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The world is at the “fork in the road” that UN Secretary General Annan warned of in his seminal speech to world leaders at last year’s General Debate. One way leads to more effective rule of law and multilateral cooperation. The other way leads to a Darwinian unilateralism and counterbalancing coalitions.

Which fork the world takes will depend on policy sagacity in Washington and political savvy in New York, not sure things in either city. In Washington, US leaders need to recognize in this day and age, both that power does not only come out of the barrel of a gun and that legitimacy is crucial to American effectiveness. Legitimacy comes from advancing international law as codified in the UN Charter, not from flouting it. In New York, the 190 other UN member countries, particularly the poorer countries deeply attached to the notion of sovereignty as a bulwark against colonialism and other predations, need to recognize that times do change and that sovereignty cannot be and, in fact, is not absolute in a world of failed states, weapons of mass destruction and international terrorism. The UN, created in another age for another age, needs reform if it is to retain its centrality; the Charter’s emphasis on sovereignty needs qualification.

The High Level Panel on Threats, Challenges and Change appointed last year by Mr. Annan has tabled its report and it is better than many dared hope. The bulk of the recommendations deal with substance; the most significant address the use of force and sovereignty. On the use of force, it recommends the application of a series of rules and guidelines derived in large part from the Canadian-sponsored report, “The Responsibility to Protect” (R2P), in all cases where force is contemplated. The panel adopts other central recommendations of the Canadian report, notably threshold tests for intervention and precautionary principles, including, the necessity of the right intention and of doing more good than harm. With respect to military intervention for humanitarian purposes, the panel endorses the idea that when a state cannot or will not protect its citizens, it cannot

expect to shield itself behind its own sovereignty. The responsibility to protect its citizens in such cases falls temporarily to the international community. The panel calls for greater equity in the effort to ensure security, noting that Rwanda suffered the equivalent of three 9/11 attacks every day for 100 days.

The panel acknowledges that the potential nexus of weapons of mass destruction and terrorists is a new danger. It upholds, nevertheless, the distinction between pre-emption of an imminent threat, which is allowed under existing international law, and prevention of a non-imminent threat, which is not. Pre-emption must meet a number of tests on the urgency and necessity of anticipatory self-defence. For example, the Israeli attack on Arab forces massed on its borders in 1967 met the pre-emption tests. The American preventive attack on Iraq, to forestall what it perceived to be a gathering danger, did not. The panel holds that “allowing one to act is to allow all” and would lead backwards to lawlessness. The panel maintains that it remains the Security Council that must decide to authorize preventive action and argues that the Council would respond to sound arguments to do so.

Two recommendations that the panel makes will, if adopted, help to restore some luster to the UN’s tarnished image. It recommends overhauling the Commission on Human Rights, which it recognizes to be an embarrassment to the UN, inter alia by having human rights experts, not government officials, lead national delegations. Also, the panel has agreed on a definition of terrorism -- a first for the UN -- that would proscribe action against civilians or non-combatants intended to intimidate a population or compel a government to act or not act. The panel stresses there is nothing in the fact of occupation that justifies the targeting and killing of civilians.

There is much in the panel report that, if adopted, would make the UN a more effective institution and the world a safer place. For example, the panel commends Prime Minister Martin’s innovative L 20 idea of bringing the leaders of major countries together periodically to advance intractable issues and achieve greater policy coherence among its members. The panel 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 foreshortened to five years. Drawing a link between economic development and security, the panel recommends that richer countries such as Canada establish a timetable for achieving the development assistance target of 0.7 per cent of their GNP. It also urges that new negotiations be launched on global warming and that the statute of the International Criminal Court be ratified by all. The panel proposes the creation of a peace-building commission reporting to the Security Council -- in recognition that, in the past, the UN has too often not stuck with its interventions and finished the job.

The panel offers two options for reforming the structure of the Security Council to reflect contemporary reality. The first would add six permanent seats and two non-permanent seats and the other eight semi-permanent seats. Canada would probably be better off with the latter, which would permit eventual Canadian accession if we invested enough in our foreign policy.

The panel has shown a way for all UN members to take the same turn in the fork in the road. For them to do so, all will have to agree that a reformed, effective UN is vital. Panelist Brent Scowcroft, former US national security adviser, has said that all of the panel's recommendations are in the US's interest. The other 190 members will also have to agree that they too will benefit from adopting the recommendations. It took the worst war in history to persuade world leaders to create the United Nations. We can only hope that the Iraq war has sufficiently scared their successors to generate the political will to reform it.

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