KEYNOTE ADDRESS AT THE TOKYO CONFERENCE
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Belying the euphoria following the end of the Cold War that the Western world heralded as the emergence of a new international order, developments at the global level over the last three years particularly, have exposed deep divisions within the membership of the United Nations over fundamental policies on collective responses to threats to international peace and security. Debates have focused on how best to prevent the proliferation of weapons of mass destruction, 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 United Nations in a world with a single super power. But these have only added to the agonising debates the international community has been engaged in for the last several years 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.

The threats to international peace and security today are formidable: wars between states; wars within states including genocide; state failure or collapse; international terrorism; proliferation of conventional weapons; weapons of mass destruction; civilisational conflict; religious & racial intolerance & radicalism; international organised crime, including trafficking in drugs & human beings; violation of human rights; migration; environmental degradation; poverty & social inequity; & diseases like HIV/AIDS. While inter-state conflict and internal conflict will continue to require the attention of the international community, the threats posed by international terrorism and proliferation of weapons of mass destruction have assumed greater significance particularly because of the dangers of access to such technology by terrorists. In so far as international intervention in situations of genocide, collapse of state

institutions, and civil war are concerned, the aspect of state sovereignty remains important. But consensus seems to have emerged that such sovereignty cannot be considered totally inviolate in this day and age. In some extreme situations there would be need for the international community to play a role. However the imperative for collective determination in this regard is vital if there is to be legitimacy for the actions taken.

In the aftermath of the US led operations in Iraq, there seemed to be general consensus that restructuring and institutional reform of the UN machinery and its organs to meet the new challenges should not be put off for much longer. The changes required were not merely a matter of the functioning of the UN Secretariat and other such administrative details. The changes needed to focus on the world body's character and ethos. That this defining moment in the history of the organisation was an appropriate time to initiate the process of energising it for an enhanced and more complex role in a fast changing world.

The High Level Panel (HLP) that I had the privilege and honour of serving on (together with one of Japan's distinguished international personalities- Madame Sadako Ogata) 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. Strengthening state apparatus including rule of law mechanisms, combating poverty, building or restoring infra-structure that may have been destroyed, sustaining initiatives for public health and providing for control and prevention of infectious disease will not only save millions of lives but also provide developing states the capacity to deal with internal disorder and combat terrorism, international organized crime, and proliferation. New efforts are also required to reverse environmental degradation and tackle climate change that must form part of any sustainable development strategy. And in this context the theme of this particular conference assumes significance.

Preventing *wars within states and between them* is in the collective interest of all of us. If the international community is to do better in the future in this context, the UN will need real improvements in its capacity for preventive diplomacy, mediation and conflict management. The international community needs to make genuine and concerted efforts to protect democratic governments from unconstitutional overthrow, and for protection of minority rights. The trends towards expediency in this regard must be reversed. And there is a need to work collectively to find new ways of regulating the management of natural resources, competition for which often fuels conflict.

There is no disagreement that use of force should only be considered after all other options have been exhausted. And the fact that force can be legally used does not always mean that it should be used. In this context the HLP commends the mechanism of preventive deployment. However we are aware that preventive action 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 accepts that states can take pre-emptive military action as long as the threatened attack is imminent, no other means would deflect it, and the action is proportionate. Equally, Chapter VII of the UN Charter provides the international community represented by the Security Council, with the authority to deal with situations where military force needs to be applied against an errant state that resorts to aggression against another member state.

On the emerging concept of 'preventive' use of military force to deal with not-so-imminent threats, there was general agreement within the Panel after detailed discussion that the Security Council may need to be more pro-active than before. And in this context it was stressed that States that fear the emergence of distant threats have an obligation to bring these concerns to the Security Council. It is important to mention here that during inter-action with members of the strategic community and some sections of the intelligentsia in the developing world it was evident that the recommendations of the HLP in regard to this aspect were seen as endorsing what is perceived as the increasing propensity for use of force by the more powerful members of the developed world to resolve problems that arise from time to time. During discussions many of us had argued that in the formulation of our report we should ensure that there should not be over-

arching stress on the use of force as a mechanism for resolution of problems. It would appear that despite such an attempt that did result in moderating the obsessive focus on this aspect, reservations remain. **It is ironic that the recommendations made by the Panel on this aspect have been received with scepticism and suspicion by a number of developing countries who felt that the Panel has played into the hands of the developed world led by the USA, and on the other hand, the USA perceives the recommendations as imposing unacceptable restrictions on actions it may need to take in its own security interests.**

I am of the view that notwithstanding the fact that the recommendations of the HLP on this issue have not been endorsed in the outcome document adopted at the UN summit in New York last year, it would be prudent for the international community to factor such a contingency into future deliberations and planning. Personally, I am convinced that the international community will almost definitely be faced with situations that call for preventive use of force, sooner rather than later. As we engage in discussion the situation in Lebanon calls for some introspection.

There continues to be much discussion and deliberation on the aspect of the 'responsibility to protect' in context of the point made by many member countries that state sovereignty is still very important particularly to the developing countries that have emerged from colonial rule not too long back. Notwithstanding all the developments at the global level in recent years, the concept of state sovereignty remains at the root of the international system. Even so, there was eventual agreement that in this day and age, such sovereignty cannot be absolute. The 2005 Summit endorsed the norm of a *collective responsibility to protect* civilians from large-scale violence: a responsibility that lies first and foremost with national authorities. When a state fails to protect its civilians or is incapable of doing so, the international community would appear to have a 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**.

On the subject of WMD there is much scepticism in the developing world in the knowledge that the *nuclear weapon states are not making any serious moves towards universal nuclear disarmament* within the framework of the Non Proliferation Treaty, but are placing unacceptable conditions on states that are trying to develop nuclear capability for peaceful purposes like generation of power. The Secretary General has expressed regret that on this vital issue last year's Summit could not reach agreement. As he put it, "we have allowed posturing to get in the way of results".

During discussions within the HLP as also during inter-action with policy makers, scholars and analysts after release of its Report, a major aspect that emerged is the dangerous perception of the fight against terrorism being portrayed as a battle against Islam. Whereas it is an unfortunate fact that global terrorism as being prosecuted by organisations like the Al Qaeeda and its affiliates, has an Islamic content deliberately exploited by the perpetrators to create further alienation and discord in societies, it is imperative that the remedies sought by the international community in dealing with the menace do not reflect such religious connotations. In fact, every effort will need to be directed at assisting moderate Islamic governments and progressive elements in all Islamic societies, to counter the influence of the extreme fundamentalist sections that are responsible for the phenomenon. This will require sustained and deliberate efforts by the international community over a considerable period of time. It is a matter of great regret that notwithstanding the seriousness of the issue and the need for urgent action, no consensus could be reached on the definition of terrorism and forging a comprehensive convention on terrorism.

On the subject of institutional reform, it is a reflection of the bankruptcy of the international system that little serious action is being initiated. There is hardly any doubt that the major powers particularly the P5 are not keen to welcome on the Security Council any new permanent members. In context of the difficulties the USA is having in dealing with the existing P5 members it is obviously not keen to have to deal with even more players on vital issues in the future. Russia, France and the UK see their position as rather shaky even as it is, and are therefore not keen to promote measures that would result in a decision that adds new permanent members or on reconstituting the Security Council. China would prefer to retain its present unique status as the sole permanent

member from the developing world. Then of course there are the spoilers who know fully well they cannot aspire for much but are quite content with positively blocking moves for reform that may afford advantage to countries they are politically opposed to. And most others remain indifferent despite all the rhetoric, because it makes no difference to them one way or the other.

On peacekeeping, it needs no elaboration that a military force of modest dimensions (together with police, civil affairs and humanitarian aid personnel) inserted into a conflict zone immediately after some semblance of agreement between belligerents is negotiated, can achieve much more in terms of implementing the terms of the agreement, than a much larger force introduced a few weeks or months later. In context of ensuring ready availability of forces for United Nations peace operations it would appear that the only real answer for meeting crisis situations that call for speedy deployment for the maintenance of international peace and security, is to raise and maintain a Standing United Nations Rapid Deployment Force comprising military personnel, civilian police, and some civil affairs and humanitarian aid personnel. I had suggested that the HLP strongly recommend the creation of such a force. Whereas all members of the Panel as also the UN Secretary General and members of the Secretariat endorsed the concept in principle, many of them appeared to feel that it was unlikely to receive general support on grounds of costs of establishing and supporting such a force, as also on grounds of political acceptance of the idea. I find these postulations quite unconvincing but had to bow to what was projected as the greater wisdom. In my view**, reluctance to endorse such a concept particularly by the more powerful countries of the developed world, is primarily because they would not like to see their own influence and ability to manipulate events diluted by the provision of such ready capability to the United Nations**. To that extent, I am of the opinion that *much of the talk about strengthening the UN and making it more effective is rhetoric and symbolism*. The point I am making is probably underscored by the fact that the developed world has shown increasing reluctance over the last few years to providing military personnel for UN peace operations particularly in difficult missions in Africa. Governments of developed countries of the Western world seem to prefer making available their well-equipped and trained forces to NATO or EU sponsored interventions even in missions outside their

area of operations, to the exclusion of the UN that they then pronounce as incompetent to run such missions.

Two major aspects probably merit focus in regard to the use of regional capability for the conduct of peace operations. The first relates to the capacity of most of the regional organisations other than the European ones. They will need financial and equipment resources that they can themselves ill afford. They will also require assistance in training; of the militaries, civilian police, civil affairs personnel, and so on. To some extent this is being undertaken, but much too tentatively and selectively to convey a message of effectiveness. The second aspect is more seminal in that it relates to procedures. Once various regional and sub-regional organisations are able to set up such capability and earmark rapid deployment forces as envisaged for instance, in the charter of the African Union, the executive organs of the respective organisations would exercise their authority to undertake preventive action including preventive deployment, peacemaking, intervention/stabilisation operations, peacekeeping and peace building. In this context the HLP made specific recommendations. That authorisation should in all cases be sought from the UN Security Council for regional peace operations; in some urgent situations such authorisation may be sought after operations are launched. The Panel recognises that organisations like NATO may well have a role to play in the conduct of peace operations outside their specified area of responsibility and welcomes this as long as such operations are authorised by, and made accountable to, the UN Security Council.

Discussions within the HLP revealed that there was no institutional arrangement designed to prevent State collapse and to assist countries in their transition from war to peace. We therefore recommended the establishment of a Peacebuilding Commission whose core functions should be: to identify countries that are under stress and risk sliding towards State collapse; to organise in partnership with the national Government, proactive assistance in preventing that process from developing further; to assist in the planning for transitions between conflict and post-conflict peace-building; and in particular, to marshal and sustain the efforts of the international community in post-conflict peace-building over whatever period as may be necessary. The Panel also recommended the setting up of a support structure within the Secretariat for such a

Commission and a small standing civilian police capability. This recommendation was endorsed by member states to address post conflict scenarios and a Peacebuilding Commission has since been set up.

As the process of setting up a Peace Building Commission and its support structure within the UN HQ takes shape, it is essential that member states that have established competence in rule of law mechanisms like the judiciary and civilian police, agencies for the conduct of elections and drawing up constitutions, educational and health-care facilities, restoration of infra-structure and so on, provide such assets for this activity. Since such resources will always be required in failing/failed state scenarios in the least developed countries, it makes sense that capacities in the developing world as in India would be much more relevant than the value systems of the Western world. The real effective role for developed countries is in providing financial and material resources.

I would like to conclude by stating that in my view whereas the HLP executed the mandate given to it with tremendous application, vigour and commitment, while professing to be bold and radical, it actually made a number of somewhat mild and sometimes timid recommendations. Ironically even these have not found resonance at the summit of world leaders last September. It is a matter of some disappointment that the response of the international community to the SG's report at the summit in New York was so lukewarm. Notwithstanding that sense of disappointment, I must state 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. 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 one thought 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 panelists. Some more than others. Whereas we can all take satisfaction in having done a fairly difficult assignment reasonably well, personally I think a great opportunity for the reform of the international system represented as it is by the UN, has been allowed to slip by.