Toward a More Secure World?

The Report of the High-Level Panel on Threats, Challenges and Change

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"The reforms we propose will not by themselves make the United Nations more effective. Its institutions will still only be as strong as the energy, resources and attention devoted to them by Member States and their leaders."

A More Secure World: Our Shared Responsibility[1]

1   Introduction

Sixty years ago the United Nations (UN) was established to promote international peace and security through a system of collective security that was enshrined in the UN Charter and predicated on an established body of international law. Whereas during the Cold War the weaknesses of the UN's system of collective security were exposed by the superpower rivalry between the United States (US) and the Soviet Union, after it ended the role of the UN in intervening in conflicts and in dealing with complex humanitarian disasters increased considerably. Yet while the changing structure of international relations presented new opportunities for the UN in the area of collective security, the experiences of Rwanda and Kosovo pointed to what the US-led coalition's march to war without Security Council authorization confirmed: that sixty years after its founding the current and future capacity of the UN to serve as an effective and equitable promoter of peace and security remains in serious question. UN Secretary-General Kofi Annan and his senior advisors realized that the UN had reached "a fork in the road." The UN had to act quickly to restore its authority and to deflect criticism that it was becoming "irrelevant" in an age where security threats know no boundaries. Consequently, it did what all political institutions do when faced with a major challenge to their *raison d' être*: establish an independent commission to study the problem at hand and offer recommendations as a way forward.

Indeed, UN supporters and critics of the war in Iraq alike have been arguing that the UN's future depends on its ability to reformulate its conception of collective security to better combat emerging as well as old threats to the security of states and peoples residing within them. Any

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[1] United Nations, Report of the High-level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, UN Document A/59/565, 29 November 2004, available at: http://www.un.org/secureworld/.

assessment of the outcome of the High-Level Panel on Threats, Challenges and Change has to recognize that there are two UNs – the UN as a corpse of international civil servants led by Kofi Annan and the UN as a club of 191 member states – and that the latter UN typically determines how successful the organization can be in fulfilling any one of its core mandates.

2   Twenty-first century security threats – what are they?

Ever since its founding in September 2003 the high-level panel has been widely viewed as a panel dedicated mainly to reforming the UN's principal organs. As is typically the case, perception and reality were quite different. In reality, Secretary-General Annan appointed a 16-member panel of veteran politicians and diplomats from across the globe to fulfill three specific, albeit ambitious, tasks: to assess current threats to international peace and security; evaluate how well existing policies and institutions have done in coping with those threats; and recommend ways of strengthening the UN to provide collective security in the decades to come. UN reform was thus a secondary consideration of the panel.

The principal concern of the panel was to present a new analysis and appraisal of emerging threats, challenges and change to collective security. Toward this end, the panel undertook twelve months of internal analysis and debate and external consultation with representatives of national governments, civil society, regional bodies and academia around the world, for the explicit purpose of ensuring that panel members and its research staff were exposed to the broadest possible range of viewpoints on the issues before them. In its final report the high-level panel identified six categories of threats that they believe the world ought to be concerned with in the coming decades. They include:

- Economic and social threats, including poverty, infectious diseases and environmental degradation

- Interstate conflict

- Internal conflict, including civil war, genocide and other large-scale atrocities

- Nuclear, radiological, chemical and biological weapons

- Terrorism

- Transnational organized crime

According to the panel, collective security rests on "three basic pillars" – first, that today's security threats are borderless, interrelated and need to be managed by global, regional and national institutions; second, that no state is immune to the six categories of threats identified; and third, that there has to be an international plan of action in cases where states abdicate their responsibility to protect their own peoples or cause harm to their neighbors.

Considering how vocal the panel was about not reproducing the traditional hierarchy of "hard" and "soft" security threats, thus factoring in developmental problems as root causes and consequences of conflict, the final report is somewhat disappointing in that takes on a traditional hard security tone. To be sure, during the year-long series of international negotiations of the panel, it became patently clear that the more powerful states in the international system were preoccupied with two specific threats – the proliferation of weapons of mass destruction (especially nuclear ones) and terrorism. Apart from reaffirming the importance of achieving the Millennium Development Goals and improving the working procedures of, and the flow of information between, multilateral development agencies and the UN, the experience of negotiations during the last year does not offer much hope for the goal of eradicating, for instance, poverty as a source of conflict, both within and between nations. Indeed, if striking a "grand bargain" between the North and the South was an unofficial objective of the panel, in which the South would receive a firm commitment for development assistance from the North and in return would agree to take the North's concerns about terrorism, the spread of nuclear weapons and state failure seriously, there is little cause for optimism. As regards threat perception and the creation of an international plan of action to combat such threats, world leaders are as divided as ever.

3   When to intervene and how - the use of force

Still, great challenges require bold ideas and action. To reinvigorate the UN's system of collective security, perhaps the greatest challenge faced by the panel was to reconstitute international rules governing the use of force. History shows that the great powers have always made up the rules as they have gone along, but recent trends in security affairs – including the US decision to attack Iraq without Security Council authorization, the debacles in Bosnia, Rwanda and Somalia, and the agonizing efforts to arrive at a clear and definitive course of action in the Darfur crisis – suggest a worryingly progressive dissolution of such rules. Indeed, there is growing skepticism – even cynicism – around the world regarding existing guidelines for the use of force and the power of such guidelines to prevent the unilateral use of force by states. In hardly any other field of international politics is the application of rules so weak, the interpretation of these rules so hotly contested and a universal common practice so little in evidence as in the area of military intervention.

Although the military intervention in Iraq undoubtedly has pushed this issue to the fore of international debate, this problem – of states disregarding international rules by going to war where they want, when they want and with whichever allies they want – is, for the UN, by no means a new one. Consequently, the UN Charter permits the use of force only in two cases: in self-defense, in accordance with Article 51, when an aggression has occurred; and by mandate of the Security Council, in accordance with Chapter VII, in cases where there exists a danger to world peace and international security.

Like its predecessor, the International Commission on Intervention and State Sovereignty (ICISS), which mainly studied the question of the so-called "right of humanitarian intervention" but also revisited the relevance of Article 51 and Chapter VII to the authorization of military force, the high-level panel affirmed that the stipulations of the UN Charter on the legitimate use of force must remain sacrosanct. In fact, on this question, the panel takes a position in opposition to recent (and increasingly loud) calls for Charter amendment, thus rejecting demands for an extension of the right of states to resort to force in self-defense. Instead, the panel contended that the UN Charter already allows for a range of legitimate uses of force, from preventive to reactive. *Our Shared Responsibility* thus endorsed the broadly accepted interpretation of international law whereby pre-emptive self-

defense against an imminent aggressor would legitimately fall under the protection of Article 51. While the panel took extremely seriously the argument – forwarded above all by the US – that globally active terrorist networks, organized crime, failing states and proliferating weapons of mass destruction collectively constitute a threat of a new kind, it carefully argued that the restrictive language of Article 51 does not deem legitimate preventive military action against a threat that merely is expected. States may believe they have good grounds for "anticipatory self-defense," the panel argued, but that does not change the fact that Chapter VII of the UN Charter fully empowers the Security Council to authorize all coercive actions "necessary to maintain or restore international peace and security." On these grounds, the panel concluded that there is need neither to amend the stipulations of the UN Charter nor to locate sources of authority outside the Security Council, but rather to make the UN Security Council "work better." The latter, however, amounts to stating the obvious.

Similar considerations apply as regards the high-level panel's treatment of the question of sovereignty and outside intervention in internal conflicts. Here, the panel did not try to reinvent the wheel, but instead strongly endorsed the findings of ICISS report *The Responsibility to Protect*, which offered a seemingly practical solution to the dilemma posed by the competing claims of the inviolability of state sovereignty, on the one hand, and the limited enforceability of elementary human rights, on the other. While ICISS argued that countries should be discouraged from intervening forcibly in the internal affairs of others, and that the bar for legitimate military intervention for humans protection purposes must be high, it challenged the sanctity of the principle of sovereignty by arguing that the international community has both the right and the responsibility to intervene when states abdicate their responsibility to protect people residing within their borders. By approaching the problem in this way, sovereignty would go from being a last line of defense for states to being an inherent source of responsibility of states to protect, for example, their population from being massacred, women from being systematically raped, and children from suffering death by starvation. Only in cases where the state in question is neither willing nor capable of fulfilling this responsibility, or is itself responsible for evils of the sort just enumerated, does it become the task of the international community to take action in its stead. While ICISS and the high-level panel have helped establish a quite widely-accepted doctrine governing the use of force for human protection purposes, neither commission has proven itself capable of changing the actual practice of the Security Council to react in a more timely, effective and equitable manner. The world has sat with baited breath during the last year as the council has done too little, too late to end the crisis in Darfur.

As a possible solution to this dilemma, the panel recommended that in deciding whether to authorize the use of force to address an external threat or end an internal conflict, the Security Council should base its decision on the following five criteria:

- Seriousness of threat: Is the threat to a state or to human safety unequivocal and serious enough to justify the use of military force?

- Proper purpose: Is it clearly and unequivocally the case that the primary aim of the military action consists in blocking or averting a threat? Which other intentions or motivations could conceivably play a role in the proposed mission?

- Last resort: Has every non-military option been taken into consideration and is it probable that less Draconian measures would prove ineffective?

- Proportional means: Are the scale, the duration and the intensity of the military action the minimum required in order effectively to meet a threat?

- Balance of consequences: Does the military action stand a reasonable chance of success and is it to be expected that the consequences of the action taken will not prove worse than those of taking no action?

This catalogue of criteria, drawn in large part from the theory of the "just war," does not constitute a simple checklist that can ensure a swift and certain decision for or against any given Security Council resolution recommending the use

of force. Nonetheless, it ought to be taken up in the declaratory resolutions in the Security Council and the General Assembly. If, as is the hope of the panel, this occurs and a more systematic discussion makes consensus within the council more easily attainable, there is a greater chance of the body becoming more proactive in responding to threats to the collective security of states and human beings alike.

Critics have wasted little time in dismissing the high-level panel's proposals, seeing them as either not going far enough or as merely being old wine in new bottles. Indeed, as a cursory review of *The Responsibility to Protect* had shown, the basic elements of the high-level panel's vision can be found in other reports. Nor is *Our Shared Responsibility* likely to add clarity to the debates and confrontations over the gray area between preemption and prevention. A sober sense of political realities must certainly be added to these recommendations if they are to bring to realization what is in the end the most important intention behind the report: reconstituting the UN's *de jure* monopoly of the use of force.

Still, the panel did not knuckle under to the national security doctrine of the US. The authors made the conferral of a collective mandate for the use of force conditional on the fulfillment of strict criteria. That the war in Iraq would have passed the test of these criteria – having amounted to a positive "balance of consequences" and having been a "measure of last resort" – is, to put it mildly, open to question. Over the next few months member states and senior officials of the UN have before them the challenging task of reestablishing meaningful ties with the US, without adopting outright the US's doctrine of national security. On the stony path thus laid out for us, the panel's report can certainly fulfill the function of a "road map" to a more secure world composed of states sharing sovereign responsibilities. Yet in the absence of states taking up their roles as "front-line" actors in creating a more secure world, no amount of UN reform will produce such an outcome without a renewed commitment by states to live by and enforce the stipulations of the UN Charter.

4   The question of Security Council reform – who is in and who is out?

The Security Council, the UN's most powerful decision-making body, has long been a frustrating target for UN reformers.[2] When the UN was established in 1945 the Security Council was composed of only 11 members – 5 permanent and 6 non-permanent members. Since then, the Charter was amended only once, on December 17, 1963, to increase the number of non-permanent members from 6 to 10. These amendments came into force on August 31, 1965. However, all other aspects of the council's composition or the working procedures were left unchanged. This instance of Security Council expansion resulted from the inflow of newly independent member states to the UN caused by decolonization. Between 1960 and 1963, twenty-nine countries became members of the UN, and these new members constituted a considerable voting bloc in the General Assembly, making the two-thirds majority required for amending the Charter possible.

Forty years and umpteen initiatives later, the structure of the council remains frozen in time. Still, there is broad consensus that the council reflects an antiquated power balance that existed at the end of the Second World War, and that the continents of Africa, Latin America and the Islamic world should be granted a permanent voice in the council's deliberations. But while the vast majority of member states support the idea of expanding the council beyond a small group of privileged nations, there is almost no consensus on the details of expansion or on the veto's elimination.

Despite efforts by the high-level panel to deflect attention away from the issue of Security Council reform and toward questions about threats to collective security, the international jockeying for possible new seats at the world's top table became fiercer as time went on in 2004. Ironically, for all the attention this issue attracted, the panel did not forward a unified proposal that can

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[2] For a more detailed analysis of the history of the Security Council reform process, see Thomas G. Weiss, "Overcoming the Security Council Reform Impasse: The Implausible Versus the Plausible," *FES Occasional Papers*, forthcoming 2005, at: http://www.fesny.org/unreform_docs.htm.

be voted on in the General Assembly and the council. Indeed, little is likely to change in the Security Council's composition in the foreseeable future.

The fact that reform of the Security Council is the only topic on which the 16 eminent diplomats and politicians of the high-level panel were split, illustrates just how difficult it will continue to be for a consensus to be reached. The panel did call for an expansion of the council to 24 members from 15, but as it was unable to agree on one unified proposal, it ultimately recommended two competing models:

The first option proposes the addition of six new permanent members – two from Asia, two from Africa and one each from Europe and the Americas – and the addition of three non-permanent members for two-year terms. The second option proposes the addition of a third tier of eight semi-permanent members, which would be elected for four years on a renewable basis. This semi-permanent tier would accompany the permanent five but also add one additional two-year term seat to the existing rotating ten. According to this plan, Asia, Europe, Africa and the Americas would each get two of these seats.

In the overall scheme of things, the commission suggested grouping the 191 member states into four regional blocs – Africa, Asia, America und Europe – and that each region should be represented by six countries in the Security Council. But the panel refrained from specifying which countries should or should not be afforded membership. However, inspired by on Article 26 of the UN Charter, the panel reasoned that any reform should "increase the involvement" of those who contribute most – financially, militarily and diplomatically – to international peace and security. It is critically important to note that neither of the two models forwarded by the high-level panel envisages a change in the current distribution of veto privileges.

That the panel presented two models for reform indicates not that it was unsure about how to move forward, but that it preferred to leave the ball in the member states' court to work out. Both models have their supporters and detractors: as early as September 2004, Japan, India, Brazil, and Germany launched a unified campaign, a "G-4," declaring that all four nations deserved not only to be awarded permanent status but also to be granted equal status with the veto powers. Germany and Japan, however, have already indicated their willingness to sacrifice veto rights in return for gaining a permanent seat. France, Britain and Russia support the aspirations of the four countries. China has publicly supported Germany's bid, while stridently opposing Japan's, and showing lacklustre support for India's. The US has expressed support only for Japan, a supporter of the Iraq war.

As has been the case for decades, the main obstacle to Security Council enlargement continues to be geopolitics. Nearly every major geopolitical rivalry in the world has influenced the reform process, while virtually every leading candidate has faced a chorus of detractors. China and South Korea have expressed their displeasure with a more powerful role for Japan. Italy, an advocate of the second model, has shown concern over its declining influence within the European Union and has thus opposed Germany's candidacy. Not surprisingly, Pakistan has opposed India's bid, and Indonesia, the most populous Muslim nation, has also laid claim to an Asian seat. Spanish-speaking Argentina and Mexico are not thrilled with Brazil's reasoning that it should represent South America because it is the most populous country on the continent. Egypt has staked its claim to an African seat to represent the Arab world. That scenario would leave Nigeria and South Africa vying for a second African seat.

While both models are to be welcomed in as much as they would make Security Council membership more representative of today's world, the council would be enlarged, not reformed – a subtle but crucial difference. Simply expanding the membership of the council would actually prove to be a fairly minor change. The current permanent five would retain their vetoes and it is hard to see how having an extra raft Brazilian, German or Indian diplomat will make action by the council more likely, efficient or equitable. Seeking instead to improve the working procedures and accountability of the council, the panel proposed the introduction of a system of "indicative voting," which amounts to an unofficial vote in the council prior to an official one. However, experience shows that such procedural innovations have done little to ame-

liorate the expression of geopolitical interests in council voting.

5   Filling an institutional gap: A Peace-Building Commission

Perhaps the most useful and promising recommendation of the high-level panel can be found in its idea of creating a Peace-Building Commission and a Peace Support Office. The basic idea behind the proposal is to fill a significant institutional void in the UN system by creating an institution that would strengthen weak states on the brink of war and/or strengthen weak states that are in transition from war to peace. The commission would compliment the work of various UN bodies and specialized agencies, but when coupled with Security Council operations, the UN would at long last have an integrated system for dealing with pre-conflict, conflict and post-conflict situations.

While the UN has maintained peace-keeping operations for long periods of time in a number of countries, there is little doubt that these operations have tended to be poorly coordinated, staffed, and equipped. UN activities in the areas of peace-keeping and peace-building have, over time, become scattered across a number of UN institutions that have overlapping mandates. That collaboration among these institutions has been weak is both well known and documented. In fact, besides its recent success in East Timor, the UN has proven to be inadequately funded, organized, and staffed to deal systematically with conflict prevention and post-conflict operations.

The proposed peace-building commission would thus be responsible for monitoring potential conflicts, employing preventive measures to forestall the deterioration of such dangerous situations, and ensuring that reconstruction aid is ensured for countries emerging from war for years to come. In setting out the basic contours of the new commission's design, high-level panel members displayed sound judgment and political realism by proposing that it be a subsidiary body of the Security Council, which would have the right to select its chairman. This feature improves the likelihood that the Security Council will approve its creation and use the body to support its operations, which tends to be geared

toward responding to conflicts only after they have fully matured. The panel's report also calls for the establishment of a "Peacebuilding Support Office" within the Secretariat to enable the Secretary-General to help "integrate system-wide peacebuilding policies and strategies, develop best practices and provide cohesive support for field operations." The Economic and Social Council of the UN, national governments, the heads of the World Bank, the IMF, and regional development banks, and representatives of donor countries are all accorded representation on the commission according to the preliminary plan laid out in the panel's report.

Given the UN's obvious shortcomings in the areas of pre-conflict peace-keeping and post-conflict peace-building, the need for UN reform in these areas hardly can be overstated. But new structures cost money and the long and wearisome process of discussion will certainly not be made shorter or less wearisome by the fact that the creation of such a commission will require the votes of two-thirds of the UN's 191 members. In addition, curiously, the panel's report neglects to mention what effect the new commission might have on the role and operations of the UN's Department of Peace-Keeping Operations (DPKO). Would DPKO be over-taken by the new institution? Would it persist with overlapping mandates with the commission? Or, would it maintain a discrete identity and mandate of its own? Despite the need for answers to these questions, the creation of a peace-building commission integrating conflict prevention and post-conflict reconstruction efforts would be a welcomed compliment to the Security Council, which should reverse its trend toward legislating on too many issues and, thus, focus its attention on authorizing and employing the use of force for human protection purposes.

6   Conclusion

In recent months US Senators and Congressman have launched a full-scale attack on the UN's mismanagement of Iraq's multibillion-dollar "oil for food" program, with right-wing politicians and media calling for Kofi Annan's resignation. This development will surely complicate US involvement in the UN reform process in the lead up to the Millennium Summit + 5 in September 2005. The reelection of George W. Bush in No-

vember 2004 and the Republican Party's dominance in the US Congress cause serious problems for any reform effort, not least Security Council reform, which requires amendment of the UN Charter. But UN reform does not hinge on any one single country, including the US. Geopolitical rivalries in Europe, Latin America and Central and East Asia will continue, as they have for decades, to pose obstacles for the UN in 2005 and beyond. Implementation of many the high-level panel's 101 recommendations, namely those involving Charter amendment, will require a vote in the General Assembly (two-thirds majority) and Security Council (unanimous).

International commissions present opportunities as well as challenges to change. In order to make any sort of a difference in the conduct of international relations, they require strong and broad-based political support by states. This article has argued that even though the high-level panel has not offered earth-shattering ideas on the central questions of collective security – particularly regarding the use of force to meet an external threat or end an internal conflict – its final report does offer policy guidance to the UN's two main constituencies – member states and the corps of international civil servants led by Secretary-General Annan.

Follow-up efforts by panel members and various national and international institutions can be instrumental in building political support for the implementation of some of the high-level panel's recommendations. But follow-up work itself will not be enough. No amount of reform proposals and recommendations by an international commission will make the world more secure or will make the UN stronger and more effective in the years to come. Instead, as the high-level panel astutely states, that outcomes depends largely on the resolve of world leaders to provide the UN with the requisite "energy, resources and attention" needed to ensure "a more secure world."

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