

most sumner's display some of all of the following symptoms: a belief that the system is soft on crime; visceral loathing of television personalities; low tolerance of other people's children; zero tolerance of

a titanic clash of wills and values with one of the most curmudgeonly generations in history.

It was widely assumed that this defining

And just as viruses stay one step ahead of medical science by mutating into new and deadlier forms, there are mounting fears that advanced curmudgeonitis has

UN needs courage at the crossroads

NZ Herald 6-12-04

WORLD AFFAIRS: Ken Graham says a new report could mark a switch in fortune for the troubled United Nations

The just-released report of the United Nations High-Level Panel on Threats, Challenges and Change surpasses the expectations of sceptics who had written off the 16 panellists as relics of a bygone age reforming a relic of an institution.

It has substance, is clear-eyed in critiquing the United States where necessary, and balanced in appraising the world's dangers and the required response.

If the panel's report, submitted by its chairman, former Thai PM Anand Panyarachun, is taken constructively at the UN and brave decisions are made, it promises the most far-reaching change to the international order doctrinally and institutionally since 1945, laying the ground for the UN's redemption for the next half-century.

Staggering from the political shockwaves of the Iraq crisis, the UN has been severely strained these past two years. Yet the fault-lines were felt a decade ago, once the post-Cold War euphoria had ceded to despair and cynicism after Bosnia, Somalia and Rwanda.

Today, the contentious issues challenging policy-makers include the rights of pre-emptive defence, of humanitarian intervention against atrocities within a state, forcible weapons of mass destruction, disarmament, and intrusive and draconian counter-terrorism measures. Institutionally, the issue is the structure, powers and procedures of the Security Council.

The report's 101 recommendations cover threat perception, preventive measures, and peace-building. But the two key issues are the use of force and the legitimacy of the Security Council.

The panel says, first, that the self-defence provision in the UN Charter requires no change. Cold War interventions citing self-defence had simply lacked credibility. Today, pre-emptive strikes against truly imminent threats, such as terrorism, are legally permissible — a nod towards Washington.

But, says the panel, that was always the case under the inherent right of self-defence. Longer-term threats, such as a weapons of mass destruction programmes and hostile intent, are different.

While they may be valid concerns, they require UN authorisation before force can be used. The risk to global order makes unilateral preventive action unacceptable. That said, the Security Council should, in the panel's view, be more proactive.

Second, the UN may now intervene in member countries to halt genocide or comparable atrocities.

If governments are unable or unwilling to protect their citizens from such abuses, the UN may henceforth authorise military intervention under a new responsibility to protect doctrine.

Five criteria of legitimacy should facilitate consensus in the Security Council: seriousness of threat, proper purpose, force as a last resort, proportional means, and ensuring a balance of consequences.

This new norm is a triumph for one panel member, former Australian foreign minister Gareth Evans, who has assiduously promoted the idea against tough odds.

Thirdly, the panel would reform the Security Council through increasing membership from 15 to 24. But it could not agree on one model — an ominous portent for the broader debate to come.

Two models are offered: one has six new (non-veto-bearing) permanent seats — effectively allowing for Germany, Japan, India, Brazil, Egypt and Nigeria or South Africa.

‘UN resolutions need to be more precise when force is being authorised.’

The other has eight semi-permanent seats, with four-year terms. In each case, there would also be additional non-permanent members.

Thus, it is hoped, the council will be more representative of the global community, and more legitimate.

In two areas, the panel perhaps has failed. While the self-defence provision requires no revision, the panel omitted a critical issue. The charter has always required that, once the Security Council takes measures to restore peace, the right of self-defence lapses. Yet this is almost totally ignored.

In Afghanistan the US-led coalition invaded, toppled the regime, and hunted al Qaeda in the name of self-defence. But then the UN authorised a multi-national stabilisation force and a peace-building mission.

Yet three years later, Operation Enduring Freedom remains, hunting the terrorists on the border — effectively an indefinite self-defence exercise to protect the West.

Perhaps the Karzai Government has requested its continuation. But where is the transparency at the UN for this?

Requests for any foreign troop presence should, in the 21st century, be endorsed by the Security Council. Any foreign troop

presence should not be seen as self-defence but as UN-authorized use of force.

Second, the panel failed to address the procedural shortcomings of the Security Council during crisis management. The factual mistakes and political bias of US-British intelligence seriously misled the council over Iraq's alleged weapons of mass destruction programme in 2002-3.

The Americans made it clear that they would work with the UN if possible, without it if necessary.

The British were more sophisticated — never working without the UN but “on behalf of” the UN if the French threatened an “unreasonable veto”. And a staged parliamentary soliloquy claimed that just cause and legal right were on their side.

Future Security Council procedures should build a firewall between national intelligence and UN decision-making, with a verification committee applying standards of evidence.

A time limit should be set on the validity of council decisions authorising force to avoid retroactive interpretations justifying invasions.

Resolutions need to be more precise when force is being authorised.

And a statement by the council president, based on a resolution adopted, should be the sole authority triggering military action.

This way, the scope for unilateral force in the name of a “just war” would be circumscribed.

The report has now been received by UN Secretary-General Kofi Annan, who has sent it to Governments at the General Assembly for deliberation. Decisions are expected at a UN summit next September.

The political atmosphere for reasoned discussion could hardly be worse, with the oil-for-food scandal and calls for Annan's resignation.

But there remains widespread support for the Secretary-General, and governments are likely to distinguish between his bureaucratic woes and the future of the global order, at a critical moment of opportunity.

New Zealand contributed to the panel's work, with a workshop on weapons of mass destruction disarmament in New York in March. Its reputation at the UN remains very high, and there is much scope for the Government to help guide decision-making over the next year.

■ Dr Ken Graham, a senior fellow at the UN University and a former New Zealand foreign service official, was an adviser to the UN High-Level Panel.