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PRESENTATION
BY
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It’s not much more than a year ago that Kofi Annan appointed the High Level Panel on Threats, Challenges and Change to report to him, as we did in December, on the security threats facing the world in the 21st century and how to respond to them. When we sat down to our task we did not contemplate – who could have? - that within a month of presenting our report, more than 250 000 people across an entire region of the world, many of them visiting from half a world away, would be tragically killed by a single natural catastrophe.

The Indian Ocean tsunami disaster graphically and horribly confirmed one of the most fundamental themes running through the High Level Panel report – that however much different security threats, both natural and man-made, might resonate differently in different parts of the world, reflecting differences in geography, power and wealth, nonetheless none of us can escape, ultimately, the impact of any of them. When it comes to facing security threats, and the obligation to respond effectively to them, we are all in this together.

The events of a few weeks ago have rammed home to us messages that should long ago have been loud and clear, but on which as an international community we have been lamentably slow to act:

- that the world of 2005 is very different from that of 1945;
- that the security threats we face reach far beyond states waging aggressive war;
- that they involve human security as much as state security;
- that they are interdependent and affect us all;
- that we have a shared responsibility to deal with them; and
- that we need fundamental and far-reaching changes to both our policies and our institutions if we are to exercise that responsibility effectively.

Of course it is not just the events of ten weeks or so ago that have forced upon us the need for a fundamental rethink of our security priorities and performance – it’s the events of the last ten years or more:

- The long history of failure through the 1990s to get it right on humanitarian intervention, from the lamentable inaction in response to the Rwandan genocide in 1994, to the action in Kosovo in 1999, defensible in principle but unsupported by the Security Council.

- The resurgence of unilateralist sentiment and behaviour, culminating in the coalition invasion of Iraq in 2003, the defenders of which seem for the most part to remain resolutely unchastened by the subsequent course of events.

- The loss of confidence in the existence and vitality of the rules governing the use of force, including in particular the assertion of a much more wide-ranging right than ever previously been acknowledged to use preventively the self-defence power.
- The absence of any apparent institutional capacity or willingness to deal with the problem of failed, failing and fragile states, a recurring element in explaining the resonance and reality of most classes of contemporary security threats.

- The lack of support by key countries for international treaty regimes and multilateral institutions.

- The manifest dysfunctionality of intergovernmental organisations like the Human Rights Commission and ECOSOC, and in many ways the UN Secretariat itself (with the question of the efficiency and accountability of the Secretariat now crystallised by the controversy over the administration of the Oil-for-Food program).

All of this has put the United Nations, and indeed the whole multilateral system, under a great deal of strain. As Kofi Annan said in that very well-known speech to the General Assembly last year, we really are facing a “fork in the road”, in terms of the future of the collective response to security problems.

It was essentially to make the case for taking one particular route - to recover credibility for collective security, and to recover traction for cooperative internationalism, rather than unilateralism and all the dangers that that implies - that the High-Level Panel was formed, chaired by former Thai Prime Minister Anand Panyarachun, and comprising among its sixteen members a number of very well known names, including not only my colleague Lord David Hannay, sharing this platform with me today, but Gro Harlem Brundtland, Sadako Ogata, Yevgeni Primakov, Robert Badinter, Amre Moussa and Brent Scowcroft.

My task is to outline for you our task as we saw it and how we went about it, and to share with David Hannay a description of our major policy and institutional recommendations. Overall, the

Panel makes a total of 101 such recommendations, Some have taken the view that's rather too many for a report of this kind, but I like to think of that reaction as being no better merited than the Emperor Joseph's response after hearing Mozart's first opera in Vienna: "No doubt a very fine piece of music, Mr Mozart, but too many notes." No doubt you will make your own judgement in due course on the question of the quantity as well as the quality of our proposals. I hasten to assure you that his Lordship and I will be playing this morning only some selected passages, not the whole score.

The Panel's approach was to begin by identifying the six major categories of threats the world will confront in the decades ahead: war within states; war between states; weapons proliferation; terrorism; organised crime; and, as a separate basket, the human security threats posed by poverty, disease and environmental crisis. We sought to explain the interconnections between them and the extent to which there have been shortfalls in performance in responding to them. For each of the threats in question, we outlined our preferred policy solutions, with a strong emphasis throughout on prevention, but also making clear the circumstances in which, if prevention failed, the use of force may be defensible and unavoidable. And we concluded by making a number of quite specific recommendations for institutional change – not for its own sake, but where we felt this was critically necessary if we are to do a better job at meeting the range of threats we will continue to confront.

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Use of Force

David Hannay will describe how we recommend meeting the challenge of *prevention* in the areas of war within and between states, weapons of mass destruction, terrorism, organised crime and in relation to the huge human security issues of poverty, disease and environmental degradation. I will focus on the question that arises as to the use of military force, which arises across most of these categories of contemporary security threat if preventive strategies fail.

The Panel report, in what some have suggested may prove to be its most important contribution, and certainly one of its most controversial – particularly in Washington - addresses squarely every one of the issues that have divided the international community in recent years, arguing that any use of force must satisfy tough criteria of both legality and legitimacy.

Legality. On legality, we make clear that the scope of permissible unilateral self-defence is quite limited, no greater than it has traditionally been acknowledged to be. Article 51 of the UN Charter says a state can act in self-defence without going to the Security Council in the case of actual armed attack, and 200 years of international law practice extends that to imminently apprehended attack. But that's where legality runs out: *pre-emptive* self-defence in cases of imminent threat may be justified, but *preventive* self-defence in relation to a distant threat, however real, is not. If someone, somewhere, is building a nuclear reactor which you think is going to make bombs directed at you, there might be the scope, and even necessity, for military action to be taken against that threat. But that is a matter for the Security Council. For any one country to be able to interpret the right of self-defence so broadly is to open the gates for everyone to do the same, and that way lies anarchy.

We go on to say, for situations other than legitimate self-defence, Chapter VII of the UN Charter fully empowers the Security Council - and nobody else but the Security Council - to authorise the use of force : preventively, reactively, in relation to external threats, or - in relation to internal threats - in the exercise of the concept of the responsibility to protect. We say very clearly that the power is there, the legal authority is there, for the Security Council to so act. It is not there for anyone else. By extension, there's a small role for regional organisations under Chapter VIII, but even there they have to come back to the Security Council and receive authorisation for any military action that might be taken in a regional context in the exercise of that role, so the Security Council remains centre-front.

Legitimacy. But, of course, that's not the end of the argument. Legality is only part of the story. There is also always a question about legitimacy: the common sense and the morality of legal action. And here the contribution the Panel has made is, I think, a very important one, identifying five criteria of legitimacy for any authorisation by the Security Council, and by extension any individual country making a decision itself to go to war.

- The first criterion is seriousness of the threat: is the threat of harm to state or human security of a kind sufficiently clear and serious to justify, prima facie, the use of military force? In the specific case of internal threats – the so-called humanitarian intervention situation – we raise the bar deliberately higher, and ask does the threat in question involve genocide or other large-scale killing, does it involve ethnic cleansing or serious violations of international humanitarian law, either actual or imminently apprehended?

This threshold criterion of seriousness of course implies that evidence will be produced to justify the claim in question.

- The second criterion is proper purpose: is it clear that the primary purpose of the proposed military action is actually to halt or avert the threat in question, whatever other purposes or motives might be involved? Often there are other purposes, other motives: often countries need those other motives in order to mobilise their populations in support of what might otherwise be unpopular action. But the primary motive must, we say, be to actually halt or avert the threat in question.

- The third criterion is last resort: has every non-military option for meeting the threat in question been explored, with reasonable grounds for believing that other measures won't succeed? It is not a matter of saying that you actually have to work your way through, as a practical, physical matter, every other possible option; it's a matter of asking have the options been explored and whether there are reasonable grounds for believing other measures simply would not succeed.

- The fourth criterion is proportionality: is the scale, the duration, the intensity of the proposed military action the minimum necessary to meet the threat in question?

- Finally, there is the very important criterion of balance of consequences: is there a reasonable chance of the military action being successful in meeting the threat in question, with the consequences of the action not being likely to be worse than the consequences of inaction? I don't think you need me to take you through how that criterion might conceivably have been objectively applied, with what results, in some recent military adventures.

We say these criteria should be adopted as guidelines by the Security Council in a formal declaratory resolution, and adopted indeed by the General Assembly. The point about them, and we say this in so many words, is not that they will produce, with push-button inevitability, clear cut agreement in every case: of course there will be national interests in play and all sorts of reasons why states will come up with other arguments, with results that are not always very clear, and not always agreed.

The argument is simply that over time, and with the pressure that the criteria will create for states to explain and defend their positions, there will be more likelihood of consensus being achieved both as to what are the proper cases to go to war, and what are the proper cases *not* to go to war. And if that consensus is achievable, there'll be much less likelihood that states will want to bypass the Security Council entirely and put at risk the whole collective security system.

Maybe it is wildly optimistic to think that any of this can happen, but many things can happen over time if you change the norms, the language, the expectations countries have of each other. If you just get the press asking over and over again, the same questions - and the right questions for once - better international behaviour might just conceivably be attainable.

Institutional Reforms

On institutional reform, the Panel offers analysis and recommendations across a whole spectrum of areas, of which I will deal with just one – the Security Council – leaving it to David Hannay to talk about the General Assembly, ECOSOC, the Secretariat, the Commission on Human Rights, regional organisations and what we have to say about the new machinery to deal with the problem of failed, failing and fragile states.

Security Council. What we say here, in a nutshell, is that you can't go on having a situation where the Security Council of 2005 and beyond is that created on the basis of the world as it was in 1945. Not to have an India, a Japan, a Brazil, any major African country, guaranteed a regular presence on the world's pre-eminent body for deciding great issues of war and peace, is to have a Security Council that is not remotely representative of the balances of credible power, authority, and contribution, in the world as it is today. The report comes up with two clear, self-contained alternative models for achieving that representativeness, and there seems a fair chance that, after twenty years of frustratingly inconclusive debate in New York, one choice or other will be made this year.

Both models would increase the numbers of SC members from 15 to 24, with each of the world's four major geographical regions having 6 seats each – the Americas (North and South), Europe (East and West), Africa, and Asia & Pacific.

Neither model would extend the veto to any new members. Nor, recognising the constraints of the real world, would it seek – at least at this stage - to remove the veto from the existing P5 members: though the Panel recommends that it be used only where vital national interests are genuinely at stake; not used at all in cases of genocide or large-scale human rights abuse; and that an 'indicative voting' procedure be introduced to make it possible for a country to make clear its outright opposition to a resolution without nonetheless having to veto it.

Both would require other changes to Security Council procedures to ensure greater accountability and transparency, and the greater availability of relevant and useful advice, particularly on military options.

Both models, moreover, are premised on the basis that Article 23 of the Charter should be taken seriously to the extent that only those who contribute significantly to the United Nations – financially, militarily and/or diplomatically – should become members of the Security Council.

And both would require a full review of the system no later than 2020 – to ensure we don't go another two generations without the representativeness issue being addressed.

The difference between the models comes down to the way in which the major countries would be represented. Model A provides for six new permanent seats - with the new ascendants to heaven coming 2 from Asia (not identified, but presumably Japan and India), 2 from Africa (contested between Nigeria, South Africa and Egypt), 1 from the Americas (presumably Brazil) and 1 from Europe (presumably Germany).

Model B, by contrast, provides for no new permanent seats, but creates a new category of renewable four-year terms, with 2 such seats for each of the four major geographical regions: thus allowing for some degree of negotiated rotation, with a possible place in the sun for next-tier countries like Mexico or Pakistan or Italy/Spain, and the chance for some accountability to be applied to the major occupants.

I don't need to describe to this audience the lustiness of the politics now being waged in capitals and New York corridors around this issue at the moment. Panel members were not unaware of its capacity to distract attention from the other substantive matters in our report: we just hope that distraction will not be total, and reasonably swiftly resolved.

What Next?

Finally, what next for this report? What *is* going to happen to it, now that it's out there in the public domain? Who is going to be discussing it officially, when and where?

Our 101 recommendations divide themselves up logically into a number of different tranches, going off logically in a number of different directions. Some are addressed to specialised agencies and non-UN inter-governmental bodies, like the IAEA or the World Health Organisation, and they'll go there. Some of them are very much within the Secretary-General's purview without needing to go to international summits or heads-of-government level, e.g. – the terrorism strategy which we ask him to devise, or involve internal reforms within the administration: budgetary and staffing issues are subject to the constraints of the GA and the member states, but nonetheless ought to be able to be resolved internally, without summitry and all the rhetoric and delay that goes with that. Other recommendations will go directly to internal UN inter-governmental bodies like ECOSOC or the Human Rights Commission to consider.

But there is a tranche of issues that can really only be resolved with real buy-in at the highest government level. Perhaps the rules and norms governing the use of force are among the recommendations in that category. What will happen in this respect is that the Secretary-General will in March 2005 be putting together a report to the Millennium Review Summit - the heads-of-state meeting which is occurring at the beginning of the next General Assembly in September - in which he identifies a small but highly salient number of recommendations which need to be endorsed at that level to have the necessary policy momentum. And he is proposing to bring together in that report a small number of our recommendations, together with a number of recommendations on how to address the Millennium Development Goals implementation, which is the subject of the major report from Jeffrey Sachs's Millennium Project team, published in January.

We hope that from these various different channels of action that will follow from this initiative, something will happen. The stakes are really very high. There are plenty who are sceptical that the multilateral system, the UN organisation itself, and the major states who actually of course determine so much of what happens would ever be capable, separately or together, of even beginning to respond to the challenges the High Level Panel identified.

But we have no alternative. The truth of the matter is that we have run out choices. As the world learned, very much to its cost, when the League of Nations fell apart in the 1930s, if we did not have an effective global collective security institution, we would simply have to reinvent one all over again. So let's start with what we've got, and let's make it work.

In any major reform exercise a number of different elements have to come together:

- an objective need for change: hardly in issue here as we look at the state of our world from Darfur to Israel/Palestine and Iraq to North Korea;
- an occasion for change: amply provided this year by the UN's 60th anniversary and all its associated summitry;
- an agenda for change: here now provided by the High Level Panel report, building on the work of many predecessors, and the parallel Sachs report; and
- a spark or catalyst to actually trigger committed action.

Maybe it's naïve to say so, as we see how quickly memory and emotions fade, but it may just be that, for all its horror and the pain it has caused, not least here in Europe, the tsunami disaster, the world's first truly global catastrophe, will prove to be that catalyst, demonstrating as it did that we are indeed one human family, ever more susceptible to common risks - and with a shared responsibility to tackle them.