

# **Commentary on the Report of the High Level United Nations Panel “A More Secure World: Our Shared Responsibility”**

**Lieutenant General Satish Nambiar, PVSM, AVSM, VrC (Retd)**

## **Introduction**

**W**e are passing through a decisive stage in the history of the international system. Though the threat of war between great states or nuclear confrontation between the erstwhile Soviet Union and the USA are well behind us and in fact fading in our memory, new and diverse constellation of threats, some clear and present, others only dimly perceived, test our resolve and question the validity of our existing mechanisms. Developments at the international level over the last year and a half have exposed deep divisions within the membership of the United Nations (UN) over our fundamental policies on peace and security. They included debates on how best to prevent the proliferation of weapons of mass destruction (WMD), and combat the spread of international terrorism, the criteria for the use of force and the role of the Security Council, the effectiveness of unilateral versus multilateral responses to security, the notion of preventive war, and the place of the UN in a world with a single super power.

These recent debates emerge after several years of agonising debate on issues of no less importance. Such as our collective response to civil wars; the effectiveness of existing mechanisms in responding to genocide; so-called ethnic cleansing and other severe violations of human rights; changing notions of state sovereignty; and the need to more tightly link the challenges of peace and the challenges of development.

---

**Lieutenant General Satish Nambiar, PVSM, AVSM, VrC (Retd)** Director USI served on the High Level United Nations Panel as a member.

Extracts of the talk delivered at the USI on 14 December 2004.

*Journal of the United Service Institution of India*, Vol. CXXXIV, No. 558, October-December 2004.

Even so, events of the previous year question the belief in collective responses to common problems and challenges and prompted the Secretary General to express his anguish when he addressed the General Assembly on 23 September 2003. The major points he made were as under :-

(a) The attack in Baghdad in August 2002 underscored the perception of the UN as a tool of Western domination.

(b) There are new threats and old ones; 'hard' threats like terrorism and proliferation of WMD and 'soft' threats like poverty; disparities of income between and within societies; spread of infectious diseases and environmental degradation. All need to be addressed.

(c) Such threats were dealt with in the past by containment and deterrence based on collective security and the UN Charter.

(d) Even for self-defence, the unique legitimacy of the UN was invariably sought.

(e) This was now in question. What has transpired is a challenge to the principles on which world peace and stability have rested for the last 59 years.

(f) It is not enough to denounce unilateralism. We must recognise the concerns that compel the most powerful country to act unilaterally and show to that country that these can be addressed effectively through collective action.

**(g) *We have come to a fork in the road. A moment as decisive as the founding of the UN in 1945.***

(h) There is a need to decide whether we can continue on the basis then agreed upon, or introduce radical changes and review instruments at our disposal like the composition of Security Council to make it more representative and conforming to geopolitical realities. Also its capacity to respond to threats of all types.

(j) The need to strengthen the General Assembly.

(k) A review of the role of Economic and Social Council (ECOSOC) and the UN as a whole on economic and social issues, including its relationship with Brettons Woods institutions. The scope to rethink its role and reinvigorate its functioning.

(l) Review the role of the Trusteeship Council.

(m) Review and strengthen international regimes on issues like proliferation of nuclear, biological and chemical (NBC) weapons and counter terrorism.

During that address, the Secretary General expressed his intention to set up a high level panel to go into these aspects and come up with recommendations.

### **The Panel**

The Panel was constituted on 4 November 2003 as under:

(a) **Chairman.** Anand Panyarachun; former Prime Minister of Thailand.

(b) **Members.**

(i) Robert Badinter (France); Member of the French Senate and former Justice Minister.

(ii) Joao Clemente Baena Soares (Brazil); former General Secretary of the Ministry of External Affairs of Brazil and Secretary General (SG) of Organisation of American States (OAS).

(iii) Gro Harlem Bruntland (Norway); former Prime Minister (PM) and former Director General (DG) of World Health Organisation (WHO).

(iv) Mary Chinery-Hesse (Ghana); Vice Chairman, National Development Planning Commission of Ghana and former Deputy Director General (DDG) International Labour Organisation (ILO).

- (v) Gareth Evans (Australia); President International Crisis Group (ICG) and former Foreign Minister.
- (vi) David Hannay (UK); former Permanent Representative (PR) of UK to UN and UK Special Envoy to Cyprus.
- (vii) Enrique Iglesias (Uruguay); President of Inter-American Development Bank and former Minister for Foreign Relations of Uruguay.
- (viii) Amre Moussa (Egypt); SG of League of Arab States and former Foreign Minister.
- (ix) Satish Nambiar; retired Lieutenant General from the Indian Army; former Force Commander and Head of United Nations Protection Force in Former Republic of Yugoslavia (UNPROFOR).
- (x) Sadako Ogata (Japan); President of the Japan International Cooperation Agency and former United Nations High Commissioner for Refugees.
- (xi) Yevgeny Primakov (Russia); former PM.
- (xii) Qian Qichen (China); former Vice PM and Foreign Minister.
- (xiii) Nafis Sadik (Pakistan); former Executive Director United Nations Population Fund (UNFPA).
- (xiv) Salim Ahmed Salim (Tanzania); former Prime Minister of Tanzania and SG of Organisation of African Unity (OAU).
- (xv) Brent Scowcroft (USA); former Lieutenant General United States Air Force (USAF) and National Security Adviser.

### **Purpose of Setting Up the Panel**

The Secretary-General established the Panel because he believed that the UN had reached a fork in the road and that the organisation could either rise to the challenge of meeting new threats or erode in the face of mounting discord between states

and unilateral action by them. He asked the High-level Panel to generate new ideas about the kinds of policies and institutions required for the UN to be effective in the 21<sup>st</sup> Century.

The Panel Report, therefore, makes an effort to set out a bold, new vision of collective security for the 21<sup>st</sup> Century.

### **Conduct of Work**

The work of the Panel was undertaken by:

- (a) Periodic meetings.
- (b) Consultations with experts in selected fields.
- (c) Inputs from regional workshops and seminars.
- (d) Use of small resource of scholars representing a range of disciplines.

### **Meetings Held**

The Panel held six meetings:

- (a) 05 to 07 December 2003 at Princeton, USA.
- (b) 13 to 15 February 2004 at Mont Pelerin, Switzerland.
- (c) 30 April to 02 May 2004 at Addis Abbaba, Ethiopia.
- (d) 16 to 18 July 2004 at Baden, Austria.
- (e) 24 to 26 September 2004 at Tarrytown, USA.
- (f) 03 to 05 November 2004 at New York City, USA.

In addition, a number of regional meetings were arranged in various countries, which were attended by as many panel members as were able to.

### **Divergence of Views**

In his letter submitting the Report to the Secretary General, the Chairman makes the point that there was some disagreement

within the Panel on the proposals for Security Council reform. Which was the reason for including two options: one recommending increase in permanent and non-permanent seats, and the other recommending only non-permanent seats but in two categories, four year renewable and two year non-renewable. The Chairman makes the point that this disagreement on Security Council reform must not be allowed to "divert attention from the many other necessary proposals for change, the validity and viability of which do not depend on Security Council enlargement".

The Chairman allowed the Brazilian representative Joao Clemente Baena Soares, to make a separate submission to the Secretary General setting out his serious reservations about the Panel recommendation on a voluntary moratorium by States on the construction of uranium enrichment and reprocessing facilities.

### **Remarks by the Secretary General in the Foreword to the Report**

In the Foreword to the Report the Secretary General emphasises the following aspects of the Panel's recommendations:-

- (a) The interconnection of threats to international peace and security require that strategies are comprehensive.
- (b) The front-line in this regard must be manned by capable and responsible states.
- (c) Development and security are inextricably linked. People in rich countries will be more secure if their governments extend help to poor countries to defeat poverty and disease by meeting the Millenium Development Goals.
- (d) There is need for a major initiative to build public health capacity throughout the developing world.
- (e) The primary response to threats must be mediation and if required, imposition of sanctions.
- (f) When all else fails it may become necessary to resort to the use of force. But this must conform to certain laid down criteria.

- (g) The attempt to define terrorism.
- (h) Strengthening the non-proliferation regime by creating incentives and suggesting voluntary moratorium.
- (j) On Security Council reform the two options offered by the Panel need consideration by the membership.
- (k) Post conflict peace building is an important aspect that receives full consideration.
- (l) Restoring the credibility and effectiveness of human rights is another aspect that has received the attention of the Panel.

The Secretary General encourages people to read and discuss the Report and urge governments to take prompt decisions on the recommendations. He stresses the urgent need to come together and reach new consensus on the future of collective security and changes in the UN. He expects decision by world leaders at a Special Summit in September 2005.

### **Main Messages in the Panel Report**

We live in a world of new and evolving threats, which could not have been anticipated when the UN was founded in 1945 – threats like nuclear terrorism; and state collapse from the horrible mix of poverty, disease and civil war. In today's world, a threat to one could constitute a threat to others too. Every state requires international cooperation to make it secure. Some specifics the Panel has considered in analysing this aspect are as under :-

- (a) Globalisation means that a major terrorist attack anywhere in the industrial world would have devastating consequences for the well being of millions in the developing world.
- (b) Any one of 700 million international airline passengers every year can be an unwitting carrier of a deadly infectious disease.
- (c) The erosion of state capacity anywhere in the world weakens the protection of every state against trans-national threats such as terrorism and organised crime.

The good news is that the UN and our collective security institutions have shown that they *can* work. This is proven by the fact that:

- (a) More civil wars ended through negotiation in the past 14 years than the previous 200.
- (b) In 1960, many believed that by now 25 to 50 states would possess nuclear weapons; the Nuclear Non-Proliferation Treaty and associated regimes have helped prevent this.
- (c) The World Health Organisation helped and stopped the spread of Severe Acute Respiratory Syndrome (SARS) before it killed tens of thousands, perhaps more.

### **The Threats**

However, these accomplishments can be reversed if the international community does not modernise the UN so that it responds effectively to the full range of threats that confront us. After some considerable discussion and debate the Panel was unanimous in arriving at the conclusion that there are six clusters of threat with which the world must be concerned now and in the decades ahead. These are as under :-

- (a) Wars between states.
- (b) Violence within states, including civil wars, large-scale human rights abuses and genocide.
- (c) Poverty, infectious disease and environmental degradation.
- (d) Nuclear, chemical, biological and radiological weapons.
- (e) Terrorism.
- (f) Transnational organised crime.

The Panel recognises that though all states do not face these threats equally, a collective security system must take all member states' threats seriously, and deal with them equitably. Unfortunately the UN has not always been equitable in its response to threats. This is shown by the varying speed with which the UN responds

with peacekeepers to civil wars in Africa, as compared to meeting such requirements in Europe. **And the appallingly slow response to Acquired Immune Deficiency Syndrome (AIDS).** This inequity in response undermines confidence in the legitimacy of the UN, and must be redressed.

### The Way Forward

The Report is the commencement, not the end, of a process. Member states have to decide whether they want an effective UN. The year 2005 will be a crucial opportunity for Member States to discuss and build on the recommendations in the Report, some of which will no doubt be considered at a summit of heads of state. Even so, building a more secure world takes much more than a report or a summit. It will take resources commensurate with the scale of the challenges ahead; commitments that are long-term and sustained; and, most of all, it will take leadership – from within states, and between them. *And statesmanship of a very high order.*

### Policies for Prevention

The Panel was of the unanimous view that meeting the challenges of today's threats means getting serious about prevention; the consequences of allowing threats to spread or become active are simply too severe. And in that context there was no difference of opinion that development has to be the first line of response for a collective security mechanism that takes prevention seriously. Combating *poverty* will not only save millions of lives but also strengthen states' capacity to combat terrorism, crime, and proliferation. This is a win-win strategy. Also win-win are efforts to combat *infectious disease* – through a major new initiative to rebuild global public health, disease monitoring and response capacity. This is necessary for public health in developing countries, and to fight biological terrorism. New efforts to reverse environmental degradation and tackle climate change must form part of any sustainable development strategy.

Preventing *wars within states and between them* is in the collective interest of all of us. If we are to do better in the future, the UN will need real improvements to its capacity for preventive

diplomacy and mediation. We will have to protect democratic governments from unconstitutional overthrow, and protect minority rights. And we will have to work collectively to find new ways of regulating the management of natural resources, competition for which often fuels conflict.

Preventing the spread and use of *NBC weapons* is essential if we are to have a secure world. To that end the following measures are suggested :-

- (a) Doing better at reducing demand for these weapons, and curbing the supply of materials. Which means living up to existing treaty commitments, including for negotiations towards disarmament and enforcing international agreements.
- (b) Strengthening the non-proliferation regime by creating incentives for states to forego the development of domestic uranium enrichment and reprocessing facilities, and call for a voluntary time-limited moratorium on the construction of any such facilities.
- (c) Negotiations for a new arrangement which would enable the International Atomic Energy Agency to act as a guarantor for the supply of fissile material to civilian nuclear users at market rates.
- (d) The International Atomic Energy Agency should adopt the 'additional protocol' as the Agency standard for inspections.

*Terrorism* is a threat to all states, and to the UN as a whole. The following aspects merit consideration in this regard :-

- (a) New aspects of the threat – including the rise of a global terrorist network, and the potential for terrorist use of nuclear or biological weapons – need new responses.
- (b) The UN has not done all that it can. The Report urges the UN to forge a strategy of counter-terrorism which caters for respect of human rights and the rule of law.
- (c) The Report gives a clear definition of terrorism, arguing that it can never be justified and calls on the General Assembly

of the UN to overcome its divisions and finally conclude a comprehensive convention on terrorism. (Paras 157 to 164).

The spread of *transnational organised crime* increases the risk of all the other threats. The following points have been made:-

- (a) Terrorists use criminal groups to move money, men and materials around the globe.
- (b) Governments and rebels sell natural resources through them to finance wars.
- (c) State's capacity to establish the rule of law is weakened by corruption.
- (d) Combating organised crime is essential for helping states build the capacity to exercise their sovereign responsibilities – and in combating the hideous traffic in human beings.

### Use of Force

There can be little argument that prevention sometimes fails. And when that happens, threats will have to be met by military means. The UN Charter provides a clear framework for the *use of force*. States have an inherent right to self-defence, enshrined in Article 51. Long-established customary international law makes it clear that states can take military action as long as the threatened attack is imminent, no other means would deflect it, and the action is proportionate.

The Security Council has the authority to act preventively, but rarely **does**. The Security Council may well need to be prepared to be more proactive in the future, taking decisive action earlier. States that fear the emergence of distant threats have an obligation to bring these concerns to the Security Council.

The Report endorses the emerging norm of a *responsibility to protect* civilians from large-scale violence – a responsibility that lies first and foremost with the national authorities. When a state fails to protect its civilians, the international community then has a further responsibility to act, through humanitarian operations,

monitoring missions, and diplomatic pressure; and with force if necessary as a very last resort. And in the case of conflict or the use of force, this also implies a clear international commitment to rebuilding shattered societies. The Panel deliberated on the aspect of legitimacy of such international action and suggested the following criteria as a basis (Para 207) :-

(a) Seriousness of the threat.

(b) Proper purpose.

(c) Last resort.

(d) Proportional means.

(e) Balance of consequences.

### **Peacekeeping, Peace Enforcement and Peacebuilding**

Deploying military capacities either for *peacekeeping* or peace enforcement has proved to be a valuable tool in ending wars and helping to secure states in their aftermath. But the total global supply of available peacekeepers is running dangerously low. From indications given to the Panel just to do an adequate job of keeping the peace in existing conflicts would require almost doubling the number of peacekeepers around the world. The developed states have particular responsibilities to do more to transform their armies into units suitable for deployment to peace operations. And if we are to meet the challenges ahead, more states will have to place contingents on stand-by for the UN purposes, and air transport and other strategic lift capacities to assist peace operations.

When wars have ended, *post-conflict peacebuilding* is vital. The UN has often devoted too little attention and too few resources to this critical challenge. Successful peacebuilding requires the deployment of peacekeepers with the right mandates and sufficient capacity to deter would-be spoilers. It also requires funds for demobilisation and disarmament, built into peacekeeping budgets, and a new trust fund to fill critical gaps in early reconstruction. It also requires a focus on building state institutions and capacity, especially in the rule of law sector. Doing this job successfully should be a core function of the UN.

## A UN for the 21<sup>st</sup> Century

To meet the various challenges, the UN needs its existing institutions to work better. This means revitalising the *General Assembly* and the *ECOSOC*, to make sure they play the role intended for them, and restoring credibility to the *Commission on Human Rights*.

It also means increasing the credibility and effectiveness of the *Security Council* – which would increase if the Security Council better reflected today's realities. The Report gives one set of principles for reform, and two options for how to achieve them – one involving new permanent members, the other involving new long-term, renewable seats. In neither option are any new vetoes created. It argues that any reforms must be reviewed in 2020. The Panel was of the unanimous view that reforms of the Security Council should meet the following principles :-

- (a) Increase the involvement of those members who contribute most to the work of the UN.
- (b) Bring into the decision making process countries more representative of the broader membership, especially of the developing world.
- (c) Should not impair effectiveness.
- (d) Should increase the democratic and accountable nature of the Council.

Option A provides for six new permanent seats (two each from Africa and the Asia/Pacific and one each from Europe and South America) and three new two-year non-permanent seats. Option B creates a new category of eight four-year renewable-term seats (two each for Africa, Asia/Pacific, Europe and the Americas) and one new one year non-renewable seat.

The Panel feels there is need for a new institution to meet evolving challenges – such as a *Peacebuilding Commission* – a

new mechanism within the UN, drawing on the Security Council and the Economic and Social Council, donors, and national authorities. It would work closely with regional organisations and the international financial institutions. It would fill a crucial gap by providing the necessary attention to countries emerging from conflict.

Outside the UN, a forum bringing together the heads of the 20 largest economies, developed and developing, would help in the coherent management of international monetary, financial, trade and development policy.

Better collaboration with *Regional Organisations* is also crucial, and the report sets out a series of principles that govern a more structured partnership with the UN.

The Report recommends strengthening the Secretary-General's critical role in peace and security. Some of the measures suggested are as under :-

(a) To be more effective, the Secretary-General should be given substantially more latitude to manage the Secretariat; and be held accountable.

(b) He also needs better support for his mediation role, and new capacities to develop effective peacebuilding strategy.

(c) He currently has one Deputy Secretary-General; with a second, responsible for peace and security, he would have the capacity to ensure oversight of both the social, economic and development functions of the UN, and its many peace and security functions.

Allow me to conclude by stating that it was indeed a great honour and a privilege to have been nominated to serve on the Panel. Which I did in my individual capacity as did all the others. Even so, I had called on the then External Affairs Minister, Shri Yeshwant Sinha, in November 2003, before going to attend the first meeting of the Panel. Since then I have kept in touch at various times with our Permanent Mission in New York and with the UN Division in the Ministry of External Affairs (MEA) to keep

them generally informed of important developments. The experience was truly exhilarating. Not only in terms of inter-acting and rubbing shoulders with such eminent international personalities, but also in terms of being part of deliberations that could have an impact on the way the international system sets its course in the years to come. At the personal level, I was able to develop close rapport with the other panellists. Some more than others. But we can all take satisfaction in having done a fairly difficult assignment reasonably well.

## **20 YEARS SUBSCRIPTION : USI JOURNAL**

Option now available for units, formations and other organisations to make payment of lumpsum of Rs. 5,500/- for 20 years subscription.

(One, two and three year rates continue to be Rs. 250/-, Rs. 500/- and Rs. 750/-)