created to take you to heaven."

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Politics is the art of the possible, and the panel has been necessarily artful. There is inevitably criticism that the report does not go far enough, or represents a missed opportunity in one respect or another. For example, it presents options, not a clear-cut recommendation, on enlarging the Security Council. Nevertheless, the panel has been admirably forthright, stating for instance that there is “little evident international acceptance of the idea of security being best preserved by a balance of power, or by any—even benignly motivated—superpower.” Above all, the panel has been realistic. To attempt a root-and-branch renovation of the Charter would have been no more realistic than advocating fundamental changes to the Canadian constitution. The challenge now is to find the 127 affirmative General Assembly votes, including those of the existing five permanent members, necessary to make the profound changes recommended. Nothing less than the future of global governance hangs on the outcome.

Modernizing what the UN does is the first priority, and retooling Security Council membership is a distant second. The panel, therefore, rightly devoted the bulk of its efforts to getting the former right, addressing itself to the main issues bedeviling the UN and undermining international peace and security. It advisedly did not take on regional conflicts, including particularly the enormously divisive Arab-Israeli conflict, sorely tempted as some of its members must have been to do so. Nor did the panel expend a lot of energy on the General Assembly, a forum (which some would regard as more a rabble than a parliament) which is essential to the socialization of states and the development of global norms but notoriously ponderous and resistant to outside advice. The panel also concluded that the Economic and Social Council (ECOSOC) was largely a lost cause, its power having long since migrated to the IMF, the World Bank, the World Trade Organization, even the Organization for Economic Co-operation and Development—and no amount of Solomonic wisdom on the panel’s part was going to attract it back. Better just to reorient it, making it into a “development cooperation forum” for measuring development objectives and advancing the Millennium Development Goals. It is a sign of the panel’s wisdom that in urging the creation of a peace-building commission, in recognition that the UN has too often abandoned its interventions prematurely, it recommended that the commission be lodged in the Security Council, not in ECOSOC. In fact, the report is remarkable for its focus on the Security Council and how to make it work better. For all its faults—and the report makes literally scores of recommendations on how to remedy them—the council is the most effective of the UN’s main organs, and certainly its most indispensable.

The panel focuses accordingly on security, specifically on the need “to fashion a new and broader understanding ... of what collective security means,” and on what its achievement requires, particularly economic development, “the indispensable foundation for a collective security system.” The panel observes that “the mutual vulnerability of the weak and strong has never been clearer.”

The panel deals squarely with the issue of intervention. The framers of the UN Charter had believed that peace would best be achieved through collective security and the prohibition of outside interference in the internal affairs of other states. Since the UN was formed, the number of interstate wars has, in fact, diminished significantly even while the number of states has grown fourfold. But in the same period, internal wars have become the dominant form of warfare, raising the dilemma that people cannot be saved from the scourge of war without outside intervention. The potential nexus of terrorists and weapons of mass destruction after 9/11 raises a new challenge which some, notably in Washington, believe makes intervention not just possible but mandatory.

In its 101 recommendations, and to its great credit, the panel has not shrunk from taking principled positions. On the use of force, it recommends a series of guidelines to the Security Council derived in large part from the report commissioned by Lloyd Axworthy, *The Responsibility to Protect*. Specifically, the UN panel endorses the emerging norm of the responsibility to protect: i.e., when a state cannot or will not protect its citizens, the responsibility to do so falls temporarily to the international community, embodied in the Security Council. The panel adopts other central recommendations of the Canadian report, notably the threshold tests for ascertaining the legitimacy of intervention—genocide, ethnic cleansing, and large-scale loss of life—and the precautionary principles, including the necessity of acting with the right intention and the prospect of doing more good than harm. By outlining the conditions in which intervention is legitimate, the panel at once encourages the Security Council to authorize intervention and reassures the dubious that it will not be done wantonly.

As regards the potential nexus of terrorism and weapons of mass destruction, the panel confirms the distinction between unilateral pre-emption, which is allowed under existing international law, and unilateral prevention, as in the Iraq case, which is not. To the American insistence on its right to act to eliminate a gathering danger, the panel replies that unilateral preventive action, as distinct from collectively endorsed action, is too dangerous. “Allowing one to so act is to allow all.” The panel thus rejects American exceptionalism and

warns against a return to the balance-of-power politics that produced the two bloodiest conflicts in all history; they were the rationale for collective security and for the creation of the League of Nations and the UN in the first place. At the same time, the panel believes sound arguments for prevention will persuade the Security Council to act.

The panel has done a great service in agreeing for the first time in UN history upon a definition of terrorism. The panel dismisses arguments about state terrorism, which is covered elsewhere in international law, and urges proscribing any action against civilians or non-combatants intended to intimidate a population or to compel a government to act, or not to act. The panel stresses that the central point is that nothing in the fact of occupation justifies the targeting and killing of civilians. The panel also calls for greater equity in the effort to assure security, noting that Rwanda suffered the equivalent of three 9/11 attacks every day for 100 days.

The panel makes numerous other significant recommendations. It urges the US and Russia to schedule a progressive de-alerting of their nuclear weapons and recommends that the deadline for the international program for the reduction of highly enriched uranium be shortened to five years. It warns that 40 countries have the capacity to build nuclear weapons on short notice and stresses the importance of preserving the integrity of the Nuclear Non-Proliferation Treaty. To prevent nuclear material from falling into terrorists' hands, the logical first step is to make an absolute priority of bringing it under the tightest possible control and eliminating it.

The panel also commends, albeit does not formally recommend, Prime Minister Paul Martin's L20 innovation as a way to achieve policy coherence. The L20 remains a controversial idea. Some, who are attached to the exclusivity of the G8, are reluctant to expand it; others, offended by that exclusivity, oppose the L20 as the G8's unwelcome successor. The panel also urges that new negotiations be launched on global warming. It recommends as well far-reaching changes to the Commission on Human Rights—an embarrassment to the UN—suggesting that human rights experts rather than government representatives head national delegations.

The panel accepted the argument of the proponents of Security Council enlargement that the current lineup does not reflect contemporary realities. South Africa has held, on this score, that had there been a permanent member for Africa at the time of the Rwanda debacle, the genocide would not have been allowed to happen. Perhaps—although the government of Rwanda itself was on the Security Council at the time. The panel will be criticized by some for not forthrightly recommending elimination of the veto

and by others for not extending it to countries at least as deserving as some of the P5. But the panel, possibly because of its extraordinary seniority, had the wisdom to know what could be changed and what could not. There is no prospect of any of the P5 voluntarily surrendering the veto, which is the only way elimination could be achieved. The panel recognizes that power and principle have to coexist, however contradictorily. As in 1945, no veto power would have meant no United Nations. At the same time, the panel does not advocate adding vetoes, recognizing that if five vetoes are bad, ten vetoes would be much worse.

The panel proposes two options for enlarging the Security Council. Canada cannot be indifferent as to which option is chosen by the membership, if either is chosen. The first option would hand new permanent seats to the six countries with the most clamorous cases for having one, including Japan and Germany because of their financial contributions and India, Brazil, and possibly South Africa for reasons of equitable geographic representation. The second option, which entails the addition of eight four-year, renewable-term seats, is better for Canada. Given that the panel also recommends that selection qualifications include the size of contributions to the UN's assessed and voluntary budgets, participation in UN-mandated peace operations, diplomatic activities in support of UN objectives, and achieving or making substantial progress toward the universally agreed 0.7 per cent official development assistance target, Canada could, if it invested in its foreign policy again, eventually make its own case for such membership. The bottom line for Canada, nevertheless, is that an effective UN is a national interest, whatever the makeup of the council.

If the struggle for the US foreign policy soul is not over, the panel's report provides the fodder for another fight. The US representative on the panel, former national security advisor General Brent Scowcroft, has said that all the recommendations of the panel are in the interests of the US. He failed the Iraq war litmus test, however, and his standing inside the Beltway is uncertain. It is probably significant, nonetheless, that Washington has held its fire on the panel's recommendations.

The panel approvingly quotes former US president Harry Truman's statement to the UN's founding conference in 1945: "We all have to recognize—no matter how great our strength—that we must deny ourselves the license to do always as we please." It was good advice then; it is good advice now. If Washington takes it, we might at least be saved from all going to hell, together.



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